

***Information Concerning Special Education and Education of Children with Learning Difficulties***

Universal Academy open-enrollment charter school is required to provide in our student and parent handbook, a copy of the "Providing Assistance to Students Who Have Learning Difficulties or Need Special Education Services," developed by the Texas Education Agency or an equivalent statement. The letter statement must include an explanation of that the parent is entitled to request an evaluation at any time.

A copy of TEA's letter can be found at [http://tea.texas.gov/Curriculum and Instructional Programs/Special Education/Programs and Services/Student Handbook Statement English/](http://tea.texas.gov/Curriculum_and_Instructional_Programs/Special_Education/Programs_and_Services/Student_Handbook_Statement_English/). A copy of our current letter can be found at the end of this policy or by contacting the Special Education Director.  
(TEC §26.0081)

***Referral for Full and Individual Initial Evaluation***

It is the policy of Universal Academy open-enrollment charter school to make referrals of students for a full and individual initial evaluation for possible special education services part of the open-enrollment charter school's overall general education referral or screening system. At any time a parent, TEA, another state agency, or the school may initiate a request for an initial evaluation.

Before referral, students experiencing difficulty in the general classroom will be considered for all support services available to all students. However, the use of interventions, including RTI may not be used to delay or deny an evaluation requested by the parent.  
(34 CFR §§300.304-300.311; OSEP 11-07 RTI Memo)

## **UNIVERSAL ACADEMY**

County School No.: **057808**

If after general education supports and interventions are tried, and a student continues to experience difficulty in the general classroom after the provision of interventions, school personnel must refer the student for a full and individual initial evaluation.

(20 U.S.C. 1414(a)(1); 34 CFR 300.301; 19 TAC 89.1011)

A reasonable time before the school proposes or refuses to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, the school shall provide written notice to the student's parent or guardian.

(20 U.S.C. 1415(b)(3); 34 CFR 300.503(a))

The school shall conduct a full and individual initial evaluation before the initial provision of special education and related services. (20 U.S.C. 1414(a)(1)(A))

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation will not be considered to be an evaluation for eligibility for special education and related services. (20 U.S.C. 1414(a)(1)(E))

Universal Academy open-enrollment charter school must promptly request consent for initial evaluation whenever the student is referred for an evaluation and if, prior to a referral, the student has not made adequate progress after an appropriate period of time when provided instruction as follows:

- Appropriate instruction in regular education settings, delivered by qualified personnel as demonstrated by the data; and
- With data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the student's progress during instruction, which was provided to the student's parents.

(34 CFR 300.309(c))

Universal Academy open-enrollment charter schools must also accept a referral for special education services made for a student who is homeless or

## UNIVERSAL ACADEMY

County School No.: 057808

in substitute care by a school previously attended by the student. (TEC 25.007)

### **Providing Assistance to Students Who Have Learning Difficulties or Need Special Education Services**

Dear Parent,

If your child is experiencing learning difficulties, you may contact the person listed below to learn about the district's overall general education referral or screening system for support services. This system links students to a variety of support options, including making a referral for a special education evaluation. For those students who are having difficulty in the regular classroom, our school will consider tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (RtI). The implementation of RtI has the potential to have a positive impact on the ability of districts to meet the needs of all struggling students.

You may request an evaluation for special education services at any time. If you make a written request to our director of special education services or to a district administrative employee for an initial evaluation for special education services, the school must, not later than the 15th school day after the date the school receives the request, either give you a prior written notice of its proposal to evaluate the student, a copy of the [Notice of Procedural Safeguards](#), and the opportunity for you to give written consent for the evaluation or must give prior written notice of its refusal to evaluate your child and a copy of the [Notice of Procedural Safeguards](#).

If the school decides to evaluate your child, we must complete the initial evaluation and the resulting report no later than 45 school days from the day the school receives your written consent to evaluate your child. However, if the student is absent from school during the evaluation period for three or more school days, the evaluation period must be extended by the number of school days equal to the number of school days that the student is absent.

There is an exception to the 45 school day timeline. If the school receives your consent for the initial evaluation at least 35 but less than 45 school days before the last instructional day of the school year, the school must complete the written report and provide a copy of the report to the parent by June 30 of that year. However, if the student is absent from school for three or more days during the evaluation period, the June 30th due date no longer applies. Instead, the general timeline of 45 school days plus extensions for absences of three or more days will apply.

Upon completion, the school must give you a copy of the evaluation report at no cost.

Additional information regarding special education is available from the school district in a companion document titled [Parent's Guide to the Admission, Review, and Dismissal Process](#).

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Date Revised: 6/20/2016

## **UNIVERSAL ACADEMY**

County School No.: **057808**

The following websites provide information to those who are seeking information and resources specific to students with disabilities and their families.

- [Texas Project First](#)
- [Partners Resource Network](#)

### **Contact Person**

**Pamela D. Ward, Special Education Director**  
**(972) 255-1800 ext 2003**