

Trinity Charter School

SPECIAL EDUCATION

Operating Guidelines

Revised July 2022

OVERVIEW OF SPECIAL EDUCATION GUIDELINES

1. All students in special education must have service time and goals.
2. All transfer students needing special education services must have an ARD meeting (temporary or annual) or an out-of-district Individualized Education Program (IEP) accepted within 10 days of enrollment.
3. Pre-ARD planning facilitates meaningful ARD meetings that begin and end on time but should not be used in a manner that constitutes predetermination.
4. Annual ARD meetings must be held within 12 months to the day of the last annual (or admission if this is the first annual review).
5. Re-evaluation must be addressed not more frequently than once a year, unless the parent and school agree otherwise; and at least once every 3 years to the day of the last evaluation, unless the parent and the school agree that a reevaluation is not necessary.
6. Schedule of Services in the ARD should match the student schedule in PEIMS.
7. Extended School Year (ESY) student service hours and goals must align.
8. All students must have an opportunity to participate in general education.
9. All required ARD committee members must be in attendance during ARDs unless the individual's attendance has been excused in accordance with applicable law.
10. Current data drives all decision-making – i.e.: eligibility, instruction, ESY, assessment, BIP, transition planning, accommodations, etc.!
11. Transition services must be addressed by the ARD committee not later than when the child reaches age 14.
12. All requests for ARD meetings from any source must be addressed in writing from case manager.
13. Communication with parents must be documented on the communication log in eSped.
14. Progress Reports are to be done for every student with an IEP.

Signature

Date

By signing this document, I acknowledge my receipt of TCS' Special Education Operating Guidelines and my awareness and understanding of its contents, including, but not limited to, the above-mentioned requirements.

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Legal Reference

These operating guidelines are based upon statutory, administrative and case law. Specific legal references, resources and related links may be found on the [Legal Framework](#) website maintained by Region 18 Education Service Center.

I: PUBLIC AWARENESS/CHILD FIND/ENROLLMENT PROCESS

Child Find

Child Find is a year-round systematic process for identifying, evaluating and providing specially designed instruction for students with disabilities who are 0-5 and 5-18 years of age and are referred to Trinity Charter School (TCS). The Director of Special Education is responsible for Child Find efforts and performs the following tasks:

- Facilitates and maintains documentation for Child Find efforts, include communication from parents and agencies; and
- Assists campuses in identifying students suspected of disability due to school/family history and/or school records.

Public Awareness

Child Find efforts could include, but are not limited to, participating in and/or conducting the following public awareness activities:

- Making public service announcements
- Making presentations to interested school and community groups
- Printing articles in newspapers where campuses are located on the availability of a free and appropriate public education for students with disabilities, as required by federal and state law
- Maintaining appropriate contact with referral agencies
- Providing information to public and private agencies serving students with disabilities
- Providing information to campuses
- Training staff members and volunteers regarding services available to students with disabilities

TCS maintains documentation of Child Find and public awareness efforts. Administrators of campuses that develop brochures or disseminate information on special education should submit a copy or note explaining the effort to the Director of Special Education, who is responsible for Child Find.

Campus Responsibilities

If a staff member knows a student who might need extra help or a student who is not progressing academically or socially, the concern should be discussed with the parent/surrogate and support staff at the school through the SIT (Student Intervention Team) process. The factors having an effect on the progress of the student should be identified. Strategies for accelerating the progress of the student should be identified and implemented. After a reasonable amount of time, if all general education resources have been exhausted and the student continues to need assistance, a referral might be made to the special education department at the school.

The SIT (Student Intervention Team) is responsible for clearly documenting previous interventions prior to making a referral to the special education department for evaluation of a student suspected of having a learning disability, in accordance with IDEA, §300.309 (b)(1)(2). If the TCS special education department receives a referral from the SIT and this section of IDEA has not been addressed, the special education department is obligated by the Federal Regulation to return the referral to the SIT for further discussion and implementation of appropriate instruction to support the student prior to a referral to special education for initial evaluation.

Trinity Charter School uses the SIT to consider all intervention services provided, all scientifically based reading or other programs used, and any support services available to students prior to referral for special education evaluation. Interventions such as tutorials, remedial support, compensatory support, and other services will be considered and documented in detail by the SIT Team prior to referral for special education evaluation. Exceptions may be made when the student has an obvious need and not referring for a special education evaluation would be harmful to the student and/or others.

