

# TASB Student Solutions

# EVALUATION

## DISABILITIES

August 2024



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Disabilities

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## DISABILITIES

A student must be assessed under the IDEA in all areas of suspected disability. There are 13 areas of eligible disabilities under the IDEA. In order to receive FAPE under the IDEA, a student must be assessed and determined to be eligible in one or more of the following areas:

- (1) Autism (AU)
- (2) Deaf Blindness
- (3) Deaf or Hard of Hearing (DHH)
- (4) Developmental Delay (DD)
- (5) Emotional Disability (ED)
- (6) Intellectual Disability (ID)
- (7) Multiple Disabilities (MD)
- (8) Noncategorical Early Childhood (NCEC) – Until beginning of 2025-2026
- (9) Orthopedic Impairment (OI)
- (10) Other Health Impairment (OHI)
- (11) Specific Learning Disability (SLD)
- (12) Speech or Language Impairment (SI)
- (13) Traumatic Brain Injury (TBI)
- (14) Visual Impairment (VI)

## AUTISM

### What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Autism or AU is one of the areas of eligible disabilities under the IDEA.

Autism (AU) is a developmental disability significantly affecting verbal and nonverbal communication and social interaction, which may adversely affect the student's educational performance. Other characteristics often associated with autism include engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. While the characteristics of autism are generally evident before age 3, age 3 is not a cut-off point for IDEA eligibility. A student who manifests these characteristics after age 3 could be identified as having autism if the student meets the other eligibility criteria. Students with pervasive developmental disorders are included under the disability category of autism. A student does not meet the eligibility criteria for autism if the student's educational performance is adversely affected primarily because the student has an emotional disability. See *below* [EVALUATION - DISABILITIES - Emotional Disability].

To assess for AU, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, for AU, the written report of the evaluation by this group of qualified professionals must include specific recommendations for communication, social interaction, and behavioral interventions and strategies.

A medical diagnosis of autism will not in itself entitle a student to receive special education and related services, and the District cannot require the student to meet the requirements for a medical/psychological diagnosis of autism. Further, the absence of other characteristics often associated with autism does not exclude the student from eligibility as a student with autism. Instead, to meet the IDEA's definition of autism, the student's disability must meet the criteria set out in state and federal law and have an adverse effect on the student's educational performance.

### Additional Procedures

A referral for an autism evaluation may be indicated when the District or Campus Personnel working with the student and/or the parent of the student suspects the student is exhibiting social and behavioral characteristics of autism. An evaluation for a student suspected of being a student with autism often includes the following areas: academic achievement, adaptive behavior, autism screening, cognition, developmental, emotional, and behavioral, functional behavioral, motor, sensory, social relationships, speech



language, and transition/vocational. A multi-disciplinary team will complete the evaluation for AU, which may include, as appropriate, an educational diagnostician, a School Psychologist/LSSP, a Speech/Language Pathologist, and/or an Occupational Therapist. The multi-disciplinary team should collaborate to create an evaluation plan to identify the procedures/assessments to be used in each area of the evaluation, to identify the person(s) responsible for collecting the data, to set a date for a follow-up discussion to review the data, and to make recommendations as to how the report will be integrated into one report. The resulting FIE should present a coherent rationale to either support or negate a recommendation for special education eligibility as a student with AU and rule out alternative educational disorders and environmental explanations for the student's observed behavioral and/or academic difficulties. The written report will include specific recommendations for communication, social interaction, and positive behavioral interventions and strategies.

In addition to the general evaluation procedures, as part of an AU assessment, the Campus and District Assessment Personnel should consider some or all of the following:

- Emphasis on pragmatic/social language skills and assessments
- Emotional, behavioral, or social functioning should be assessed across a variety of times or settings and should include both structured and unstructured observations
- Student interviews should be exploration or play-based as appropriate
- Include assessment and recommendations to address all areas contained in the AU Supplement/Section of the IEP, including extended educational programming, daily schedules, in-home and community-based training, parent/family training, futures training, positive behavior support strategies, suitable staff-to-student ratios, communication, and social skills. See [FAPE – SPECIAL FACTORS – Students With Autism]

In addition, if the student's behavior is impeding the student's learning or that of others, the District Assessment Personnel should consider conducting a Functional Behavioral Assessment as part of the evaluation. An FBA is a process for collecting data to determine the possible cause of problem behaviors and to identify strategies to address the behaviors. An FBA is generally understood to be an individualized evaluation of a student to assist in determining eligibility and/or the nature and extent of the special education and related services that the student needs, including the need for a Behavior Intervention Plan (BIP). As such, in most cases, parental consent is required for an FBA. See [EVALUATION PROCEDURES], [CONSENT FOR INITIAL EVALUATION] and [CONSENT FOR REEVALUATION].

The scope and nature of the FBA will depend on the nature and severity of the student's behaviors. The District or Campus Assessment Personnel will observe the student in

various school settings and collect input from staff and members of the ARD Committee, including the parent. The District or Campus Assessment Personnel will consider the data, including interviews conducted with the student and/or parents that provides information about how the student's environment contributes to positive and problem behaviors, including the antecedents to the behavior. This information will be used to develop a hypothesis about why problem behaviors occur (the function of the behaviors) and will identify replacement behaviors that can be taught and that serve the same purpose for the student.

The FBA will provide the ARD Committee with information regarding the function of the student's behavior, factors that may trigger certain behavior, and interventions identified to decrease negative behaviors and increase appropriate behaviors. The ARD Committee will review this information when developing a BIP and or behavior goals or accommodations for the student. A BIP is a written plan developed as part of the IEP to address behavioral concerns affecting the student's educational progress. A BIP is based on the problem behaviors identified in the FBA, identifies events that predict these behaviors from the FBA, and includes positive interventions to change behaviors and methods of evaluation. If the ARD Committee develops a BIP, a copy of the BIP will be provided to each of the student's teachers. The purpose of a BIP is to redirect the student's targeted behaviors to ensure the student can make appropriate progress in light of the student's unique circumstances.

Additionally, Campus or District Assessment Personnel will consider the presence of any cultural and/or linguistic differences when evaluating a student for autism and whether the differences may impact the evaluation results. For students with AU, specific strategies must be considered by the ARD Committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, such practices must be addressed in the IEP: See [FAPE – SPECIAL FACTORS – Students With Autism].

Upon completion of the AU evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with Autism, a Disability Report in this area will be completed.

A medical diagnosis of autism will not in itself entitle a student to receive special education and related services, and the District cannot require the student to meet the requirements for a medical/psychological diagnosis of autism. Further, the absence of other characteristics often associated with autism does not exclude the student from eligibility as a student with autism. Instead, to meet the IDEA's definition of autism, the student's disability must meet the criteria set out in state and federal law, and have an adverse effect on the student's educational performance. If the student does not meet the eligibility criteria for AU, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504

to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Autism Supplement
- FIE
- ARD/IEP
- Disability Report: Autism
- Consent for Functional Behavioral Assessment
- Functional Behavioral Assessment
- Behavior Intervention Plan
- Documentation for the state in TSDS, PEIMS, and SPP
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## **Resources**

[The Texas Legal Framework for the Child-Centered Special Education Process: Autism Framework - Region 18](#)

[Autism Resources -Texas Education Agency](#)

[Texas Autism Resource Guide for Effective Teaching \(TARGET\) - Region 13](#)

[Autism - SPEDTEX](#)

## **Citations**

Board Policy EHBAB; 34 CFR. 300.8(c), 300.304; 19 TAC 89.1040(b)–(c), 89.1050(a)(5);  
89.1055

## DEAF-BLINDNESS

### What is Required

A student must be assessed in all areas of suspected disability. Deaf-blindness refers to a student with both hearing and visual disabilities. The IDEA defines deaf-blindness as “concomitant [simultaneous] hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.”

A student with deaf-blindness is one who has been determined to meet the criteria for deaf-blindness. A student with deaf-blindness is one who:

- Meets the criteria for deaf or hard of hearing and visual impairment;
- Meets the eligibility criteria for a student with a visual impairment and has a suspected hearing loss that cannot be demonstrated conclusively, but there is not speech at an age when speech would normally be expected, as determined by a speech/language therapist, a certified speech and language therapist, or a licensed speech language pathologist;
- Has documented hearing and visual losses that, if considered individually, may not meet the requirements for deaf or hard of hearing or visual impairment, but the combination of such losses adversely affects the student's educational performance; or
- Has a documented medical diagnosis of a progressive medical condition that will result in related auditory and visual losses that, without the provision of special education services, will adversely affect student's educational performance.

To assess for deaf-blindness, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, the evaluation data reviewed by the District or Campus Assessment Personnel in connection with the determination of the student's disability based on deaf-blindness must comply with the evaluation procedures of deaf or hard of hearing and visual impairment. See *below* [EVALUATION - DISABILITIES - Deaf or Hard of Hearing] and [EVALUATION - DISABILITIES – Visual Impairment]. Further, the procedures and materials used for the assessment and placement of the student who is deaf or hard of hearing must be in the student's preferred mode of communication.

For a student from birth through 2 with a visual impairment and/or who is deaf or hard of hearing, an IFSP meeting must be held, and the District must comply with the procedures for students ages 0-5. See [CHILD FIND - AGES 0-5].

