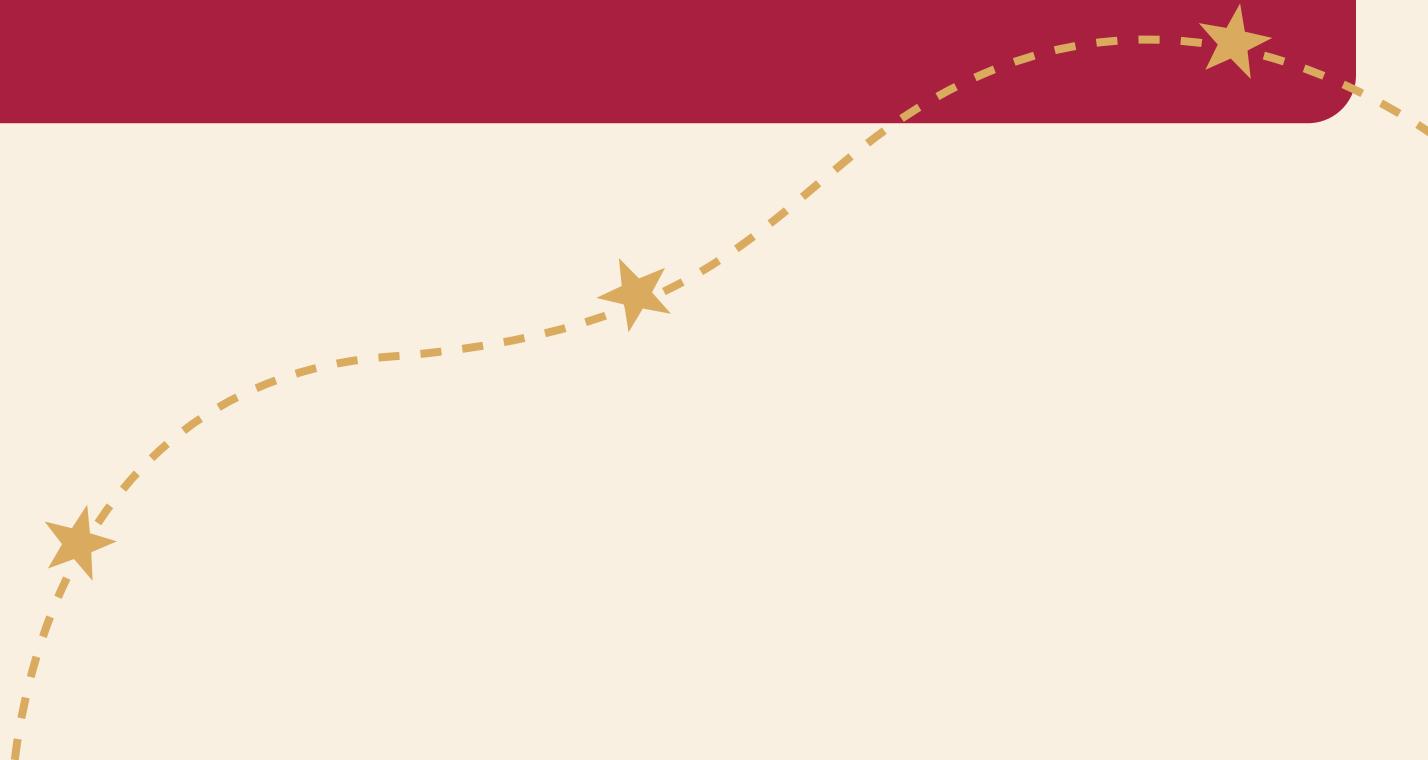




TEXAS EDUCATION FREEDOM ACCOUNTS

DISABILITY CERTIFICATION FORM INSTRUCTIONS



KELLY HANCOCK • ACTING COMPTROLLER OF PUBLIC ACCOUNTS

DISABILITY CERTIFICATION

The Texas Education Freedom Accounts (TEFA) program, administered by the Texas Comptroller of Public Accounts, provides Texas families with more educational options: Accounts can be used for private school tuition, educational expenses for homeschoilers, tutoring, certain educational therapies, career and technical education programs, and other education-related expenses.

If applications exceed available funding, eligible applicants are prioritized based on, among other things, whether the applicant is a child with a disability.

Under 34 Texas Administrative Code Section 16.403(b)(5)(A), for a child to be considered a child with a disability for purposes of prioritization, parents must submit proof of eligibility to participate in a school district's special education program by meeting the following criteria of at least one of 14 disabilities listed in 19 Texas Administrative Code Section 89.1040.

