

It is the policy of the Universal Academy open-enrollment charter school to ensure that upon completion of the administration of such tests and other evaluation materials administered according to the evaluation procedures of the IDEA, and preparation of the written report, the ARD committee determines if the student is a student with a disability under state and federal standards.

***Full and Individual Evaluation (FIE)***

Universal Academy open-enrollment charter school must conduct a full and individual initial evaluation (FIE) prior to providing special education and related services to any student. All students must be evaluated in accordance with the IDEA and Texas Education Code.

Universal Academy open-enrollment charter school must have in place procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of students with disabilities are selected and administered so as to not be racially, culturally, or gender discriminatory. Assessment and procedures shall be provided and administered in the student's native language or most proficient mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so. (34 CFR §300.301; TEC §29.310)

All implementing assessment procedures must differentiate between language proficiency and handicapping condition. Additionally, placement procedures must ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability. (19 TAC §89.1230)

No single procedure shall be the sole criterion for determining whether a student is a student with a disability or for determining an appropriate

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education program for a student with a disability. The evaluation must be sufficiently comprehensive to identify all of the student's special education and related services' needs. Each student must be evaluated in all suspected areas of disability. (34 CFR §§300.301 and 300.304; TEC §29.310)

All assessments must be administered in accordance with the instructions provided and by a trained and knowledgeable person. (34 CFR §§300.301 and 300.304)

### ***Timeline***

If parent provides a written request for an evaluation, Universal Academy open-enrollment charter school will provide the parent with consent for evaluation or prior written notice and procedural safeguards if the school is denying the request for evaluation, within 15 school days. (TEC §29.004(c))

A written FIE report must be completed not later than the 45<sup>th</sup> school day following the date on which Universal Academy open-enrollment charter school receives written consent for the evaluation, signed by the student's parent or legal guardian. If the student is absent for more than 3 days in that time period, the timeline must be extended by the number of days the student was absent. (TEC §29.004(a))

This time frame shall not apply if:

- 1) A student enrolls in the current school after the relevant time frame has begun and before the previous school made a determination as to whether the student has a disability, but only if the current school is making sufficient progress to ensure a prompt completion of the evaluation and the parent and current school agree to a specific time for completion of the evaluation; or
- 2) The parent repeatedly fails or refuses to produce the student for the evaluation.

(34 CFR §300.301(d))

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Following the completion of the FIE, the ARD committee must meet within 30 calendar days from the date of completion to review and determine eligibility. (TEC 29.004)

If the student is an English language learner, the language proficiency assessment committee (LPAC) must also attend the meeting to determine services. (19 TAC §89.1230)

If Universal Academy open-enrollment charter school receives written consent for an FIE from a student's parent or guardian at least 35 but less than 45 school days before the last instructional day of the school year, the evaluation must be completed and the written report of the evaluation must be provided to the parent or legal guardian not later than June 30 of that year. The ARD committee must meet by the 15<sup>h</sup> school day of the following school year to consider the evaluation.

If Universal Academy open-enrollment charter school receives written consent signed by a student's parent or legal guardian less than 35 school days before the last instructional day of the school year or if the school receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the FIE must be completed not later than the 45<sup>th</sup> school day after receiving consent.

School days do not include days following the last instructional day of the spring term and before the first day of the fall term.  
(TEC 29.004)

### ***Specific Learning Disability Evaluation***

The Texas Education Agency (TEA) cannot require Universal Academy open-enrollment charter school to use the severe discrepancy between intellectual ability and achievement for determining whether a student has a specific learning disability. TEA must permit the use of a process based on the child's response to scientific, research-based intervention; and may permit the use

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of other alternative research-based procedures for determining whether a student has a specific learning disability.

(34 CFR §300.307)

### ***Functional Behavior Assessment (FBA)***

A functional behavior assessment (FBA) may be necessary for a student whose behavior impedes their education. Prior to completing an FBA, Universal Academy open-enrollment charter school must get consent from the parent. (34 CFR §§300.9)

If an ARD committee determines a change of placement is necessary due to the student's behavior, it must conduct an FBA and implement a BIP. If an FBA was already completed, the ARD committee must review and update the BIP. (34 CFR §300.350(f))

### ***Review of Existing Evaluation Data (REED)***

A Review of Existing Evaluation Data (REED) is required as part of an initial evaluation, if appropriate, and as part of any reevaluation. The REED must be conducted by the admission, review, and dismissal (ARD) committee members and other qualified professionals, as appropriate. The ARD committee members may conduct the review without a meeting.