### **Additional Procedures**

When a referral for a student suspected of visual impairment and/or deaf or hard of hearing is first received, the Diagnostician/School Psychologist/LSSP should contact a professional certified in DHH/VI for assistance in determining the types, levels, and procedures for assessment of the student. However, the Diagnostician/School Psychologist/LSSP, with the assistance of the DHH/VI Professional, remains responsible for ensuring that the FIE and eligibility assessment is completed appropriately. When determining a student's disability based on deaf-blindness, District or Campus Assessment Personnel will comply with the procedures outlined in state and federal law. See [DEAF OR HARD OF HEARING] and [VISUAL IMPAIRMENT].

If the parent does not provide to the District an examination report by an otolaryngologist or a licensed medical doctor and/or an audiologist that provides the required evaluation data, the District is responsible for obtaining such information at no expense to the parent. See *below* [EVALUATION – DISABILITIES – Deaf or Hard of Hearing]. The District or Campus Assessment Personnel should first request these reports from the parent and request that the parent sign and return a Consent to Release Confidential Information form so that the District Assessment Personnel can contact the student's medical provider for information and/or questions regarding the reports. See [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION]. If the parent refuses, or does not have a current report, and/or is not responsive to the request, the District or Campus Assessment Personnel should contact the Special Education Director or designee for assistance in setting up the appropriate examination(s). This may be accomplished by contracting with an otolaryngologist or a licensed medical doctor and /or an audiologist, asking the parent to obtain the report and reimbursing the parent, or any other appropriate method to obtain the evaluation data at the District's discretion. A hearing screening conducted by a school nurse is not sufficient.

Similarly, if the parent does not provide to the District an examination report(s) by a licensed ophthalmologist or optometrist that provides the required evaluation data, the District will obtain such information at no expense to the parent. See *below* [EVALUATION – DISABILITIES - Visual Impairment]. The District or Campus Assessment Personnel should first request this report from the parent and request that the parent sign and return a Consent to Release Confidential Information form so that the District Assessment Personnel can contact the student's medical provider for information and/or questions regarding the reports. See [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION]. If the parent refuses, or does not have a current report, and/or is not responsive to the request, the District or Campus Assessment Personnel



should contact the Special Education Director or designee for assistance in setting up the appropriate examination. This may be accomplished by contracting with an ophthalmologist or optometrist, asking the parent to obtain the report and reimbursing the parent, or any other appropriate method to obtain the evaluation data at the District's discretion. A vision screening conducted by a school nurse is not sufficient.

For a student with a suspected or documented deaf-blindness, the ARD Committee, which determines whether the student is a student with a disability and the educational needs of the student, must include a teacher certified in the education of students with auditory impairments and a teacher certified in the education of students with visual impairments.

Upon completion of the evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with Deaf-Blindness, a Disability Report in this area will be completed.

The District must register all students who are eligible for special education as visually impaired or deaf-blind on TEA's annual Registration of Students with Visual Impairments. The District must register all students with combined hearing and vision loss on TEA's annual Deaf-blind Census, including students where combined vision and hearing loss are suspected, but assessment is not yet completed in one or both sensory areas.

If the student does not meet the eligibility criteria for VI, AI and/or Deaf-Blindness, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Consent to Release Confidential Information
- Otological Examination
- Audiological Evaluation
- Communication Evaluation Report
- Ophthalmologist/Optometrist Report
- Functional Vision Evaluation
- Learning Media Assessment
- Orientation and Mobility Evaluation
- FIE
- Disability Report: Deaf-Blindness
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Texas Legal Framework for the Child Centered Special Education Process: Deaf-Blindness - Region 18](#)

[IEP Quality Indicators for Students with Deaf-Blindness \(Updated 2023\) - Texas Deafblind Outreach](#)

[2020 Guidelines and Standards for Educating Students with Visual Impairments in Texas - Texas School for the Blind and Visually Impaired](#)

[Interveners for Students with Deafblindness in Texas – Texas School for the Blind and Visually Impaired](#)

[Deafblind - SPEDTEX](#)



**Citations**

Board Policy EHBAA; Board Policy EHBAB; Board Policy EHBAC; Board Policy EHBH;  
34 CFR 300.8(c)(2), 300.304(c)(4); Texas Education Code 29.310(c); 19 TAC  
89.1040(b)–(c); 89.1050(a)–(c)

## DEAF OR HARD OF HEARING

### What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Deaf or Hard of Hearing or “DHH” is one of the areas of eligible disabilities under the IDEA.

A student who is deaf or hard of hearing (DHH) is one who has been determined to meet the criteria for deafness or who have a hearing impairment under the IDEA. Deafness means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without hearing assistive technology, that adversely affects the student's educational performance. Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects the student's educational performance but that is not included under the definition of deafness.

To assess for DHH, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, the procedures and materials used for the assessment and placement of the student who is deaf or hard of hearing must be in the student's preferred mode of communication. The evaluation data must also include:

- An audiological evaluation performed by a licensed audiologist;
- A communication assessment completed by the multidisciplinary team;
- A description of the implications of the hearing loss for the student's hearing in a variety of circumstances with or without recommended hearing assistive technology; and
- An assessment of the student's potential for communications through a variety of means, including:
  - Oral (spoken) and aural (hearing);
  - Fingerspelling; or
  - Sign language.

For a student from birth through two years of age who meets the criteria for deafness or for hearing impairment under the IDEA, an IFSP meeting must be held in place of an ARD Committee meeting and the District must comply with the evaluation procedures for students ages 0-5. See [AGES 0-5]. If the student's IFSP indicates that the child is experiencing a developmental delay because of hearing loss or impairment, or the child has a physical or mental condition that has a high probability of resulting in a developmental delay and sensory impairment, the student shall meet criteria for DHH.

## **Additional Procedures**

The terms “auditory impairment,” “hearing impairment,” and “deaf or hard of hearing” are all terms referred to in Texas law and have the same meaning while federal law generally uses the term “deafness” and “hearing impairment.” However, the Texas legislature in 2019 passed a law directing the legislature and the Texas Legislative Council to avoid using in any new statute or resolution the terms “hearing impairment,” “auditory impairment,” and “speech impaired” in reference to a deaf or hard of hearing person, and to replace those phrases with “deaf” or “hard of hearing.” District Personnel should attempt to use the terms “deaf” or “hard of hearing.”

When evaluating a student to determine if the student is DHH, District or Campus Assessment Personnel will follow the procedures set out in state and federal law. See [EVALUATION PROCEDURES]. District or Campus Assessment Personnel will also ensure that all assessment information is summarized in the appropriate sections of the FIE, and that the audiologist’s signature is on the audiological report.

When conducting the communication part of the assessment, District or Campus Assessment Personnel may:

- Review the audiological evaluation of the student and consider
  - at what age the student was identified as having a hearing loss,
  - what type of hearing loss the student has,
  - what is the student’s aided hearing, including speech recognition and discrimination,
  - whether the student uses hearing assistive technology and whether the hearing assistive technology is consistently worn, and
  - other relevant and current information from the student’s ENT if provided by the parent.
- Ensure collaboration among the evaluation professionals to determine what areas will be addressed and by whom
- Review a communication evaluation report provided by a speech-language pathologist, a person certified in deaf education, or another qualified individual that assesses the student’s ability to use a variety of methods of communication such as sign language, speech, speech reading, or fingerspelling
- Assess the student’s functional listening skills, with or without recommended hearing assistive technology, including
  - how the student uses his/her hearing in different settings,
  - student’s hearing fluctuation,
  - student’s ability to generalize previously taught auditory skills, and

- skills that need to be taught or reviewed
- Assess speechreading and determine whether it is functional and ensure that the means of communication the student commonly uses is incorporated into the assessment
- Assess intelligibility across a variety of people and consider motor dexterity for signing
- Collect video or audio recordings of the student to evaluate the student's language and communication skills, including, if applicable, the student's use of an interpreter
- Collect parent information, including the primary language used in the home and the skill and consistency of family communication with student
- Determine the student's primary/preferred mode of communication and ensure the procedures and materials used for assessing and placing the student are in the student's preferred mode of communication
- Consider the student's language and communication needs, opportunities for direct communication with peers and professional personnel in the student's preferred communication mode, and student's academic level
- Write the communication section of the evaluation report; ensuring that the assessment professionals know where to include the specific information in the FIE. If a "Part C" form is utilized as part of the evaluation, ensure that key points are highlighted on the form but that the form by itself does not constitute the assessment of the student's language and communication. All members of the assessment team should receive a copy of the form.

If the parent does not provide to the District an examination report by a licensed audiologist that provides the required evaluation data, the District is responsible for obtaining such information at no expense to the parent. The District or Campus Assessment Personnel should first request this report from the parent and request that the parent sign and return a Consent to Release Confidential Information form so that the District Assessment Personnel can contact the student's medical provider for information and/or questions regarding the reports. See [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION]. In addition, with the consent of the parent, the District or Campus Assessment Personnel should consult with the licensed audiologist to obtain additional information if necessary for the assessment.