Parental Involvement

The Trinity Charter Special Education Task Force is to be established in the 2010-2011 school year to educate and advise TCS on issues related to students with special needs. The committee will meet on a quarterly basis and will advise administration, parents and the Board of Trustees regarding special education. The committee will be composed of not more than eight (8) members, appointed by the Superintendent or Assistant Superintendent.

Points of consideration for the composition of the Trinity Charter Special Education Task Force include:

- Two members from each campus will be a priority for appointment. Parents/Guardians/Surrogates of students receiving special education services in Trinity should be represented on of the committee, but a minimum of two- three professionals should be considered i.e., MHMR representative, university/college professional, etc.
- There should be a balanced representation of elementary and secondary educators, as well as parents, students or professionals with knowledge of various disabilities.

Special Education Referral Process

Referral for Full and Individual Evaluation (Initial FIE)

Referral of students for a full and individual initial evaluation (FIE) for determination of disability and educational need for specially designed instruction, (supports and services), is part of Trinity's general education referral process. Prior to referral, students experiencing difficulty in the general education classroom should be considered for all supports and services available to all students, such as tutorial, remedial, compensatory, and other services through the SIT Team process.

Student Intervention Team (SIT) Team Process

The local intervention committee (SIT) is responsible for clearly documenting previous interventions, in accordance with IDEA §300.309 (b)(1)(2), prior to making a referral to the special education department for evaluation of a student suspected of having a learning disability. If the TCS special education department receives a referral from the SIT and this section of IDEA has not been addressed, the special education department is obligated by the Federal Regulation to return the referral to the SIT for further discussion and implementation of appropriate instruction to support the student prior to a referral to special education for initial evaluation.

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Student Intervention Team (SIT) Membership

The membership of the district's overall general education screening system (SIT) is determined by local campus administration, unless otherwise specified in TCS policy.

- a. Special education personnel may participate on, but not be assigned primary responsibility for, the SIT.
- b. Special education personnel may be involved in collecting referral data ONLY for the following students:
 1. Pre-kindergarten students
 2. Students who are hospitalized, institutionalized, or admitted to treatment centers.
 3. Students with multiplied disabilities
 4. Eligible students with disabilities new to a district
 5. Students referred to special education during the summer

School personnel, the student's parents, legal guardian, surrogate, or another person involved in the education or care of the student may initiate a referral for a full and individual initial evaluation.

All decisions must be made on an individualized basis. Factors which may indicate the need to initiate a referral include, but are not limited to:

- Student has had sufficient time and supports to adjust to the new placement.
- Student has not responded to research based intervention, based on progress monitoring of data collected.
- Student does not achieve adequately for the child's age or meet state-approved grade-level standards in oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving, when provided appropriate instruction
- Student is advancing from grade to grade, but is still suspected of having a disability
- Student has failing grades in one or more classes.
- Student's effort and academic performance have decreased in one or more classes.
- Student receives tutoring in academics outside of the school and still has academic difficulties.
- Student is reported to spend more than the average amount of time outside of school in completion of homework.
- Student exhibits behaviors at school that significantly interfere with educational performance.
- Student's portfolio assessments or work samples indicate delays.

School personnel are responsible for referring children for evaluation when their behavior or performance indicates they may have a disability covered under IDEA, and they may be in need of specially designed instruction, supports and/or services. Any staff member receiving a written expression of concern from a parent/surrogate that a child has a disability and is in need of special education and related services must make a referral for a SIT meeting..(Note: *This does not guarantee a special education evaluation, but does require a conference/SIT meeting with the parent to address concerns.*)

Obvious Need

Generally, "obvious need" placement is reserved for a very small group of students. These students enroll in the district with **no** special education records. They "appear" to "need" the services and protections available only through special education due to one or more of the following:

- Severe cognitive delays that require a high level of supervision
- Severe physical impairments or medical needs that warrant services unable to be provided by general education
- Severe behaviors that may cause danger to themselves or others and cannot be addressed through general education supports and services

If one or more of the above conditions exists, the campus principal may waive the SIT Team requirement and begin a special education referral. Please note: In order to place a student based on obvious need, documentation must be provided that supports that supports the determination.

(See Attachment – Principal Waiver)

Additionally, if the parent provides private reports, the reports should be shared with the Director of Special Education and the LSSP/Diagnostician. If the Director of Special Education agrees the student exhibits characteristics severe enough to warrant the suspicion of a disability and the educational need for special education services, the Director of Special Education will contact the principal regarding services and again the SIT Team requirement will be waived with appropriate documentation being noted.