Acceptable proof includes **one** of the following:

- An individualized education program (IEP) issued by a Texas school district or an open-enrollment charter school or authorization to verify with the Texas Education Agency (TEA) that an IEP has been issued for the student.
- A full individual and initial evaluation of the child conducted by a Texas school district.
- An IEP created for the child by a school district in another state and verified by that state or school district, if a child is moving to Texas from another state.
- The Comptroller's Disability Certification Form signed by one or more licensed professionals who are qualified to attest the child meets the applicable disability definition.

Parents must submit only one of the four kinds of acceptable proof listed above and must submit this proof with their online application.

The Disability Certification Form only is used to determine the child's priority for admission into the TEFA program. This form will not be used to establish the amount of TEFA funds available to the child, to establish a child's IEP, or for any other purpose.

Parents, if your child has a current IEP on file with TEA, you do not need to submit the Disability Certification Form or any other of the above documents for your child to be prioritized or eligible for the additional funding amount. The TEFA application will ask you to provide your child's IEP number so it can be compared to the data provided by TEA. If your child's IEP is not included in the TEA data, TEFA staff will follow up with TEA to determine whether data should have been included. If TEA determines a child's IEP is not current, the parent will be contacted to provide a copy of the IEP for prioritization purposes.



INSTRUCTIONS TO COMPLETE THE DISABILITY CERTIFICATION FORM

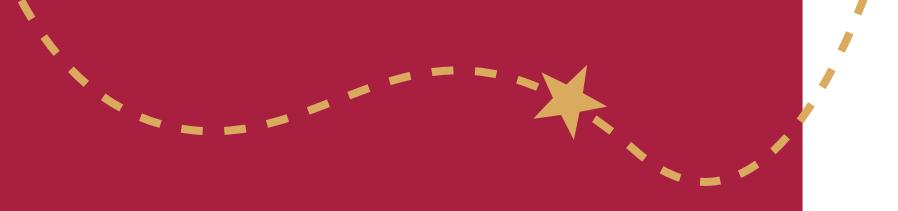
Only licensed professionals who are qualified to certify that a child meets the eligibility criteria for a particular disability may complete the Disability Certification Form. Any qualified licensed professional may certify the disability, except where certification by a particular specialty is specified. If a disability requires the certification of multiple licensed professionals, one form, signed by all required licensed professionals, must be submitted.

Qualified professionals must follow these steps:

- Enter information regarding the child, including the child's name, home address, home phone number and date of birth.
- Check the box corresponding to each disability they are certifying.*
- If a disability requires the certification of multiple licensed professionals, as indicated on the form, each one must initial the blank applicable to their specialty and sign as indicated.
- Enter their names, work addresses, work phone numbers, type of professional licenses, professional license numbers and the state/authority that issued that professional license.
- Sign the form as directed.
 - Certify only a disability they are qualified to certify.
 - By signing the form, a professional certifies the child meets all criteria described in these Instructions for the disability selected, and because of that disability, the child needs special education or related services to benefit from education.

***It is not necessary to certify more than one disability to establish the child's priority for admission.**

If you have any questions about these Instructions or the Disability Certification Form, please email DisabilityForm.TEFA@cpa.texas.gov.



CRITERIA FOR CHILDREN WITH DISABILITIES

A “child with a disability,” as defined by Texas Education Code Section 29.351(3), is one who is eligible to participate in a school district's special education program because the child meets the criteria of one or more of the conditions listed in sections 1-14 below, and, because of the disability, the child needs special education or related services to benefit from education.

1. AUTISM

Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before 3 years old, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

A child who manifests the characteristics of autism after age 3 could be identified as having autism if these criteria are satisfied. A determination of whether a child meets the criteria for autism does not require that the child meets the requirements for a medical/psychological diagnosis of autism.

The absence of the “other characteristics often associated with autism” listed above does not exclude a child from meeting eligibility as a child with autism.

Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in section 4 below.

2. DEAF-BLINDNESS

Deaf-blindness means concomitant 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 solely for children with blindness and which adversely affects the child's educational performance. A child with deaf-blindness is one who, based on the evaluations specified in sections 3 and 12 below, meets these eligibility criteria:

- a child who is deaf or hard of hearing specified in section 3 below and has a visual impairment specified in section 12 below;

- a child who has a visual impairment and a suspected hearing loss that cannot be demonstrated conclusively, but a speech/language therapist, a certified speech and language therapist, or a licensed speech language pathologist indicates there is no speech at an age when speech would normally be expected;
- has documented hearing and visual losses that, if considered individually, may not meet the requirements for a child who is deaf or hard of hearing or for visual impairment, but the combination of such losses adversely affects the child's educational performance; or
- has a documented medical diagnosis of a progressive medical condition that will result in concomitant hearing and visual losses that, without the provision of special education services, will adversely affect the child's educational performance.