If the parent refuses, or does not have a current report, and/or is not responsive to the request, the District or Campus Assessment Personnel should contact the Special Education Director or designee for assistance in setting up the appropriate examination. This may be accomplished by contracting with a licensed audiologist, asking the parent

to obtain the report and reimbursing the parent, or any other appropriate method to obtain the evaluation data at the District's discretion. A hearing screening conducted by a school nurse is not sufficient. If a licensed audiologist is not reasonably available, this information and the efforts the District or Campus Assessment Personnel took to find a licensed audiologist should be noted in the report.

An ARD Committee meeting (or IFSP Team if the student is 0-2) will review the completed evaluation and a communication assessment completed by the multidisciplinary team and determine whether the student is a student with a disability and the services the student needs. See [SPECIAL FACTORS – Deaf or Hard of Hearing] and [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING]. If the student does not meet the eligibility criteria for DHH, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

Upon completion of the DHH evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student who is Deaf of Hard of Hearing, a Disability Report in this area will be completed.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Consent to Release Confidential Information
- Otological Examination
- Audiological Evaluation
- Communication Evaluation Report

- Medical Information Related to Hearing Loss
- FIE
- ARD/IEP or ISFP
- Disability Report: Deaf or Hard of Hearing
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Texas Legal Framework for the Child-Centered Special Education Process: Deaf or Hard of Hearing - Region 18](#)

[Registry of Interpreters for the Deaf](#)

[OSEP Letter to Blodgett \(Nov. 12, 2014\) - U.S. Department of Education](#)

[OSEP Letter to Anonymous \(Nov. 28, 2007\) - U.S. Department of Education](#)

[DOJ/OSERS/OCR Frequently Asked Questions on Effective Communication with Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools \(Nov. 12, 2014\) - U.S. Department of Education](#)

[Deaf and Hard of Hearing - SPEDTEX](#)

## **Citations**

Board Policy EHBH; Board Policy EHBAC; Board Policy EHBAA; Board Policy EHBAB; 20 USC 1414(d)(3)(b)(IV); 34 CFR 300.8(c), 300.29(b), 300.324(a)(2)(IV); Texas Education Code 29.303, 29.310(c), 30.004, 30.057(a)(2); 19 TAC 89.1050(b)–(c); 89.1085, 89.1090

## **DEVELOPMENTAL DELAY**

### **What is Required**

Developmental Delay (“DD”) applies to a student between the ages of 3 through 9 years of age who is evaluated by a multidisciplinary team for at least one disability category under the IDEA and whose evaluation data indicates a need for special education and related services and shows evidence of, but does not clearly confirm, the presence of the suspected disability(ies) due to the child’s young age. The ARD Committee may determine that data supports identification of developmental delay in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development.

Districts may, but are not required to, identify eligible students under the DD category during the 2024-2024 school year. Beginning with the 2025-2026 school year, students must be identified as DD instead of NCEC. Any eligible student who begins the 2025-2026 school year with an NCEC eligibility can maintain this eligibility, however, until the required re-evaluation before the age of 6.

### **Additional Procedures**

Beginning the 2024-2025 school year, a student may be eligible for special education services based on the Developmental Delay disability category if the student is (1) between the ages of 3 and 9, (2) evaluated by a multidisciplinary team for at least one of the IDEA disabilities categories, and (3) whose evaluation data indicates a need for special education and related services and shows evidence of, but does not clearly confirm, the presence of the suspected disability(ies) due to the child’s young age.

A student will only be eligible under this category if the ARD Committee determines that data indicates the presence of a developmental delay in at least one of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development. The ARD Committee must also review multiple sources of data that support the presence of a developmental delay, including but not limited to performance on appropriate norm-references measures and/or multiple direct and indirect sources, such as play-based assessments, parent input and interviews, observations, work samples, etc. that demonstrate a pattern of atypical development that is significantly impacting the student’s performance and progress in the school setting.

The ARD Committee shall not identify any student as eligible for special education under the Noncategorical Early Childhood classification beginning the 2025-2026 school year. The ARD Committee may consider whether the student meets criteria for the Developmental Delay criteria beginning the 2024-2025 school year but is not required to do so. If a student is already identified as Noncategorical Early Childhood at the beginning of the 2025-2026 school year, the ARD committee shall remove the Student’s Noncategorical Early Childhood eligibility following completion of the required re-



evaluation before the age of 6 and determine if the Student is eligible under another category, such as Developmental Delay.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- FIE
- Disability Report - DD
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Texas Legal Framework for the Child-Centered Special Education Process: Noncategorical Early Childhood Framework - Region 18](#)

[Technical Assistance: Child Find and Evaluation- Texas Education Agency](#)

[Developmental Delay - Partners Resource Network](#)

## **Citations**

34 CFR 300.30(c)(4); 19 TAC 89.1040(b), 89.1050(c)



## EMOTIONAL DISABILITY

### What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Emotional Disability or “ED” is one of the areas of eligible disabilities under the IDEA.

Emotional Disability means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors;
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- Inappropriate types of behavior or feelings under normal circumstances;
- A general pervasive mood of unhappiness or depression; and/or
- A tendency to develop physical symptoms or fears associated with personal or school problems.

A student need not meet all of these five criteria to be eligible for special education and related services under the IDEA. The student need only exhibit one of the five criteria of the definition of an emotional disability. ED includes schizophrenia. However, ED does not apply to a student who is socially maladjusted, unless the student also meets the criteria for having an emotional disability.

The District will comply with all requirements set out in state and federal law when conducting an evaluation to determine if a student meets eligibility for an emotional disability. See [EVALUATION PROCEDURES]. In addition, the written report of evaluation by the group of qualified professionals (the District and Campus Assessment Personnel) must include specific recommendations for behavioral supports and interventions. The assessment of emotional or behavioral disability, for educational purposes, using psychological techniques and procedures is considered the practice of psychology. A person commits an offense if the person engages in the practice of psychology or represents that the person is a psychologist in violation of the Texas Occupations Code.

## **Additional Procedures**

A referral for an evaluation to determine if a student meets the eligibility criteria as a student with an emotional disability may be indicated when the District and/or the parent of a student suspects the behavioral characteristics of a student have been significant over time and adversely affect educational performance. Campus or District Assessment Personnel utilize standard evaluation procedures in accordance with the law when planning an initial evaluation and a reevaluation for ED. See [EVALUATION PROCEDURES].

Before referring a student for an ED evaluation, the Campus Special Education Personnel or ARD Committee may consider the following, if appropriate:

- Would consultation with the School Psychologist/LSSP or other professionals potentially be effective in addressing the problem?
- Would a Behavior Intervention Plan (BIP) or other behavior interventions address the concern?
- Would other District resources effectively improve classroom performance or address the behaviors of concern?
- What measures have been tried for a sufficient period of time, in a consistent manner, and what has been the impact on behavior?

Has the District's general education Positive Behavior Interventions and Supports (PBIS) been tried and what were the results of these interventions? See [CHILD FIND – REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES].

A psychological evaluation is normally part of an ED assessment. As such, for any psychological evaluation, if an assessment is recommended, and upon parent request, the Special Education Assessment Personnel conducting the psychological assessment must provide the name and type of test to the parent and how the assessment will be used to develop an appropriate IEP.

In conducting the ED evaluation, information regarding the student's behavior across various environments will be collected. Campus or District Assessment Personnel will consider the presence of any cultural and/or linguistic differences when evaluating a student for ED and whether the differences may impact the evaluation results. The written report of evaluation should also include:

- The type and severity of the emotional disability;
- The functional implications of the disability for situations involving instruction; and
- The degree to which in-school and out-of-school behavior reflects symptoms

consistent with the diagnosis and identification of behavior considered to be a direct result of the emotional disability.

Within the evaluation, the behaviors that significantly interfere with the learning or educational progress of the student or that of others must also be identified. Therefore, the evaluation report will frequently include a Functional Behavioral Assessment (FBA). An FBA is a systematic process for describing problem behavior and identifying the environmental factors and surrounding events associated with the problem behavior. The scope and nature of the FBA will depend on the nature and severity of the student's behaviors. The District or Campus Assessment Personnel will observe the student in various school settings and collect input from staff and members of the ARD Committee, including the parent. The District or Campus Assessment Personnel will consider the data, including interviews conducted with the student and/or parents that provides information about how the student's environment contributes to positive and problem behaviors, including the antecedents to the behavior. This information will be used to develop a hypothesis about why problem behaviors occur (the function of the behaviors) and will identify replacement behaviors that can be taught and that serve the same purpose for the student.

An FBA is generally understood to be an individualized evaluation of a student to assist in determining eligibility and/or the nature and extent of the special education and related services that the student needs, including the need for a Behavior Intervention Plan (BIP). As such, in most cases, parental consent is required for an FBA. See [EVALUATION PROCEDURES], [CONSENT FOR INITIAL EVALUATION] and [CONSENT FOR REEVALUATION]. The FBA will provide the ARD Committee with information regarding the function of the student's behavior, factors that may trigger certain behavior, and interventions identified to decrease negative behaviors and increase appropriate behaviors. The ARD Committee will review this information when developing a BIP and or behavior goals or accommodations for the student.

In addition, if counseling as a related service is recommended to address any of the targeted behaviors, a counseling evaluation will be included in the FIE. IDEA defines counseling as services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel. A counseling evaluation should assess the social, emotional, and behavioral problems that are interfering with the student's ability to benefit from education.