During the interim, the campus should schedule a SIT meeting and begin to gather data. The same information gathered for SIT is required for the evaluation report, and includes:

- Vision and hearing screening

- Parent information

- Educational records from the previous school, if available (including attendance and discipline)
- Medical records, if available
- Current benchmarks, if they have been, or can be, administered
- Work samples
- Information from private service providers
- Any other pertinent information that would assist in determining the scope of the evaluation and/or programming.

The SIT should also explore/access all available general education interventions/assistance/ services during this time.

The team has 45 school days from date of consent to complete the requested evaluation/report and schedule an Initial ARD within 30 calendar days of date of report. At the Initial ARD, the committee will review the full evaluation report, confirm disability determination, and make program/placement decisions based on the new information.

Parent Request for Special Education Evaluation

If a parent/surrogate requests an evaluation to determine eligibility for special education services, the campus administrator should:

- Respond to the parent by saying, “Yes, we will schedule an SIT meeting within 10 school days.”
- Schedule an SIT meeting within 10 school days of parent request for evaluation.
- Invite the LSSP/Diagnostician to the SIT meeting.

During the 10 days prior to the SIT meeting, campus staff MUST gather required information and documentation needed for the SIT meeting. At the meeting, the concerns of the campus and parent are to be addressed.

- If the SIT supports evaluation for special education:
 - Begin the referral process for special education evaluation
- If the SIT feels that the data does not support referral for evaluation at this time:
 - Provide the parent with [Notice of Refusal/Decision](#) within 5 school days of the SIT meeting
 - Provide the parent a copy of the [Procedural Safeguards](#)
 - Identify interventions to address concerns
 - Develop an action plan and timeline for review of implementation
 - Implement the action plan
 - Review implementation data with parent as a member of the team
 - Continue strategies or modify action plan (which could include referral for evaluation for special education)

TAC §89.1011(b-c) If a parent submits a written request to a school district’s director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the school district must, not later than the 15th school day after the date the district receives the request:

- (1) provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 Code of Federal Regulations (CFR), §300.503; a copy of the procedural safeguards notice required by 34 CFR, §300.504; and an opportunity to give written consent for the evaluation; or
- (2) provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 CFR, §300.503, and a copy of the procedural safeguards notice required by 34 CFR, §300.504.

Except as otherwise provided in this section, a written report of a full individual and initial evaluation of a student must be completed as follows:

- (1) not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student’s parent, except that if a student has been absent from school during that period on three or more school days, that period must be extended by a

- number of school days equal to the number of school days during that period on which the student has been absent; or
- (2) for students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or home school setting, not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent.

Referral Process – General Education Responsibilities

Referral Process—General Education Responsibilities

The general education teacher will discuss, consider, and document student educational concerns and all educational alternatives and options available, as well as those tried, the amount of time tried, and reasons those interventions did not work. For students referred with a suspected learning disability, data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, must have been documented and provided to the child's parents prior to referral for special education evaluation.

1. If the options tried were not successful, the TCS referral forms required are outlined in the directions of the referral packet. All required information (including Procedural Safeguards) will be completed by the local campus staff with appropriate signatures and dates. Required information includes the TEA publication "A Guide to the Admission, Review and Dismissal Process". The student's referral data will be maintained for documentation purposes within the special education student's eligibility folder.
2. For students whose Home Language Survey is other than English, a LPAC report completed within the past year, must be included with the referral packet. The student should have been tested in English and his/her primary language. Referral information will also include LAS scores or those of an equivalent test, the amount of time the student has received ESL services, and a copy of the Home Language Survey.
3. The principal will determine the manner in which referral packets are given to teachers. TCS recommends the principal or other staff member discuss possible instructional alternatives with the teacher prior to referral to a SIT, to ensure appropriate intervention services and scientifically based programs are being implemented.
4. SIT will contact Special Education Staff to assign a Surrogate Parent. Surrogate Parent will need to be included in all meetings regarding student.
5. SIT Meeting will include but not limited to the following individuals: Parent/Surrogate Parent, Principal or designee, and General Education Teacher. Special Education staff can be invited as consultants. Assessment Staff will need to be invited to SIT Meeting to discuss the assessment process.
6. SIT will complete the Referral Packet and give to Special Education Assessment Staff after parents have signed consent.