The REED must include a review of the following:

- Evaluations and information provided by the parents of the student;
- Current classroom-based, local, or State assessments, and classroom-based observations; and
- Observations by teachers and related services providers.

On the basis of that review, and input from the student's parents, the ARD committee members must identify what additional data, if any, are needed to determine:

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- Whether the student is a student with a disability, and the educational needs of the student, or, in case of a reevaluation of a student, whether the student continues to have such a disability and the educational needs of the student;
- Whether the student needs special education and related services, or in the case of a reevaluation of a student, whether the student continues to need special education and related services;
- The present levels of academic achievement and related developmental needs of the student; and
- Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the individualized education program (IEP) of the student and to participate, as appropriate, in the general education curriculum.

The Universal Academy open-enrollment charter school must administer any assessments or other evaluation measures needed to produce the data identified by the REED in accordance with applicable procedural requirements regarding notice and consent.

If additional data is not needed, the ARD committee must notify the parent of the determination decision and provide information about the parent's right to request additional assessments to determine student needs and eligibility. (34 CFR §300.305)

A reevaluation may not occur more than once per year, unless agreed to by the school and the parent. A reevaluation must occur at least every three years, unless the school and parent agree the evaluation is unnecessary. (34 CFR §300.303)

### ***Change in Eligibility***

Universal Academy open-enrollment charter school must evaluate a student with a disability before determining a student is no longer eligible for special education and related services.

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An evaluation is not required if a student is no longer eligible due to graduation or exceeding the age eligibility in Texas. However, Universal Academy open-enrollment charter school must create a summary of performance and include recommendations on how to assist the student in meeting postsecondary goals.

(34 CFR §300.305(e))

### ***Consideration of Services Provided in Regular Education Setting***

To ensure that underachievement in the student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group of qualified professionals, as part of a full and individual evaluation, must consider

- Data that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of progress during instruction, which was provided to the student's parents. (34 CFR 300.309(b))

### ***Coordination of Evaluations with Prior and Subsequent Schools***

The school shall ensure that evaluations of students who transfer from one LEA to another in the same academic year are coordinated with the student's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations. (20 U.S.C. 1414(b)(3)(D))

### ***Information and Consent for Certain Psychological Examinations or Tests***

On request of a student's parent, before obtaining the parent's consent under 20 U.S.C. §1414 for the administration of any psychological examination or test to the student that is included as part of the evaluation of the student's need for special education, Universal Academy open-enrollment charter school must provide to the student's parent:

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Date Adopted by Governing Body/Board: June 30, 2016  
Date Revised: 6/20/2016

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- 1) the name and type of the examination or test; and
- 2) an explanation of how the examination or test will be used to develop an appropriate individualized education program for the child.

(TEC §29.0041(a))

If Universal Academy open-enrollment charter school determines that an additional examination or test is required for the evaluation of a student's need for special education after obtaining consent from the student's parent under TEC §29.0041(a), Universal Academy open-enrollment charter school shall provide the information described by TEC §§29.0041(a)(1) and (2) to the student's parent regarding the additional examination or test and shall obtain additional consent for the examination or test. (TEC §29.0041(b))

If a parent does not give consent under TEC §29.0041(b) within 20 calendar days after the date Universal Academy open-enrollment charter school provided to the parent the information required by that TEC §29.0041(b), the parent's consent is considered denied. (TEC §29.0041(c))

### ***Extension of Timelines***

For a specific learning disability, the timelines for evaluation under this policy may be extended by mutual written agreement of the student's parents and the admission, review, and dismissal (ARD) committee. (34 CFR 300.309(c))

### ***Evaluation Conducted Pursuant to a Special Education Due Process Hearing***

A special education hearing officer in an impartial due process hearing brought under 20 U.S.C. §1415 may issue an order or decision that authorizes one or more evaluations of a student who is eligible for, or who is suspected as being eligible for, special education services. Such an order or decision authorizes the evaluation of the student without parental consent as if it were a court order for purposes of any State or federal law providing for consent by order of a court. (TEC §29.016)