A School Psychologist/Licensed Specialist in School Psychology (LSSP) is responsible for conducting the psychological evaluation. The resulting report should present a coherent rationale to either support or negate a recommendation for special education eligibility as a student with an emotional disability and rule out alternative educational disorders and environmental explanations for the student's observed behavioral and/or academic difficulties. The report should include recommendations to the ARD Committee

regarding eligibility, and, if appropriate, instructional, behavioral, and environmental recommendations for services and supports.

When Campus or District Assessment Personnel complete the evaluation, an ARD Committee meeting, which must include appropriately-qualified Assessment Personnel who can interpret the results, will be held to review the evaluation. Based on the results of the evaluation, the ARD Committee will determine whether the student meets one or more of the five specific characteristics listed above, and whether the student requires special education supports and related services.

Upon completion of the ED evaluation, each member of the evaluation team shall sign the FIE. If the student is eligible for special education as a student with an Emotional Disability, a Disability Report in this area will be completed. The diagnosis of a mental health condition alone does not determine eligibility for special education services as a student with an emotional disability. Additionally, mood, behavior, or academic problems related solely to drug abuse do not qualify a student as a student with an emotional disability. If the student does not meet the eligibility criteria for ED, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

Should the ARD Committee determine, upon review of the FIE and, where applicable, FBA, that a Behavior Intervention Plan (“BIP”) is necessary to address behaviors for a student with ED, the ARD Committee will develop a BIP or revise a current BIP to reflect the student’s current behavior needs. A BIP is a written plan developed as part of the IEP to address behavioral concerns affecting the student’s educational progress. A BIP is based on the problem behaviors identified in the FIE, identifies events that predict these behaviors, and includes positive interventions to change behaviors and methods of evaluation. If the ARD Committee develops a BIP, a copy of the BIP will be provided to each of the student’s teachers. The purpose of a BIP is to redirect the student’s targeted behaviors to ensure the student can make appropriate progress in light of the student’s unique circumstances. Students with ED typically require a BIP to appropriately address behaviors and provide FAPE.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Notification of Psychological Tests to Parent
- Functional Behavioral Assessment
- FIE
- BIP
- Disability Report: Emotional Disability
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Texas Legal Framework for the Child-Centered Special Education Process: Emotional Disability Framework - Region 18](#)

[Quick Guide: Emotional Disturbance - Region 14 ESC](#)

[OSEP Letter to Anonymous \(Nov. 28, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Delisle \(Dec. 20, 2013\) - U.S. Department of Education](#)

[OSEP Memorandum 15-08 to State Directors of Special Education \(April 17, 2015\) - U.S. Department of Education](#)

[Emotional Disturbance - SPEDTEX](#)

**Citations**

34 CFR 300.8(c)(4), 300.111(a)(1)(i), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5); 22 TAC 465.38(b)(2); Texas Occupations Code 501.503

## INTELLECTUAL DISABILITY

### What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Intellectual Disability or “ID” is one of the areas of eligible disabilities under the IDEA.

A student with an intellectual disability is one who has been determined to meet the criteria for an intellectual disability. In meeting the criteria, a student with an intellectual disability is one who:

- Has been determined to have significantly subaverage intellectual functioning as measured by a standardized, individually administered test of cognitive ability in which the overall test score is at least two standard deviations below the mean, when taking into consideration the standard error of measurement of the test;
- Concurrently exhibits deficits in at least two of the following areas of adaptive behavior:
  - Communication,
  - Self-care,
  - Home living,
  - Social and interpersonal skills,
  - Use of community resources,
  - Self-direction,
  - Functional academic skills,
  - Work,
  - Leisure,
  - Health, or
  - Safety;
- Is manifested during the developmental period; and
- Adversely affects the student’s educational performance.

To assess for ID, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, the evaluation data reviewed by the qualified District or Campus Assessment Personnel must include:

- A standardized individually administered test of cognitive ability; and
- Adaptive behavior assessment in at least two of the following areas: communication, self-care, home living, social/interpersonal skills, use of



community resources, self-direction, functional academic skills, work, leisure, health, or safety.

### **Additional Procedures**

A referral for an intellectual disability evaluation may be indicated when the Campus Personnel and/or the parent of the student suspects the student is exhibiting significant intellectual and adaptive deficits that adversely affect educational performance. A student suspected of ID may exhibit one or more of the following:

- Difficulties in communicating efficiently and effectively that effect self-determination, behavior, social interactions, and participation in multiple learning environments
- Alternate methods of demonstrating his/her abilities and knowledge
- Uneven learning patterns in all domains including cognition, communication, socialization, and self-help.
- Multiple disabling conditions that may occur concurrently with an intellectual disability, including physical or orthopedic impairments, and/or sensory impairments/challenges
- Medical needs that impact health, stamina, and engagement in learning tasks
- Difficulty learning new tasks, maintaining new skills, and generalizing skills to new environments
- Difficulty demonstrating problem solving skills when new skills or information are presented in a traditional academic curriculum
- Individualized methods of accessing information and demonstrating knowledge in alternative ways (tactile, visual, auditory, and multi-sensory).

During the evaluation process, Campus or District Assessment Personnel will consider the presence of any cultural and/or linguistic differences when evaluating a student for ID and whether the differences may impact the evaluation results.

To avoid over identifying students, District or Campus Assessment Personnel will exercise caution in making an intellectual disability determination. The determination of an intellectual disability must be made with consideration of professional judgment and multiple information/data sources. Examples of information/data sources include statewide assessment results, Rtl progress monitoring data and anecdotal reports, in addition to formal evaluation test scores, such as intellectual quotient or IQ, adaptive behavior, achievement, and/or cognitive function/processing.



Upon completion of the ID evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with an Intellectual Disability, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for ID, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES]. In most circumstances, Campus or District Assessment Personnel should complete two or more comprehensive evaluations determining a student to be eligible for special education services as a student with ID before allowing a Review of Existing Educational Data (“REED”) to reevaluate a student with ID. Doing so helps avoid overidentifying students as ID and helps support the validity of the prior evaluation results. The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- FIE
- Disability Report: Intellectual Disability
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Texas Legal Framework for the Child-Centered Special Education Process: Intellectual Disability Framework - Region 18](#)

[Quick Guide: Intellectual Disability- Region 14](#)

[Intellectual Disability - SPEDTEX](#)

## **Citations**

20 USC 1401, 1414; 34 CFR 300.8(c), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5)

## MULTIPLE DISABILITIES

### What is Required

A student must be assessed in all areas of suspected disability. A student may be identified under the IDEA as a student with multiple disabilities. In meeting the criteria for multiple disabilities, a student with multiple disabilities is one who has a combination of impairments that causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments occurring at the same time, and who meets all of the following conditions:

- The disabilities are expected to continue indefinitely; and
- The disabilities severely impair the student's performance in two or more of the following areas:
  - Psychomotor skills;
  - Self-care skills;
  - Communication;
  - Social and emotional development; or
  - Cognition.
- Multiple disabilities does not include deaf-blindness. See [DEAF-BLINDNESS].

A student who has more than one disability, but who does not meet the criteria above must not be classified or reported as having multiple disabilities.

The District or Campus Assessment Personnel will comply with all requirements set out in state and federal law when conducting an evaluation to determine if a student meets eligibility criteria for multiple disabilities. See [EVALUATION PROCEDURES]. In addition, the group of qualified professionals that collects or reviews evaluation data in connection with the determination of the student's disability based on multiple disabilities impairment must include the members required in two or more of the applicable specific eligibility evaluation procedures. See [EVALUATION].

### Additional Procedures

In determining if a student qualifies as a student with multiple disabilities, it is important to know which individual disabilities are involved, how severe each disability is, and how each disability can affect learning and daily living. The District or Campus Assessment Personnel will also consider how the combination of disabilities affects the student's learning and functioning. A key part to the eligibility criteria for multiple disabilities is that the *combination of disabilities* causes the student to have severe educational needs. A

referral for an intellectual disability evaluation may be indicated when the Campus Personnel and/or the parent of the student suspects the student is exhibiting characteristics of more than one disability, the combination of which severely affects the student's educational performance.

Upon determination of the student's eligibility in the area of Multiple Disabilities, each member of the evaluation team shall sign the FIE. If the student is eligible for special education as a student with Multiple Disabilities, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for multiple disabilities, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). In regard to MD, the Special Education Administrator shall ensure that the correct coding is verified for TSDS/PEIMS for all students identified with Multiple Disabilities. District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- FIE
- Disability Report: Multiple Disabilities
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Texas Legal Framework for the Child-Centered Special Education Process:  
Multiple Disabilities Framework - Region 18](#)

[Multiple Disabilities - SPEDTEX](#)

**Citations**

34 CFR Part 300.8(c), 300.304(c)(4); 19 TAC. 89.1040(b)–(c), 89.1050

## NONCATEGORICAL EARLY CHILDHOOD

### What is Required

A student must be assessed under the IDEA in all areas of suspected disability. A student between the ages of 3 through 5 can may qualify for special education services based on the noncategorical early childhood (“NCEC”) disability category until the beginning of the 2025-2026 school year if the student is evaluated as having an intellectual disability, an emotional disability, a specific learning disability, or autism.