Referral Process – Special Education Responsibilities

Referral Packet

1. When a SIT has completed its process, a Referral Packet will be used at each campus. The Referral Packet includes (but is not limited to) Information from Teachers, Information from Parents, Referral Committee Report, Health Information, SIT Meeting Invitation, documentation of parental receipt of Procedural Safeguards, Notice of Evaluation and Consent for Evaluation, and the TEA publication, "A Guide to the Admission, Review and Dismissal Process".
2. The special education designee marks on the Referral packet (or in the special education

electronic system): the date parent- signed Consent for Evaluation is received by the school and the date the FIE is due.

3. The school professional responsible for evaluation determines the types of assessment needed and contacts appropriate special education personnel to assist with, and/or conduct, the evaluation (if, for example, the student is suspected of having an auditory impairment (AI), visual impairment (VI), is bilingual, etc.)
4. The LSSP/Diagnostician/SLP conducts the evaluation and completes the Full and Individual Evaluation (FIE) written report. The appropriate campus personnel responsible for sending the Notice of ARD Meeting are notified when the report is completed.

Schedule ARD/IEP Meeting

The person designated by the principal on each campus notifies the principal when the data collection is complete and ready for the ARD/IEP committee's review. The designated person schedules the ARD/IEP meeting and sends the Notice of ARD/IEP Meeting to the parent, as well as other required participants. The parent must be provided the Notice of ARD/IEP Meeting at least 5 school days prior to the date of the meeting. The parents may waive the 5 day notice if they choose. Attempts to schedule, and waiver of 5 School Day Notice must be documented.

Timeline for ARD/IEP Meeting

TAC §89.1011(d-e) The ARD committee must make its decisions regarding student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full and individual initial evaluation report. If the 30th day falls during the summer and school is not in session, the ARD committee has until the first day of classes in the fall to finalize decisions concerning the initial eligibility determination, IEP, and placement; unless the full and individual initial evaluation indicates that the student will need extended school year (ESY) services during that summer. If the TCS received the written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year. The student's ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, the student was absent from school three or more days between the time that the school district received written consent and the last instructional day of the school year, the timeline is extended by the number of days absent. If an initial evaluation completed not later than June 30 indicates that the student will need extended school year services during that summer, the ARD Committee must meet as expeditiously as possible.

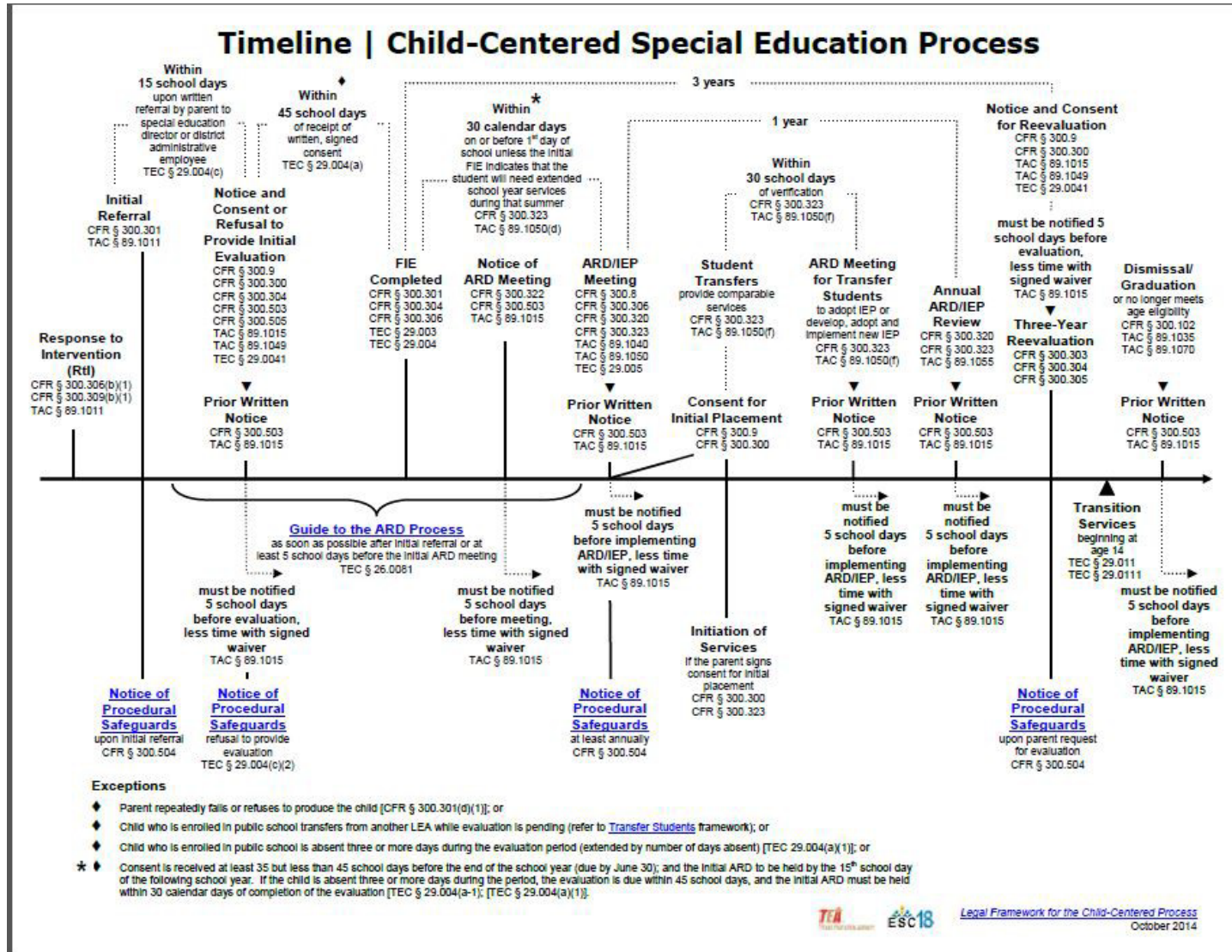
Transfer from Outside the District – Already in Special Education