3. DEAF OR HARD OF HEARING

A child who is deaf or hard of hearing is one who has a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance, or whether permanent or fluctuating, adversely affects a child's educational performance.

The determination of a child's eligibility based on being deaf or hard of hearing must include an audiological evaluation performed by a licensed audiologist, a communication assessment, and an evaluation of the implications of the hearing loss for the child's hearing in a variety of circumstances with or without recommended assistive technology.

A child under 3 years of age meets the criteria for deaf or hard of hearing if the child's record indicates 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 a sensory impairment and includes conditions such as chromosomal abnormalities, genetic or congenital disorders, sensory impairments, inborn errors of metabolism, disorders reflecting disturbance of the development of the nervous system, congenital infections, severe attachment disorders, and disorders secondary to exposure to toxic substances, including fetal alcohol syndrome. A developmental delay is a delay measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; or adaptive development.

4. EMOTIONAL DISABILITY

A child with an emotional disability has an emotional disturbance exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child'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; or
- a tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined they have an emotional disturbance described in this section.

5. INTELLECTUAL DISABILITY

Intellectual disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance. A child with an intellectual disability:

- has significantly sub-average 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; and
- concurrently exhibits deficits in at least two of the following areas of adaptive behavior: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health and safety.

6. MULTIPLE DISABILITIES

A child with multiple disabilities has concomitant impairments (such as intellectual disability-blindness or intellectual disability-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments and which adversely affects educational performance. "Multiple disabilities" does not include deaf-blindness.

A child with multiple disabilities has a combination of disabilities expected to continue indefinitely, and the disabilities severely impair performance in two or more of the following areas: psychomotor skills; self-care skills; communication; social and emotional development; or cognition. Children who have more than one disability but who do not meet the other criteria described in this section must not be classified as having multiple disabilities.

7. ORTHOPEDIC IMPAIRMENT

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis) and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures). A child's eligibility based on an orthopedic impairment must include a medical diagnosis provided by a licensed physician.

8. OTHER HEALTH IMPAIRMENT

Other health impairment means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness in the educational environment because of chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia or Tourette syndrome, which adversely affects a child's educational performance.

A child's eligibility based on other health impairment must include confirmation of the child's chronic or acute health problem provided by a licensed physician, a physician assistant or an advanced practice registered nurse with authority delegated under Chapter 157, Texas Occupations Code.

9. SPECIFIC LEARNING DISABILITY

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

A specific learning disability is indicated when a child exhibits one of the following:

- Has been determined through assessment tools and strategies to meet the criteria for a specific learning disability in accordance with the applicable factors described in 34 Code of Federal Regulations (CFR) Sections 300.307-300.311.
- When provided with learning experiences and instruction appropriate for the child's age or state-approved, grade-level standards as indicated by performance on multiple measures such as in-class tests, grade average over time (e.g., six weeks or semester), repeated performance on progress monitoring measures, norm- or criterion-referenced tests, and statewide assessments, does not achieve adequately for the child's age or meet state-approved, grade-level standards in one or more of the following areas: oral expression; listening comprehension; written expression, which may include dysgraphia; basic reading skills, which may include dyslexia; reading fluency skills, which may include dyslexia; reading comprehension; mathematics calculation; or mathematics problem solving.
- Meets one of the following criteria:
 - does not make sufficient progress to meet age or state-approved, grade-level standards in one or more of the areas identified in (b)(i)-(viii) of this section when using a process based on the child's response to scientific, research-based intervention; or

- exhibits a pattern of strengths and weaknesses in performance, achievement or both relative to age, state-approved, grade-level standards or intellectual development that is determined to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with applicable provisions of 34 CFR Sections 300.304 and 300.305; and
- does not meet the findings under the first two criteria primarily as the result of a visual, hearing or motor disability; an intellectual disability; an emotional disability; cultural factors; environmental or economic disadvantage; or being emergent bilingual.

The presence of a significant variance among specific areas of cognitive function or between specific areas of cognitive function and academic achievement is not required when determining whether a child has a significant learning disability.

To ensure that underachievement by a child suspected of having a specific learning disability is not based on a lack of appropriate instruction in reading or mathematics, the following must be considered:

- Data that demonstrate the child was provided appropriate instruction in reading and/or mathematics within general education settings delivered by qualified personnel.
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of the child's progress during instruction, which must be provided to the child's parent.
 - Data-based documentation of repeated assessments may include, but is not limited to, intervention progress monitoring results and reports, in-class tests on grade-level curriculum or other regularly administered assessments. Intervals are considered reasonable if consistent with the assessment requirements of a child's specific instructional program.

