

HOW TO GET AN IEP FOR YOUR CHILD



The new Texas Education Freedom Accounts provides priority access to funds for children with special needs. To qualify for these funds, a child must receive an evaluation and an Individualized Educational Plan (IEP) before the application deadline for the Texas EFA.

State law mandates that a public school district provides an IEP for **any student** seeking funding through the Texas Education Freedom Account AND the school district must finish the IEP in time for the student to apply for Texas EFA funds. (Education Code Sec. 29.3615)

NOW IS THE TIME TO BEGIN THIS PROCESS FOR YOUR CHILD'S EDUCATION IN THE 2026-27 SCHOOL YEAR.

PHASE 1: MAKING THE REQUEST/REFERRAL

- Anyone can initiate a referral for your child: **you (parent/guardian), a teacher, school staff, or specialists.**
- Only a parent or guardian can provide consent for their child to be evaluated for an IEP.
- **If your student is not enrolled in a public school, make a request to the public school district in writing** by sending a letter or email to the public school district's Special Services Education Department or to the school's principal.
- To find the correct public school district to send the request, go to <https://txschools.gov> and enter your residence. If you don't know who the principal or special education director for your public school is, search on the public school district's website or ask your current school principal for help.
- Keep a copy of what you sent with the date.
- Include in your request:
 - Any medical diagnosis or assessments you have (this could include reports from professionals who are helping your child with speech, physical therapy or behavior issues).
 - Reports or examples from your child's teacher regarding your child's struggles in learning or special ways the teacher assists your child to learn.
 - Your or others' observations of sensory differences (how environmental factors like sound, lights, and texture impact learning), communication challenges, behavior in school, etc.

PHASE 2: EVALUATION & ASSESSMENT PARENT CONSENT & PARTICIPATION

- When the public school receives the parent's request or a referral from school personnel, **the public school must respond in writing within 15 school days** with information on whether it will proceed with an evaluation.
- Texas requires a parent's written, informed consent before evaluations begin, even if the parent requested the evaluations.
- Parents get Prior Written Notice explaining what will be evaluated, why, and how the results may be used.
- Parents have the right to request certain assessments, to share outside reports (therapists, clinics), and to ask questions if something isn't clear.
- After a parent consents, an evaluation must be completed within 45 school days. (Education Code Sec. 29.3615)
- Multiple assessments are typically done, so the school, parents, and the child's team understand current levels and needs.

PHASE 3: ELIGIBILITY DETERMINATION

Upon completion of the evaluation report, **a public school committee typically has 30 calendar days to determine eligibility and develop the IEP.**

Once assessments are complete, the public school team meets with the parents to decide:

1. Does the child have a disability as defined by federal law?
2. Does disability adversely affect educational performance?
3. Does the child need specialized instruction or related services?

If the answers are yes, the child becomes eligible for an IEP. If not, they may still qualify for services under a 504 Plan; the parent(s) should receive an explanation of both options and recommendations from the team.

Parents have the right to request an Independent Educational Evaluation (IEE) if they disagree with the public school district's evaluation.

PHASE 4: IEP DEVELOPMENT & GOALS

An Individual Educational Plan (IEP) is created for the eligible student.

What an IEP must include:

- Present Levels of Academic Achievement and Functional Performance (PLAAFP): How the child is functioning now academically, socially, behaviorally, etc.
- Annual Goals: SMART goals (Specific, Measurable, Achievable, Relevant, Timebound). These could include communication goals, social skills, behavior regulation, and academic aims.
- Related Services & Accommodations: These could be speech language therapy, occupational therapy, counseling; accommodations for sensory modulation; modifications in class; assistive technology.
- Least Restrictive Environment (LRE): The IEP should ensure your child spends as much time as is appropriate with nondisabled peers, with appropriate support.
- Supplement Items: The IEP must include support for social communication, sensory issues, behavior, etc.

FOR MORE INFORMATION

- <https://tea.texas.gov/academics/special-student-populations/special-education>
- Special Education Information Center - SPEDTex
▶ 1-855-773-3839 ▶ SPEDTex.org
- Toll Free Parent Information Line: ▶ 1-800-252-9668
This toll-free message line is reserved for parents and other family members with questions about special education.
- IEP Facilitation and Complaints Process: ▶ 512-463-9414
- Mediation and Due Process Hearings: ▶ 512-463-9720



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