For students who are new to TCS and have received special education services in the student's previous school district, regular referral procedures are bypassed. Procedures to be followed are outlined in the section on Transfers.

Transfer from Outside the District – In process of evaluation

If a student was in the process of being evaluated for special education eligibility by a school district and enrolls in TCS before the previous school district completed the full individual and initial evaluation, TCS must coordinate with the previous school district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation. The timelines do not apply in such a situation if: (1) TCS is making sufficient progress to ensure a prompt completion of the evaluation; and (2) the parent and TCS agree to a specific time when the evaluation will be completed.

Timeline/Child Centered Educational Process Chart



II: NOTICES AND CONSENTS

All Notices and Consents must be completed via the eSped and filed in the student's Special Education Folder.

Prior Written Notice (PWN) is required when the district *proposes* or *refuses* to initiate or change the:

- Proposes or refuses to initiate or change the identification of the child;
- Proposes or refuses to initiate or change the evaluation of the child;
- Proposes or refuses to initiate or change the educational placement of the child; Proposes or refuses to initiate or change the provision of a free appropriate public education (FAPE) to the child; or
- Ceases the provision of special education and related services due to the parent's revocation for consent for services.

(See eSped – Notices)

Electronic Notices

If parents/surrogate parents elect to receive notices electronically:

- Maintain dated documentation of parent consent/request to receive electronic notification in special education file (printed email).
- Develop notice in eSped and attach PDF copy to email to parent/surrogate.
- Attach procedural safeguards, if required.
- Send with electronic receipt notice.
- Maintain documentation of receipt of email in special education file.

Timeline for All Notices

TCS must take all reasonable steps to ensure that one or both parents are present at each ARD committee meeting or are afforded the opportunity to meaningfully participate, including notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. Additionally, TCS must allow parents who cannot attend an ARD committee meeting to participate in the meeting through other methods such as through telephone calls or video conferencing. TCS must provide the parents with written notice of the ARD committee meeting that meets the requirements in 34 CFR, §300.322, at least five school days before the meeting unless the parents agree to a shorter timeframe. For example: If an ARD meeting is scheduled for a Wednesday, count back 5 school days... Tuesday, Monday, Friday, Thursday, Wednesday... parent/surrogate must have the notice in hand on Wednesday of the week prior to the activity. If mailing, allow a minimum of 2 more days for mail delivery.

