

Tips from the Special Education Division: Special Education Referrals

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Question: What is the purpose of the initial referral period and what should schools and districts be doing during the referral period?

Answer:

What is a Special Education Referral?

A referral for special education signals that a disability is suspected and triggers a formal decision-making process under [WAC 392-172A-03005](#). Any person who is knowledgeable about the student may make a written referral of a student suspected of having a disability.

At this point, the focus shifts from: "Should we try more interventions?" to: "Is an evaluation needed to determine special education eligibility and the student's need for special education services and supports?"

Districts also have an ongoing child find obligation and a referral may be implied such that the district's child find obligation is triggered when a parent informs a school that a student may have special needs.¹ Washington state special education regulations require school districts to have an optional referral form available as needed for requesting an evaluation for special education services ([WAC 392-172A-03005\(1\)\(c\)](#)).

What is the Purpose of the Referral Period?

When a student suspected of having a disability is brought to the attention of school personnel, the district must document that referral. It must provide the parents with written notice that the student has been referred because of a suspected disability in need of special education services; and that the district, with parental input, will determine whether or not to evaluate. The

¹ See, *In the Matter of the Lake Washington School District*, 57 IDELR 27, OSPI Cause No. 2011-SE-0020X (WA SEA 2011); and [WAC 392-172A-02040](#) (School districts must conduct child find activities calculated to locate, evaluate, and identify all students who are in need of special education and related services, regardless of the severity of their disability. Child find activities shall extend to students residing within the school district boundaries, whether or not they are enrolled in the public school system; except that students attending nonprofit private elementary or secondary schools located within the school district boundaries shall be located, identified and evaluated consistent with WAC 392-172A-04005.).



district must review the referral, and it must collect and examine existing school, medical, and other records ([WAC 392-172A-03005\(2\)\(b\)](#)).

The referral period is intended to ensure districts:

- Act promptly when a disability is suspected
- Review existing data to inform next steps
- Make a clear decision about whether to evaluate

When a district considers a referral for special education eligibility, this time period is an information gathering and decision-making phase and not a continuation of pre-referral intervention. Multi-tiered systems of supports (MTSS) and interventions are part of general education and pre-referral options. After referral, these programs may continue but must not delay or replace the evaluation process. The Office of Special Education Programs (OSEP) cautions that “response-to-intervention (RTI) strategies...cannot be used to delay or deny the provision of a full and individual evaluation to a student suspected of having a disability.”²

Required Actions during a Referral Period

The initial referral timeline must:

- Support timely identification and evaluation of students with a potential disability and need for special education services;
- Eliminate so-called “wait to fail” practices;
- Support a consistent system-wide response; and
- Promote accountability and overall procedural safeguards.

What Districts Should Do During the Referral Timeline	What Districts Should NOT Do During the Referral Timeline
<ul style="list-style-type: none"> ✓ Treat the referral as a formal trigger for action ✓ Review existing data (including MTSS, classroom data, parent input, verified observations) ✓ Identify if a disability is suspected ✓ Make a timely, data-informed decision about whether to evaluate ✓ Provide clear communication and procedural safeguards to families 	<ul style="list-style-type: none"> ✗ Delay decision-making to “try more interventions first” ✗ Restart or extend pre-referral support processes after receiving a referral ✗ Use the referral period as a waiting period rather than an active process ✗ Deny or delay an evaluation solely due to limited MTSS data ✗ Deny or delay evaluation solely due to poor attendance

² *Memorandum to State Directors of Special Education*, 56 IDELR 50 (OSEP 2011); see also *Memorandum to State Directors of Special Education*, 67 IDELR 272 (OSEP 2016).

How should districts approach when an evaluation is not warranted?

If, after reviewing existing data, the district may conclude that:

- A disability is not currently suspected; and
- Additional general education interventions are appropriate.

The district may then decide not to proceed with an evaluation at the present time. This decision, however, must:

- Be based on a data-informed determination (not a default step);
- Be clearly documented and communicated through Prior Written Notice; and
- Not be used to delay an evaluation when a disability is suspected.