To determine eligibility under NCEC, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. However, the group of qualified professionals that determines the student’s eligibility for NCEC must include the applicable members for intellectual disability, emotional disability, specific learning disability, or autism. See [INTELLECTUAL DISABILITY] and [EMOTIONAL DISABILITY] and [SPECIFIC LEARNING DISABILITY, and AUTISM]. In addition, students who are eligible based on the NCEC category must be reevaluated prior to their sixth birthday to determine continued eligibility for special education services.

The evaluation data reviewed by the group of qualified professionals in connection with the determination of the student’s disability based on noncategorical must comply with applicable evaluation procedures of deaf or hard of hearing and visual impairment. See [DEAF OR HARD OF HEARING] and [VISUAL IMPAIRMENT].

### Additional Procedures

#### *Until the Beginning of the 2025-2026 School Year*

When young children ages 3, 4, and 5 are initially evaluated, assessment can be challenging because of their short attention spans and varied and limited educational and sociological experiences. As such, under the IDEA, younger students may be eligible for special education and related services under a broader disability category called “developmental delay,” and states can choose what to call this general category, how they define it, and what age range it applies to. In Texas, this category may be called Non-Categorical Early Childhood (NCEC) until the beginning of the 2025-2026 school year. A child between the ages of 3-5 may be described as NCEC if he or she meets the eligibility criteria for having the condition of one of the following:

- Intellectual Disability – NCEC-ID
- Emotional Disability – NCEC-ED
- Specific Learning Disability – NCEC-SLD

- Autism – NCEC-AU.

Until the beginning of the 2025-2026 school year, a multi-disciplinary team may evaluate a student who is 3, 4 or 5 who is referred due to a suspected disability and may find the student eligible by meeting the eligibility criteria for NCEC-ID, NCEC-ED, NCEC-SLD, or NCEC-AU. In deciding to identify a child as NCEC, the multidisciplinary team, which includes a School Psychologist/LSSP and an educational diagnostician (or other certified or licensed practitioner with experience and training in the area of the disability), may consider the following during the assessment:

- The age of the child;
- The child's functioning level;
- The child's access to educational experiences;
- The child's access to sociological experiences;
- Cultural and linguistic differences; and
- Ensure that the assessment methods used are appropriate for the young student.

All Assessment Personnel on the multi-disciplinary team who evaluate students 6 years of age or younger will be trained regarding best practices for the assessment of young children, the availability and appropriateness of when to use the NCEC eligibility, and the requirements for the 6-year reevaluation.

Upon the determination of NCEC, the District will provide appropriate special education and related services to a young student who has been evaluated and meets one of these eligibility criteria to address the effects the disability or delay may have on the student. It is expected for children that have had the supports provided by special education to increase their attention spans, increase their knowledge, and improve their working memory when they are nearing the age of 6.

As such, prior to the student's sixth birthday, the student's ARD Committee will reevaluate the student by conducting a REED and any formal assessment necessary, remove the noncategorical label, and determine whether or not the student continues to meet eligibility for special education and, if so, in which eligibility area, including Developmental Delay.

The ARD Committee, including appropriate Assessment Personnel, will take into consideration the following items:

- Educational opportunities and support given to the student since entering school and how the student has progressed;
- Current testing data; and

- Parent information including private or outside evaluations the family has obtained for their student.

Upon completion of an evaluation for a 3-, 4- or 5-year-old when an intellectual disability, an emotional disability, a specific learning disability, or autism are being considered, each member of the evaluation team shall sign the FIE. If the student is eligible for special education as a student with a NCEC, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for NCEC, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). The Special Education Administrator in coordination with the PEIMS Coordinator shall ensure that the correct coding is used TSDS/PEIMS for all students identified with NCEC and will ensure that the code is removed when the student turns six years of age. District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].



## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- FIE
- Disability Report - NCEC
- Disability Report - DD
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Texas Legal Framework for the Child-Centered Special Education Process: Noncategorical Early Childhood Framework - Region 18](#)

[Technical Assistance: Child Find and Evaluation- Texas Education Agency](#)

[Noncategorical Early Childhood - SPEDTEX](#)

## **Citations**

34 CFR 300.30(c)(4); 19 TAC 89.1040(b), 89.1050(c)

## ORTHOPEDIC IMPAIRMENT

### What Is Required

A student must be assessed under the IDEA in all areas of suspected disability. Orthopedic Impairment or “OI” is one of the areas of eligible disabilities under the IDEA.

A student with an orthopedic impairment is one who has been determined to meet the criteria for orthopedic impairment. Orthopedic impairment means a severe orthopedic impairment that adversely affects the student’s educational performance. OI includes impairments caused by congenital anomaly; disease, such as poliomyelitis, bone tuberculosis; and other causes, such as cerebral palsy, amputations, and fractures or burns that cause contractures.

To assess for OI, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, a student’s eligibility for an orthopedic impairment must include a medical diagnosis provided by a licensed physician.

### Additional Procedures

If the District and/or the student’s parent suspect the student is exhibiting physical deficits characteristic of orthopedic impairment that adversely affects the student’s educational performance, the student may be referred for an orthopedic impairment evaluation.

District or Campus Assessment Personnel will comply with the procedures set out in state and federal law. See [EVALUATION PROCEDURES]. They will also obtain and review required information from a licensed physician(s) regarding the student’s medical diagnosis by requesting that the student’s physician complete the OI form and request that the parent sign and return the Consent to Release Confidential Information form so that the District Assessment Personnel can contact the student’s medical provider for information and/or questions regarding the information provided. See [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION]. If the parent does not provide information from the student’s licensed physician or a licensed medical doctor, the District is responsible for obtaining such information at no expense to the parent. The District or Campus Assessment Personnel should first request this information from the student’s own doctor, but if the parent refuses, or does not have a current doctor, and/or is not responsive to the request, the District or Campus Assessment Personnel should contact the Special Education Director or designee for assistance in getting the appropriate input from a licensed physician. This may be accomplished by the District contracting with a licensed medical doctor, asking the parent to obtain the report, and reimbursing the parent, or any other appropriate method to obtain the evaluation data at the District’s expense.

Upon completion of the OI evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with an Orthopedic Impairment, a Disability Report in this area will be completed. If the student does not meet the eligibility criteria for orthopedic impairment, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Consent to Release Confidential Information
- ARD/IEP
- FIE
- Orthopedic Impairment Form and/or Physician Information
- Disability Report: Orthopedic Impairment
- Documentation from Licensed Physician
- Orthopedic Impairment Evaluation
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Texas Legal Framework for the Child-Centered Special Education Process: Orthopedic Impairment - Region 18](#)

[Orthopedic Impairments - Project IDEAL](#)

[Orthopedic Impairment - SPEDTEX](#)

## **Citations**

Board Policy EHBA; Board Policy EHBAB; 34 CFR 300.8(c)(8), 300.304(c)(4); 19 TAC 89.1040(b)–(c)

## OTHER HEALTH IMPAIRMENT

### **What is Required**

The student must be assessed under the IDEA in all areas of suspected disability. Other Health Impairment or “OHI” is one of the areas of eligible disabilities under the IDEA.

A student with Other Health Impairment (OHI) is one who has been determined to meet the criteria for OHI due to chronic or acute health problems. OHI means having limited strength, vitality, or alertness that adversely affects a student’s educational performance. The term “limited alertness” includes a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment. Health problems include, but are not limited to: asthma, attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD), diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette’s Disorder.

To assess for OHI, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, a student’s eligibility for an other health impairment must include identification or confirmation of student’s chronic or acute health problem provided by a licensed physician.

### **Additional Procedures**

A referral for an OHI evaluation may be indicated when the District and/or the parent of the student suspects the student is exhibiting health problems characteristic of an OHI that adversely affects the student’s educational performance.

The evaluation will include information about how the health condition affects the student’s educational performance. An OHI form completed by a licensed physician that identifies or confirms the student’s chronic or acute health problem is required before an ARD Committee can determine that a student is eligible as a student with OHI. If the student has a physician, the Campus or District Assessment Personnel may request that the student’s physician complete the OHI form. The Campus or District Assessment Personnel must request that the parent sign a Consent for Release of Information so that the Assessment Personnel may communicate with the student’s physician to complete the OHI form and provide any clarifying information to the ARD Committee. See [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION] If the parent refuses to sign the release and/or the student does not have a regular physician, the District or Campus Assessment Personnel must arrange for the student to be evaluated by a District-provided physician.

The list of health conditions listed above is not an exhaustive list. A diagnosis of a medical or health condition alone does not determine eligibility for special education services. Not every student with a medical or health condition will meet the eligibility criteria as a student under the OHI category. The medical or health condition must adversely affect the student's educational performance, and, by reason of the health condition, the student needs special education (specially designed instruction to meet the unique needs of the student) or related services.