Notice of Procedural Safeguards

TCS will provide the procedural safeguards to each parent/surrogate of a child with a disability in accordance with the following guidelines:

A copy of the [Notice of Procedural Safeguards](#) must be given to the parent/surrogate of a child with a disability:

- At the annual ARD meeting;
- Upon initial referral for evaluation;
- Upon parent request for evaluation;
- Upon the filing of the first due process hearing complaint in a school year;
- On the day a decision is made to make a disciplinary change of placement (with manifestation determination); or
- Upon request by parent/surrogate

The Notice of Procedural Safeguards must be:

- Written in a language understandable to the general public; and
- Provided in the native language or other mode of communication used by the parent, unless it is clearly not feasible to do so.

Receipt of Procedural Safeguards must be signed by Parent and Assessment Staff each time Notice of Procedural Safeguards is given to Parent.

(See eSped – Notices)

Notice of Individual Evaluation

Notice of Individual Evaluation is required (§300.300):

- Prior to conducting an initial evaluation.
- Prior to conducting a re-evaluation, if further evaluation is recommended.
- Prior to conducting a Functional Behavior Assessment.

NOTE: Prior to a re-evaluation, a planning meeting must be held to determine the scope of the evaluation. This may occur at a SIT meeting (for initial evaluations when private or previous testing information is submitted), an ARD meeting, or a re-evaluation planning meeting held separately from an ARD meeting. This process is called the REED (Review of Existing Evaluation Data) and is documented using the REED form in eSped.

Consent for Individual Evaluation

If the SIT, ARD committee or reevaluation planning (REED) committee recommends evaluation, the parent must sign and date Consent for Individual Evaluation (§300.300(c)). *(Note: all yes/no indicators of Consent for Individual Evaluation form must be checked.)* The signed consent form (along with all referral paperwork) must be given IMMEDIATELY to the LSSP/Diagnostician/SLP responsible for conducting the evaluation to assure compliance with timelines.

If a parent, surrogate or guardian refuses to sign consent for initial evaluation, the refusal should be documented. TCS will determine whether to pursue further action. Contact the Director of Special Education to discuss options.

If the child is a ward of the state, TCS is required to make "reasonable efforts" (i.e., all avenues of communication have been exhausted and documented in student file) to obtain parental consent for the initial evaluation. Parental consent is unnecessary if TCS, after "reasonable efforts", cannot locate the parent/guardian/surrogate, state law has terminated the parent's rights, or a judge has subrogated the parent's right to make educational decisions for the child.

The parent and TCS may agree no reevaluation is necessary. (The 2004 version of IDEA required that reevaluations take place at least every three years (§300.303).) Reevaluations may not be conducted more than once a year unless the parent and TCS agree. If the district and the parent agree to reevaluate, TCS must make "reasonable efforts" (i.e., all avenues of communication have been exhausted and documented in student file), to obtain consent for a reevaluation. If no signature is obtained after "reasonable efforts", the staff responsible for conducting the evaluation may proceed.

Parent or guardian may withdraw or revoke their Consent for Individual Evaluation at any time, but this does not invalidate or remove from the record any evaluation that has occurred prior to the revocation (§300.300(c)).

(See eSped – Notices: Evaluation Consent)

NOTE: Evaluations are conducted for the purpose of determining a disability condition and need for specially designed instruction. Referrals for evaluation for college entrance, job requirements, clinical evaluations, or other purposes are NOT appropriate.

Notice of ARD Committee Meeting

The Notice of ARD Committee Meeting is given in the language of the parent/surrogate and **must** include the following (§300.322):

- The purpose of the meeting,
- The date of the meeting,
- The time of the meeting,
- The location of the meeting,
- The proposed action(s)/changes, and
- The reasons for the action(s)/changes.
- Names of district representatives who are invited to attend the meeting
- Names of non-district representatives who are invited to attend the meeting (requires **Consent to Release Confidential** Information)

(Note: if all TCS invited ARD committee members are not listed on the ARD notice, parental consent must be obtained in order for "unlisted" member(s) to attend meeting. If this occurs, then document parent's consent for specific members to participate in the ARD meeting summary.)

The ARD committee meeting must be scheduled at a time agreeable to the parent/surrogate and the school. If the time or date the school proposes is not convenient for the parent, the school must make reasonable efforts to find a time the parent is able to meet. Parents may participate through alternative means such as through a phone or video conference. Each TCS campus must maintain a special education calendar for scheduling ARDs, for other pertinent timeline factors, and to ensure parents/surrogates are notified well in advance.