The student must be observed in the child's learning environment, including the general education classroom setting, to document academic performance and behavior in the areas of difficulty. The determination of whether a child has a specific learning disability must consider information from an observation in routine classroom instruction and monitoring of the child's performance that was conducted before the child was referred for an evaluation, or information from an observation of the child's academic performance in the general education classroom after the child has been referred for an evaluation. In the case of a child younger than school age or out of school, the child must be observed in an environment appropriate for a student of that age.

The determination of whether a child suspected of having a specific learning disability is a "child with a disability" must be made by at least one person qualified to conduct individual diagnostic examinations of children, such as a licensed specialist in school psychology/school psychologist, an educational diagnostician, a speech-language pathologist or a remedial reading teacher, and one of the following:

- the child's general education teacher;
- if the child does not have a general education teacher, a general education classroom teacher qualified to teach a child of his or her age; or

- for a child younger than school age, an individual qualified by TEA to teach a child of that age.

10. SPEECH IMPAIRMENT

Speech impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment that adversely affects a child's educational performance.

The evaluation to determine 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.

11. 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, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma. A child's eligibility based on a traumatic brain injury must include a medical diagnosis provided by a licensed physician.

12. VISUAL IMPAIRMENT

Visual impairment means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness. The determination of a child's eligibility based on visual impairment must include these steps:

- an assessment of visual loss and corrected visual acuity, at a distance and at near range, in each eye, by a licensed ophthalmologist or optometrist;
- a functional vision evaluation by a certified teacher of students with visual impairments or a certified orientation and mobility specialist that includes the performance of tasks in a variety of environments requiring the use of both near and distance vision;
- a learning media assessment by a certified teacher of students with visual impairments; and
- an orientation and mobility evaluation conducted by a certified orientation and mobility specialist (this evaluation must be conducted in a variety of lighting conditions and in a variety of settings, including in the child's home, school and community, and in settings unfamiliar to the child).

A child under 3 years of age meets the criteria for visual impairment if the child's record 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 and includes conditions such as chromosomal abnormalities, genetic or congenital disorders, sensory impairments, inborn errors of metabolism, disorders reflecting disturbance of the development of the nervous system, congenital infections, severe attachment disorders, and disorders secondary to exposure to toxic substances, including fetal alcohol syndrome.

A developmental delay is a delay measured by appropriate diagnostic instruments and procedures in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; or adaptive development.

13. DEVELOPMENTAL DELAY

A child with developmental delay is one who is between the ages of 3 and 9 who is evaluated for at least one disability category listed in sections 1-12 above that adversely affects the child's educational performance and whose evaluation data indicate a need for special education and related services and shows evidence of, but does not clearly confirm, the presence of the suspected disability or disabilities due to the child's young age. In these cases, data may support 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.

To use this eligibility category, multiple sources of data must converge to indicate the child has a developmental delay as described by one of the following:

- performance on appropriate norm-referenced measures, including developmental measures, indicate that the child is at least two standard deviations below the mean or at the 2nd percentile of performance, when considering the standard error of measurement (SEM), in one area of development as listed in this section, along with additional convergent evidence such as interviews and observation data that support the delay in that area;
- performance on appropriate norm-referenced measures, including developmental measures, indicate that the child is at least 1.5 standard deviations below the mean or at the 7th percentile of performance, when considering the SEM, in at least two areas of development as listed in this section, along with additional convergent evidence such as interviews and observation data that support the delays in those areas; or
- a body of evidence from multiple direct and indirect sources, such as play-based assessments, information from the child's parent, interviews, observations, work samples, checklists and other informal and formal measures of development, that clearly document a history and pattern of atypical development that is significantly impeding the child's performance and progress across settings when compared to age-appropriate expectations and developmental milestones in one or more areas of development listed in this section.

14. NONCATEGORICAL EARLY CHILDHOOD

A child between the ages of 3 and 5 who is evaluated as having an intellectual disability, an emotional disability, a specific learning disability or autism that adversely affects educational performance may be described as noncategorical early childhood.

The eligibility category of noncategorical may no longer be used beginning with the 2025-26 school year. Any eligible child who begins the 2025-26 school year already identified as noncategorical may maintain this eligibility category, if determined appropriate by the child's Admission, Review, and Dismissal Committee, until the required reevaluation before the age of 6.

A child only may be certified as noncategorical early childhood on the form if:

- the child is younger than 6 years of age; and
- the child was previously determined to meet the noncategorical early childhood criteria when the child was between the ages of 3 and 5.

For more information on the TEFA program, visit EducationFreedom.Texas.Gov or contact us at DisabilityForm.TEFA@cpa.texas.gov.