The members of the evaluation team for an OHI evaluation include, at a minimum, a Licensed Physician and the School Nurse or other District medical professional that can explain the educational implications of the health problem. Should the student have a suspected need for a related service(s), an evaluator in that area will also be a member of the evaluation team. However, it is critical that all evaluators understand the different diagnoses of health problems that may constitute Other Health Impairments and how they manifest in the school setting to ensure a valid evaluation. If a student has been identified with ADHD as the health problem by the Licensed Physician, a Licensed Specialist in School Psychology and/or other qualified personnel should also be included as part of the multidisciplinary team to assess the educational implications and/or social, emotional, or behavior supports needed for the student, based on the evaluation.

When District or Campus Assessment Personnel conduct a reevaluation of a student who has been identified as a student with OHI, an updated OHI form should be obtained from the student's doctor, especially if the student's health problem has changed or has manifested itself in different ways. If the student continues to have a health condition, but it no longer affects the student's educational performance, the student will no longer qualify as a student with a disability under the IDEA.

Upon completion of the OHI evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with an Other Health Impairment, a Disability Report in this area will be completed. If the student does not meet the eligibility criteria for OHI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

### **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Consent to Release Confidential Information
- OHI Form and/or Physician Information
- FIE
- Disability Report: Other Health Impairment
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

### **Resources**

[The Texas Legal Framework for the Child-Centered Special Education Process: Other Health Impairment - Region 18](#)

[OSEP Letter to Williams \(May 14, 1994\) - U.S. Department of Education](#)

[OSEP Letter to Anonymous \(Jan. 13, 2010\) - U.S. Department of Education](#)

[Other Health Impairment - SPEDTEX](#)

### **Citations**

34 CFR Part 300.8(c)(9), 300.304(c)(4); 19 TAC 89.1040(b)-(c), 89.1050(a)(5)



## **SPECIFIC LEARNING DISABILITY**

### **What is Required**

A student must be assessed under the IDEA in all areas of suspected disability. Specific Learning Disability or “SLD” is one of the areas of eligible disabilities under the IDEA.

SLD is a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. SLD includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. SLD does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of an intellectual disability, or emotional disability, or of environmental, cultural, or economic disadvantage.

### **Eligibility Criteria**

A student with an SLD impairment is one:

- Who has been determined through a variety of assessment tools and strategies to meet the criteria for SLD;
- Who does not achieve adequately for the student’s age or to meet state-approved grade-level standards, in one of more of the following areas: oral expression, written expression (potentially including dysgraphia), listening comprehension, basic reading skills and reading fluency skills (potentially including dyslexia), reading comprehension, mathematics calculations or problem solving;
- Whose lack of adequate achievement is indicated by performance on multiple measures such as in-class tests, grade average over time, norm- or criterion-referenced tests, statewide assessments, or a process based on the student’s response to evidence-based intervention;
- Who does not make sufficient progress under the additional criteria of the RtI model or the student meets the additional criteria under the Pattern of Strengths and Weaknesses Model;
- Whose lack of adequate performance is not primarily the result of exclusionary factors referenced below; and
- Whose lack of adequate achievement is not due to Determinant Factors listed below.



Significant variance among cognitive function and academic achievement is not required for an SLD eligibility determination.

## Evaluation

To assess for SLD, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, the group of qualified professionals that collects or reviews evaluation data in connection with the determination of the student's disability based on an SLD will include the student's general education teacher, or if the student does not have a general education teacher, a general education classroom teacher qualified to teach children of this age—or if the student is less than school age, an individual qualified by the Texas Education Agency to teach children of this age. The group must also include at least one person qualified to conduct individual diagnostic examinations of children (i.e., a licensed specialist in school psychology, a speech-language pathologist, or a remedial reading teacher).

When evaluating for suspected dyslexia or a related disorder, the multidisciplinary evaluation team must include at least one person with knowledge specific to the reading process, dyslexia and related disorders, and dyslexia instruction. To meet this requirement the person must either (1) hold a valid license as a dyslexia therapist under Chapter 403 of the Texas Occupations Code; (2) hold the most advanced dyslexia certification from an association recognized by the State Board of Education; or (3) if neither of the above is available, meet applicable State Board of Education training requirements. Upon completion of the evaluation, this team member must sign a document describing their participation in the evaluation. They must also participate and sign the signature page of the Admission, Review, and Dismissal Committee meeting(s) that is convened to determine eligibility for special education and related services. See [CHILD FIND - DYSLEXIA].

## Determinant Factors

To ensure the student's underachievement is not due to lack of appropriate instruction in reading or math, as part the evaluation, the District or Campus Assessment Personnel will consider data that demonstrates the student was provided appropriate instruction in reading and/or math in the general education settings delivered by qualified personnel. The District or Campus Assessment Personnel must also consider data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of progress of the student during instruction, which was provided to the parent, as well as formal evaluation scores (IQ, achievement, cognitive functioning/processing, etc.). The data-based documentation may include, but is not limited to, response to intervention (RtI) progress monitoring results, in-class tests on grade-level curriculum, or other regularly administered assessments. Assessment is administered at reasonable intervals if administered consistent with the assessment requirements of the student's specific instructional program. District or Campus

Assessment Personnel shall also consider the results of any dyslexia screenings provided to the student.

### **Observation**

In determining whether a student has an SLD, District or Campus Assessment Personnel must either use information from an observation in routine classroom instruction and monitoring prior to the referral or have at least one member of the Assessment team conduct an observation of the student's academic performance in the general education classroom as part of the evaluation. For the student less than school age or out of school, District or Campus Assessment Personnel must observe the student in an environment appropriate for a student of that age.

The documentation of the determination of an SLD eligibility must contain a statement of the relevant behavior, if any, noted during the observation of the student, and the relationship of that behavior to the student's academic functioning.

### **Participation in the Rtl Process/Rtl Model**

If the student suspected of having an SLD participated in a process that assesses the student's response to evidence-based intervention (Rtl), the documentation of the determination of eligibility must contain a statement of:

- The instructional strategies used and the child-centered data collected; and
- The documentation that the parent of the student was notified about the state's policies regarding the amount and nature of performance data of the student that would be collected, and the general education services that would be provided; strategies for increasing the student's rate of learning; and the parent's right to request an evaluation.

The Rtl model may be used to determine that a student meets eligibility criteria for SLD. When applying this model, a finding that the student is eligible under SLD must include a determination that the student did not make sufficient progress to meet age or state-approved grade-level standards when provided Rtl. Lack of sufficient progress is indicated by the student's performance relative to the performance of the student's peers on repeated, curriculum-based assessment of achievement at reasonable intervals, reflecting progress of the student during classroom instruction.

### **Pattern of Strengths and Weaknesses Model**

The pattern of strengths and weaknesses model may also be used to determine that a student meets eligibility criteria for SLD. When applying the pattern of strengths and

weaknesses model to find the student is eligible for an SLD, a determination must be made that the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both. A determination must also be made that the pattern is relative to age, state-approved grade-level standards, or intellectual development. Finally, a determination must be made that the pattern is relevant to the identification of an SLD using appropriate assessments. During the evaluation process, District Assessment Personnel must provide to the parent data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of student progress during instruction.

### **Exclusionary Factors**

District or Campus Assessment Personnel must determine that its findings are not primarily the result of a visual, hearing, or motor disability; an intellectual disability; an emotional disability; cultural factors; environmental or economic disadvantage; or emergent bilingual. The documentation of an SLD eligibility must also explain the effects of any of these exclusionary factors on the student's achievement level.

### **Additional Documentation of SLD**

The documentation of the determination of eligibility must contain a statement of:

- Whether the student has an SLD;
- The basis for making the determination (must include an assurance that the determination was made in accordance with proper evaluation procedures); and
- The educationally relevant medical findings, if any.

Each member of the group of qualified professionals must certify in writing whether the report reflects the member's conclusion, and if not, a separate statement presenting the member's conclusion. See [EVALUATION PROCEDURES].

### **Evaluation of Specific Learning Disability – Dyslexia**

For students suspected of having dyslexia or related disorders, the multidisciplinary team conducting the evaluation under the IDEA must include at least one member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction. Additionally, this individual shall participate in any subsequent ARD Committee meeting convened to determine a student's eligibility for special education and related services. This individual must either (1) hold a valid dyslexia therapist license under Chapter 403 of the Texas Occupations Code or (2) hold the most advanced dyslexia-related certification issued by an association recognized by the State Board of Education, and identified in, or substantially similar to an association identified in, the program and rules adopted under Sections 7.102 and 38.003 of the Texas Education

Code. If an individual qualified under (1) or (2) is not available, the individual must meet the applicable training requirements adopted by the State Board of Education pursuant to Sections 7.102 and 38.003 of the Texas Education Code.<sup>1</sup>

When determining whether a student has a specific learning disability based on dyslexia, District Assessment Personnel must utilize specific evaluation domains and questions outlined in the Dyslexia Handbook and follow procedures for conducting an FIE under the IDEA. No single instrument, score, or formula will automatically rule in or rule out dyslexia, and dyslexia identification is based on the preponderance of evidence. A student is not required to demonstrate a specific cognitive weakness on standardized assessments by achieving below a certain threshold to otherwise display a pattern of strengths and weakness relevant to the identification of dyslexia.