The parent(s)/guardians/surrogate parents **must receive** the notice a minimum of five school days in advance of the meeting. The parent(s)/guardian/surrogate parent may waive the five-day notice. Efforts to ensure that required members have an opportunity to reschedule or participate by phone conference must be made and documented in the eSped [Notice of ARD Meeting](#). If parent/surrogate waives the 5 day notice, reasons for waiving must be documented on the eSped [Notice of ARD Meeting](#). A copy of all written notice related communication is to be maintained in the student's special education folder.

At least three (3) attempts to ensure parent/surrogate or adult student participation must be made by the campus before proceeding with an ARD meeting. Communication records must include:

- Documentation on the form of all dates and personnel initials.
- Documentation of all Calls/emails to parent/surrogate to determine best meeting time.
- Copy, with date, of email or mail for first written eSped Notice of ARD Committee Meeting.
- If the parent does not respond to the first Notice of ARD Meeting, TCS will document and send a second written Notice of ARD.
- If the parent still does not respond, a third written Notice will be sent in an attempt to get parental participation. Parent will also be called in attempt to get parental participation. Call will be documented on eSped contact attempts. (See eSped – Notices: Notice of ARD Meeting -5)
- After 3 attempts with no response, TCS may conduct the ARD Meeting as scheduled.
- Certified letters, with return receipts requested should be used in specific situations for second and third notifications.

The Notice of the ARD Committee Meeting must also include the following:

- A description of the action proposed;
- An explanation of why the district proposes to take the action;
- Any options the district considered;

- A description of each evaluation procedure, test, record, or report the district uses as a basis for the proposal;
- Sources for the parent to contact to obtain assistance in understanding the provisions of the Notice of ARD Committee Meeting;
- The opportunity for the parent to reschedule the meeting;
- A statement that ARD committee meetings will discuss, at the parent's request, the provision of any educational or related service not proposed for discussion by the district; and
- Other factors relevant to the district's proposal, if applicable.

The Notice of ARD Committee Meeting, including the parent response page, must be sent early enough for the parents to receive the notice at least five school days prior to the meeting date. On the parent response page, the parent(s) may indicate whether they will attend the meeting or wish to reschedule. (Note: attempts to contact the parent to arrange a mutually agreeable time should be made prior to sending the written notice.)

If after receiving a Notice of ARD Committee Meeting the parent requests an alternate date/time that is mutually agreeable with school staff, a second written notice is not required but change must be documented on the eSped Notice.

If after sending a Notice of ARD Committee Meeting the school decides to recommend an alternate date/time, then a new Notice of ARD Committee Meeting must be sent early enough for the parents to receive the notice at least five school days prior to the meeting date.

Participation of other TCS staff members in ARD

All members of an ARD must receive timely notification of the ARD meeting in order to ensure adequate time to prepare for meaningful participation in the process.

In the event that a TCS staff member cannot attend an ARD Meeting, if the parent and the local educational agency agree that the attendance of such member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting, the member can be excused. Additionally, a member of the ARD Committee may be excused from attending an ARD Meeting, in whole or part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if the parent and the LEA consent to the excusal; and the member submits, in writing to the parent and ARD Committee, input into the development of the IEP prior to the meeting. (§300.321(e)(1-2))

Participation of others in ARD and/or student specific meetings if invited by parents

Parents may invite friends, advocates, or others with knowledge or expertise related to their child to participate in ARD meetings. Campus teams will welcome the parent's guests, with or without advance notice.

What to do if parent waives attendance to ARD

If the parent returns Notice and waives their attendance, ARD Committee can proceed without the parent. ARD documents and Prior Written Notice should be sent to parent after ARD Meeting.

If parent waives their attendance to ARD Meeting by phone call, 2 staff members need to witness the waiver, document on Record of contact attempts, document on Notice of ARD Meeting - 5, and both staff members' sign.

What to do if a parent invites an attorney to the ARD

If the parent invites an attorney to the ARD without prior notice, the campus may:

- Reschedule the ARD to allow for the Director of Special Education to attend as well;
- Contact the Director of Special Education to participate via conference call; or
- Reschedule the ARD to allow for an attorney to participate on behalf of TCS (NOTE: You must send an updated ARD invitation to the parent including all participants, including the TCS attorney).

Request for ARD Meeting by Parent and/or Others

All requests for ARD meetings from any source must be addressed and documented.

