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## Q & A Requesting an Educational Evaluation in Texas Public Schools

**Question: My child continues to have difficulties learning in school despite teacher meetings and extra help. Is there anything else I can do?**

**Answer: It may be time to ask for an educational evaluation known as a FIIE, or just FIE.**

**Question: What is a “FIIE” or “FIE”?**

**Answer: FIIE stands for “Full Individual and Initial Evaluation”.** It is an initial educational evaluation of your child to assess whether they have a disability affecting their ability to learn. If the student’s disability is found to affect their ability to learn, the student may be eligible for special education services at school. Special education services are documented in an Individualized Education Program (IEP) which states goals, academic programming and services the student will receive to help them learn.

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*Federal and State Laws govern “FIE’s” or educational evaluations:*

*Federal Law – **Individuals with Disabilities Education Act (IDEA)***

*Texas Law – **Commissioner’s Rules Concerning Special Education Services***

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There are two kinds of FIE’s – Initial Evaluations and Reevaluations.

- 1. Initial Evaluations<sup>1</sup>:** The special education evaluation process begins with either the school or the parent requesting an educational evaluation of the student. A school must first get a parent to sign in consent to their child being evaluated.
- 2. Reevaluations<sup>2</sup>:** Once in a special education program, a child may be reevaluated to determine current academic level. A school district may conduct a reevaluation if the school determines a new evaluation is needed, or, if the teachers or parent request a reevaluation. A reevaluation may not be given more frequently than once a year, but, the school **MUST reevaluate** the student with a disability **at least once every 3 years**.

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<sup>1</sup> See 20 U.S.C. §1414 (a)(1) – Individuals with Disabilities Education Act (IDEA) for Federal Law regarding initial evaluations. See 19 T.A.C. §89.1011 for Texas law regarding initial evaluations.

<sup>2</sup> See 20 U.S.C. §1414(a)(2) – IDEA for Federal Law regarding Reevaluations. See 19 T.A.C. §89.1050(a)(5).

**Question:** How do I request an initial FIE, or educational evaluation for my child?

**Answer:** Request an initial evaluation In Writing and send it to the school district's *Director of Special Education Services* or a *district administrative employee* such as a Principal.<sup>3</sup>

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*Parent TIP: Always put any school requests for evaluation, additional services, meetings, etc., **IN WRITING.***

*Be sure to Sign and Date the document.*

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**Question:** How long does the school district have to let me know if they will conduct a FIE or not?

**Answer:** In Texas, school districts have **15 school days** from the date parents request a FIE in writing,<sup>4</sup> to provide parents with either:

- 1) written notice of its proposal to evaluate, copy of procedural safeguards AND an opportunity to sign written Consent to evaluate their child, OR,
- 2) written notice of the school district's refusal to conduct an evaluation with an explanation of why they will not evaluate, along with a copy of procedural safeguards.

**Question:** How soon should we expect results back?

**Answer:** School districts have **45 school days to conduct the initial evaluation.**<sup>5</sup> It has **another 30 calendar days to meet** and discuss special education eligibility with a group of individuals known as an "ARD Committee", which includes YOU, the parent, a general education teacher, a special education teacher, an evaluator, and school personnel knowledgeable about your child and the services and programs offered in the school district.<sup>6</sup> **ARD stands for Admission Review and Dismissal.**

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*Parent TIP: Request to have a **copy** of the FIE a few days **BEFORE** the **ARD meets** so you have a chance to review it and ask the Evaluator any questions **BEFORE** the ARD meeting.*

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**Question:** what if my student has been absent from school during the evaluation period?

**Answer:** If absent **3 or more days**, the deadline to complete the evaluation is **extended** by the same number of days the student was **absent.**<sup>7</sup>

**Question:** What if I request a FIE at the end of the school year or during the summer?

**Answer:** Well, it depends! See A, B & C below.

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<sup>3</sup> 19 T.A.C. § 89.1011(b).

<sup>4</sup> *Id.*

<sup>5</sup> 19 T.A.C. §89.1011(c).

<sup>6</sup> 19 T.A.C. §89.1011(d).

<sup>7</sup> 19 T.A.C. §89.1011(c)(1).

**A:** IF consent given less than 45, but 35 or more school days BEFORE the end of the school year, the evaluation must be completed and the report given to parents by June 30 of that year. The ARD must meet no later than the 15<sup>th</sup> school day of the following school year to consider the evaluation.<sup>8</sup>

**B:** If consent was given when there were 34 or less school days remaining, the 45 day timeframe will continue with the first instructional day of the following school year. EXAMPLE: Consent given when 25 instructional school days remained. The school district will complete what it can by the end of the current school year, and resume evaluation the following school year. In this example, the district already used 25 of its 45 days, so it must complete its evaluation within the first 20 instructional school days of the new school year.

**C:** If consent given during the summer, the 45 day timeframe to conduct a FIE does not begin until the first instructional day of the upcoming school year.<sup>9</sup>

**Question:** What does the FIE evaluation process look like? What can I expect?

**Answer:** The majority of testing will be done in the school setting. The evaluator (usually a Licensed Specialist in School Psychology (LSSP) or Educational Diagnostician) may also talk to teachers and parents about the student's academic, functional, developmental and behavioral performance.

**Question:** What kinds of things are they looking for when they do a FIE?

**Answer:** The school district is obligated to assess the student in **all areas of suspected disability** using a variety of assessment tools and strategies to gather relevant functional, developmental and academic information<sup>10</sup>. Evaluation tools should provide relevant information to assist the ARD Committee in deciding the student's educational needs.

#### **About the ARD Committee Meeting:**

- A. At the ARD Committee meeting, parents and school representatives will discuss the outcome of the special education evaluation and determine as a collaborative team whether the student qualifies as a "child with a disability" under the federal law IDEA.<sup>11</sup>
- B. The parent is entitled to *meaningful participation* in the meeting. Parent input is very important<sup>12</sup>.
- C. If the parent disagrees with the school's education evaluation, they may request an Independent Educational Evaluation (IEE) be conducted at public school expense.<sup>13</sup> If the school refuses an IEE at public expense, they must give notice of procedural safeguards.
- D. The parent may still seek an IEE at their own expense. If the school grants an IEE, once completed, the ARD will meet again to discuss it and determine if the student qualifies as a "child with a disability" under IDEA.

**\* This article is for general information purposes only. If you need legal advice, you should seek the assistance of an attorney.**

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<sup>8</sup> 19 T.A.C. §89.1011(e).

<sup>9</sup> 19 T.A.C. §89.1011(c)-(d).

<sup>10</sup> See 20 U.S.C. §1414(b)(2) – IDEA for Federal Law regarding Evaluation Procedures.

<sup>11</sup> 19 T.A.C. §89.1040(a)-(b).

<sup>12</sup> See 34 C.F.R. §300.322(a) IDEA Regulations regarding Parent Participation.

<sup>13</sup> 34 C.F.R. §300.502.