District Assessment Personnel should first determine whether a pattern of evidence reflects the primary characteristics of dyslexia, including reading words in isolation, decoding unfamiliar words accurately and automatically, reading fluency for connected text, and spelling (although difficulty in spelling alone is not sufficient to identify dyslexia). District Assessment Personnel will consider the student's educational history, linguistic background, environmental or socioeconomic factors, attendance, lack of appropriate instruction, and any other pertinent information, including a sensory impairment, that may impact the student's learning.

If the evaluation process indicates that the student has dyslexia or a related disorder, the student meets the first prong of eligibility under the IDEA, and the terms dyslexia and/or dysgraphia, as appropriate, must be used in the evaluation report. The presence of dyslexia alone is not sufficient to determine if the student is a student with a disability under the IDEA. The student must also demonstrate a need for specially designed instruction as a result of the disability.

**Once the student is identified as a student with a specific learning disability based on dyslexia or a related disorder, the ARD Committee must determine the appropriate evidence-based reading program for the student and include this in the student's IEP.**

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<sup>1</sup> By June 30, 2024, the State Board of Education will determine training requirements and credentials for a person with specific knowledge in the reading process, dyslexia and related disorders, and dyslexia instruction to serve on the District's multidisciplinary team who completes evaluations and who attends the ARD Committee meeting when determining the student's eligibility for special education and related services. In the meantime, the District must analyze the current credentials and qualifications of its staff to determine who is most appropriately trained to meet this requirement.

## **Additional Procedures**

A referral for a specific learning disability evaluation may be indicated when the Campus Personnel and/or parent of the student suspects that learning issues are a result of a deficit in the basic psychological processes that manifests itself in the imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES]. Common characteristics that may suggest SLD include academic challenges (particularly in reading, writing, and mathematics), difficulty paying attention, poor motor skills, processing deficits, oral language deficits, cognitive functioning deficits, and social skills deficits.

In determining the presence of a specific learning disability, District or Campus Assessment Personnel will consider and use data from campus-level interventions that are part of the Rtl process, as well as any dyslexia screenings provided to the student. District or Campus Assessment Personnel will also use data from individually administered, formal intellectual and academic achievement tests to determine if a pattern of strengths and weaknesses exists. The data from these sources are combined with teacher information, parent information, grades, state assessment results, attendance, and educational history as a basis for the team's determination of the presence of an SLD. Should a student demonstrate reasonable progress in response to the Rtl process, this should be considered prior to identifying that student with an SLD.

District or Campus Assessment Personnel may consider significant discrepancies between intellectual ability and achievement—but the discrepancy may not be the sole factor – in determining whether the student has an SLD. Any consideration of a discrepancy should utilize a standard regression procedure and not a sole difference procedure.

In addition to the exclusionary factors above, Campus and District Assessment Personnel must also consider the appropriateness of instruction for a student who is homeschooled. Campus and District Assessment personnel should obtain information regarding the level of instruction and/or homeschooling program to confirm that the findings are not a result of homeschooling rather than traditional instruction.

A student's failure to pass the statewide assessment may not automatically result in a referral to determine if the student has an SLD and does not necessarily indicate that the student has an SLD. The determination of a learning disability will include a variety of information sources and measures, and the District will not base the determination on a single measure.

When evaluating a student identified as an English Learner for an SLD, District and Campus Assessment Personnel should use a cross-battery approach. Prior to the evaluation for an SLD, a language proficiency assessment will be completed to identify



the student's dominant language. This will determine the language in which the student is evaluated for an SLD. The Assessment Personnel should consider that using a translator or interpreter to administer an evaluation for SLD may alter the validity of the results and should therefore be used with caution.

Upon completion of the SLD evaluation, each member of the multi-disciplinary evaluation team shall sign the FIE. If the student is eligible for special education as a student with a Specific Learning Disability, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for SLD, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

When reviewing an evaluation of SLD for a student transferring within the state or out of state, Campus and District Assessment Personnel should consider a variety of factors, including the prior evaluation(s), SLD criteria in the previous location, screening tools, the rigor of statewide assessments, academic standards, evaluation procedures and qualifications, effectiveness of interventions, etc. when determining whether to accept the SLD evaluation or conduct its own FIE to assess in the area of SLD. Should the District determine that an FIE is appropriate, it will seek to obtain consent from the parent and follow the District's evaluation procedures. See [EVALUATION PROCEDURES].

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

### **Evaluation of Specific Learning Disability Resulting from Dyslexia**

Qualified District Assessment Personnel, including the individual with knowledge regarding the reading process, dyslexia or related disorders, and dyslexia instruction, will evaluate a student suspected of having dyslexia or a related disorder and requiring specialized instruction in accordance with the timelines and other requirements under the IDEA and state law. See [EVALUATION PROCEDURES]. If a student's dyslexia, dyscalculia, or dysgraphia is the condition that forms the basis for the determination that a student has a specific learning disability, District Assessment Personnel shall reference or use dyslexia, dyscalculia, or dysgraphia in the student's eligibility determination (i.e., "Specific Learning Disability – Dyslexia"). See [CHILD FIND - DYSLEXIA].

The student's ARD Committee will address the unique educational needs of children with specific learning disabilities resulting from dyslexia, dyscalculia, and dysgraphia who require specialized instruction during ARD Committee meetings. Following the completion of the evaluation, the ARD Committee will convene to review the evaluation

and develop an appropriate IEP for the student that will include an evidence-based dyslexia program provided by the District, unless the ARD Committee determines that another form of approved instruction is more appropriate to address the student's unique disability-related needs. The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- RtI Progress Monitoring
- Documentation of Interventions
- Section 504 Documentation, if any
- Standardized Assessment Information
- Data of Appropriate Instruction Provided
- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Documentation of Observation(s)
- Input from General Education Teacher
- Documentation of Dyslexia Specialist's Participation in Evaluation and Admission, Review, and Dismissal Committee Meeting
- Eligibility Statement
- Disability Report: Specific Learning Disability
- FIE
- Documentation for the state in TSDS, PEIMS, and SPP

### **Resources**

[The Texas Legal Framework for the Child-Centered Special Education Process: Specific Learning Disability Framework - Region 18](#)

[Guidance for the Comprehensive Evaluation of Specific Learning Disabilities – Texas SPED Support](#)

[Response to Intervention - Texas Education Agency](#)

[Learning Disabilities Association of America](#)

[National Center for Learning Disability](#)

[Texas Center for Learning Disabilities](#)

[OSEP Letter to Massanari \(Sept. 24, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Zirkel \(Aug. 15, 2007\) - U.S. Department of Education](#)

[OSERS Dear Colleague Letter \(Oct. 23, 2015\) - U.S. Department of Education](#)

[OSEP Letter to Unnerstall \(Apr. 25, 2016\) - U.S. Department of Education](#)

[OSEP Letter to Delisle \(Dec. 20, 2013\) - U.S. Department of Education](#)

[OSEP Letter to Zirkel \(Mar. 6, 2007\) – U.S. Department of Education](#)

[OSEP Letter to Zirkel \(Apr. 8, 2008\) - U.S. Department of Education](#)

## **Citations**

20 U.S.C. 1021, 7801(20); 34 CFR 300.8(c), 300.304(c), 300.308(a)-(b), 300.309(a)–(b), 300.310(a)-(c), 300.311(a); Tex. Educ. Code 7.102(c), 29.0031-29.0032, 19 TAC 89.1040(c)



## **SPEECH OR LANGUAGE IMPAIRMENT**

### **What is Required**

A student must be assessed under the IDEA in all areas of suspected disability. Speech Impairment or SI is one of the areas of eligible disabilities under the IDEA.

A student with a speech impairment is one who has been determined to meet the criteria for speech or language impairment. Speech or language impairment means a communication disorder or a voice impairment, that adversely affects a student's educational performance. The term communication disorder includes stuttering, impaired articulation, a language impairment, and a voice impairment.

To assess for SI, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. The group of qualified professionals that collects or reviews evaluation data in connection with the determination of a student's eligibility based on a speech impairment must include a certified speech and hearing therapist, a certified speech and language therapist, or a licensed speech-language pathologist.

### **Additional Procedures**

A referral for a speech or language impairment evaluation may be indicated when the District and/or the parent of the student suspects that learning issues are a result of a communication disorder or a voice impairment that adversely affects the student's educational performance. A student who has difficulty producing speech or understanding and communicating ideas may have a speech-language impairment.

In Texas, speech-language therapy is considered an instructional service. Thus, it can be a stand-alone service as well as a support provided for the student to receive benefit from other special education services.

A speech evaluation will usually include assessment to determine if the student has a communication disorder, a language disorder, an articulation disorder, a fluency disorder and/or a voice disorder.

Additionally, Campus or District Assessment Personnel will consider the presence of any cultural and/or linguistic differences when evaluating a student for autism and whether the differences may impact the evaluation results. When evaluating an Emergent Bilingual student, Campus and District Assessment Personnel must consider the English language proficiency of the student in determining appropriate assessments and other evaluation materials. The evaluation must be provided in the student's native language, unless it is

clearly not feasible to do so, to ensure that the student's language needs can be distinguished from the student's disability-related needs. Campus and District Assessment Personnel shall be careful not to identify or determine that an Emergent Bilingual student is a student with a speech or language impairment because of limited English language proficiency. For example, when a student lacks verbal fluency (pauses, hesitates, omits words), it may be due to a lack of vocabulary, sentence structure, and/or self-confidence caused by the student's limited English language proficiency. It may also be caused, however, by a speech impairment.

Upon completion of the Speech and Language evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with a Speech Impairment, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for SI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- FIE
- Disability Report: Speech Impairment
- ARD/IEP
- Referral Documentation
- Speech/Language Assessment
- TSHA Guidelines

- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Texas Legal Framework for the Child-Centered Special Education Process: Speech or Language Impairment Framework - Region 18](#)

[Texas Speech Language Hearing Association Eligibility Guidelines for Speech Impairment 2020 - Region 13](#)

[OSEP Letter to Anonymous \(Nov. 28, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Clarke \(Mar. 8, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Blodgett \(Nov. 12, 2014\) - U.S. Department of Education](#)

[Speech or Language Impairment - SPEDTEX](#)

## **Citations**

34 CFR 300.8(c)(11), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5)

## TRAUMATIC BRAIN INJURY

### What is Required

A student must be assessed under the IDEA in all areas of suspected disability. Traumatic brain injury or “TBI” is one of the areas of eligible disabilities under the IDEA.

A student with traumatic brain injury (TBI) is one who has been determined to meet the criteria for traumatic brain injury. Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment or both, and that adversely affects the student’s educational performance.

TBI applies to open or closed head injuries resulting in impairments in one or more areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech.

TBI does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.

To assess for TBI, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, a student’s eligibility for a traumatic brain injury must include a medical diagnosis provided by a licensed physician.

### Additional Procedures

Campus Personnel and/or a student’s parent may refer the student for a traumatic brain injury evaluation when the Campus Personnel and/or parent suspects that functional and/or psychosocial deficits are the result of the student’s acquired brain injury that adversely affects the student’s educational performance.

In order to make a determination of eligibility based on TBI, the ARD Committee must receive a medical diagnosis from a licensed physician. If the student has a physician, the Campus or District Assessment Personnel may request that the student’s physician provide the diagnosis regarding the student’s brain injury. The Campus or District Assessment Personnel must request that the parent sign a Consent for Release of Information so that the Assessment Personnel may communicate with the student’s physician to obtain this health information and/or provide any clarifying health information to the ARD Committee. If the parent refuses to sign the release and/or the student does

not have a regular physician, the District or Campus Assessment Personnel must arrange for the student to be evaluated by a District-provided physician.

After completion of the FIE, the District will convene an ARD Committee meeting to review the FIE. The ARD Committee must determine whether the student meets eligibility criteria for traumatic brain injury based on the results of student's evaluation, including the diagnosis from a physician.

Upon completion of the TBI evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with a Traumatic Brain Injury, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for TBI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Consent for Release of Information
- Physician Diagnostic Information Report
- FIE
- Disability Report: Traumatic Brain Injury
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Texas Legal Framework for the Child-Centered Special Education Process: Traumatic Brain Injury - Region 18](#)

[Traumatic Brain Injury - Texas Education Agency](#)

[Traumatic Brain Injury - SPEDTEX](#)

[OSEP Letter to Harrington \(July 13, 1993\) - U.S. Department of Education](#)

## **Citations**

Board Policy EHBAA; Board Policy EHBAB; 34 CFR 300.8(c)(12), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5)

## VISUAL IMPAIRMENT

### What is Required

#### Eligibility

A student must be assessed under the IDEA in all areas of suspected disability. Visual Impairment or “VI” is one of the areas of eligible disabilities under the IDEA.

A student with a visual impairment is one who meets the criteria for visual impairment. The term visual impairment, including blindness, means an impairment in vision that, even with correction, adversely affects the student’s educational performance, and includes both partial sight and blindness.

To meet the criteria for visual impairment, a licensed ophthalmologist or optometrist must determine the student:

- Has no vision or has a serious visual loss after correction; or
- Has a progressive medical condition that will result in no vision or a serious visual loss after correction.

The student with a visual impairment is functionally blind if, based on the functional vision evaluation and the learning media assessment, the student will use tactual media, including braille, as a primary tool for learning to communicate in both reading and writing at the same level of proficiency as other students of comparable ability.

#### Evaluation Procedures

To assess for VI, the District or Campus Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. An individual who is appropriately certified as an orientation and mobility specialist (“COMS”) must participate in evaluating data used in making the determination of a student’s eligibility as a student with visual impairment. Specifically, the evaluation data reviewed by District or Campus Assessment Personnel and COMS when determining whether a student has a visual impairment must include:

- A report by a licensed ophthalmologist or optometrist that:
  - states the student’s visual loss in exact measures of visual field and corrected visual acuity at a distance and at close range in each eye; or
  - if exact measure cannot be obtained, provides best estimates of the student’s visual loss; and



- includes a prognosis when possible
- A functional vision evaluation by a certified teacher of students with visual impairments, or a COMS, that includes:
  - performance tasks in a variety of environments requiring the use of both near and distance vision, and
  - recommendations concerning the need for a clinical low vision evaluation;
- A learning media assessment by a certified teacher of students with visual impairments that includes recommendations regarding which specific visual, tactual, and/or auditory learning media are appropriate for the student, and whether there is a need for ongoing evaluation in this area; and
- An orientation and mobility evaluation performed by a COMS in a variety of settings including in the student's home, school, and community and in settings unfamiliar to the student.

A student under 3 years of age may meet eligibility criteria under VI if the child's IFSP indicates that the child is experiencing a developmental delay because of vision loss or impairment, or the child has a physical or mental condition that has a high probability of resulting in a developmental delay and a sensory impairment.

### **Additional Procedures**

When a referral for a student suspected of a visual impairment is first received, Campus or District Assessment Personnel should contact a professional certified in VI for assistance in determining the types, levels, and procedures for assessment of the student. Campus or District Assessment Personnel will also contact the parent to request an examination report by a licensed ophthalmologist or optometrist that provides the required evaluation date and request that the parent sign and return a Consent to Release Confidential Information form so that the Assessment Personnel may communicate with the student's ophthalmologist or optometrist to obtain this health information and/or provide any clarifying health information to the ARD Committee.

If the parent does not provide to the District an examination report by a licensed ophthalmologist or optometrist that provides the required evaluation data, the District will obtain such information at no expense to the parent. The District or Campus Assessment Personnel should first request this report from the parent. If the parent refuses, or does not have a current report, and/or is not responsive to the request, the District or Campus Assessment Personnel should contact the Special Education Director or designee for assistance in setting up the appropriate examination. This may be accomplished by contracting with an ophthalmologist or optometrist, asking the parent to obtain the report and reimbursing the parent, or any other appropriate method to obtain the evaluation



data at the District's discretion. A vision screening conducted by a school nurse is not sufficient.

The functional vision evaluation and the learning media assessment reports prepared as part of the student's FIE should typically be conducted and results shared prior to additional evaluation by the other qualified evaluation professionals, including school psychologists, educational diagnosticians, counselors, and related service professionals, to ensure that tools used and results accurately reflect the student's aptitude and not the impact of a visual impairment. The teacher of students with visual impairments and the certified orientation and mobility specialist are essential members of the team of qualified evaluation professionals when determining if a student meets the eligibility requirements as a student with a visual impairment.

The District will ensure that each student who is determined eligible for the District's special education program on the basis of a visual impairment receive evaluation and instruction in the expanded core curriculum (ECC). See [SPECIAL FACTORS]. Information relevant to the ECC may be included in the evaluation.

District or Campus Assessment Personnel, including an appropriately certified orientation and mobility specialist will determine the scope of any re-evaluation of a student who has been determined to be eligible for the District's special education program on the basis of a visual impairment after a full and individual evaluation.

Upon completion of the ID evaluation, each member of the evaluation team should sign the FIE. If the student is eligible for special education as a student with an Intellectual Disability, a Disability Report in this area will be completed.

Upon completion of the VI evaluation, each member of the evaluation team shall sign the FIE. If the student is eligible for special education as a student with a Visual Impairment, a Disability Report in this area will be completed.

If the student does not meet the eligibility criteria for VI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or District Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System

(PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Consent for Release of Information
- Ophthalmologist/Optometrist Report
- Functional Vision Evaluation
- Learning Media Assessment
- Orientation and Mobility Evaluation
- FIE
- Disability Report: Visual Impairment
- ARD/IEP or IFPS
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Texas Legal Framework for the Child-Centered Special Education Process: Visual Impairment - Region 18](#)

[Texas School for the Blind and Visually Impaired](#)

[Educating Students with Visual Impairments in Texas: Guidelines and Standards – Texas School for the Blind and Visually Impaired](#)

[OSEP Dear Colleague Letter on Braille \(June 19, 2013\) - U.S. Department of Education](#)

[OSEP Letter to Kotler \(Nov. 12, 2014\) - U.S. Department of Education](#)

[Visual Impairment - SPEDTEX](#)

**Citations**

Board Policy EHBA; Board Policy EHBAB; 20 USC 1414(d)(3)(B)(iii); 34 CFR 300.8(c)(13), 300.304(c)(4), 300.324(a)(2)(iii); Texas Education Code 30.002(c-1)(2), 30.004; 19 TAC 89.1040(b)–(c), 89.1050(a)–(b), 89.1055(d), 89.1085, 89.1090