- Consider request and make determination as to most appropriate process for addressing concern/need (parent meeting, team meeting, IEP amendment, ARD meeting, phone conversation, goals and objectives review and status report to parent, etc.).
- If ARD is needed, schedule ARD within 10 school days.
- If ARD is not needed, document in writing to the parent/surrogate how the concern/need is being addressed outside of an ARD committee meeting and provide Notice of Decision and Notice of Procedural Safeguards.
- Document date request received for ARD meeting, who the request was made by, method of resolution, Notice of Decision, and place in the student’s special education file.

Notice of Decision to Refuse Services

The **Notice of Decision** to refuse services in regard to identification, evaluation, placement, or free and appropriate public education (FAPE) must include:

- A description of the action refused;
- An explanation of why the action was refused;
- A description of the options considered;
- An explanation of options rejected;
- A description of evaluation procedures, tests, records, or reports used as basis for the refusal;
- A statement of other factors relevant to the refusal;
- A statement that the parent of a child with a disability has protection under the procedural safeguards and a copy of those procedural safeguards can be obtained;
- Sources for the parent to contact to obtain assistance in understanding the Notice of Decision.

Note: Notice of Decision must be given to the parent/adult student/surrogate within 5 school days of the meeting or when refusing request.

Notice of Refusal/Decision in regard to identification, evaluation, placement, or FAPE must be provided:

- Upon district’s decision NOT to conduct an evaluation following a parent request through the LST process or direct parental request
- Upon district’s decision NOT to change the student’s IEP and the parent disagrees
- Upon district’s decision to change the child’s placement and the parent disagrees
- Upon district’s decision to NOT change the student’s placement as requested by parent
- Upon determination that student does not qualify for special education services

Note: This notice must be completed thoroughly and thoughtfully. NO sections should be skipped or incompletely addressed. Contact the Director of Special Education for support.

Note: If parent refuses initial specially designed instruction (admission to special education), document in ARD meeting summary.

Commonly Asked Questions

Is the Notice of Decision required...		
When a student graduates?	None	NO (unless parent disagrees. See non-consensus ARD below)
When a student does not qualify (DNQ) for special education?	E	YES, if the referral is the result of a parent request
When a parent requests an ARD but the campus does not feel one is needed?	B & D	YES
When a parent requests a particular service and the ARD committee does not agree to include it?	B	YES

When a parent requests evaluation for special education and the district refuses?	A	YES
When there is a non-consensus ARD meeting?	B, C, & D	YES if the final decision is that the district refuses to provide a service the parent wants.
When a student is dismissed from special education?	None	NO, if the parent is in agreement
	B	YES, if parent wants continued services
When a parent refuses services offered in an ARD meeting?	None	NO, if parent and district agree to alternative services.
	C	YES, if district feels services are needed for appropriate implementation of the IEP.
When a parent disagrees with a manifestation determination decision?	None	NO
When a parent requests evaluation for special education while the RTI process is being implemented?	A	YES
When a parent brings a private evaluation and the district does not accept the recommendation?	D or E	YES

Notice of Transfer of Parental Rights

At least one year before a student reaches 18 years of age, both the student and parent must be informed that unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, Guardianship (§300.320(c):

- The adult student will have the same right to make educational decisions as a student without a disability.
- The parental rights once accorded to the parent under the IDEA will transfer to the student upon reaching age 18, other than the right to receive any notice required under IDEA, Part B.
- Any notice required under the IDEA, Part B would be provided to both the parent and adult student, unless the student is incarcerated in an adult or juvenile, state or local correctional institution.

At the time the student reaches the age of 18, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, Guardianship the school must (§300.520):

- Inform parent and student that parental rights under the IDEA have transferred to the student.
- Inform parent and student that the adult student has the same right to make educational decisions as a student without a disability.
- Inform parent and student that any notice required under the IDEA will be provided to both the parent and adult student, unless the student is incarcerated in an adult or juvenile, state or local correctional institution.
- Provide contact information for the parties to use in obtaining additional information.

A notice under IDEA, Part B, that is required to be given to an adult student and parent, does not create a right for the parent to consent to, or participate in, the proposal or refusal to which the notice relates. For example, a notice of an ARD committee meeting does not constitute invitation to, or create a right for, the parent to attend the meeting. However, the adult student may invite individuals who have knowledge or

special expertise regarding the student, including the parent. TCS may also invite individuals who have knowledge or special expertise regarding the student if there is signed [Consent to Release Records](#).

Nothing prohibits a valid power of attorney from being executed by an individual who holds rights under IDEA, Part B. Keep in mind, however, that the person who has signed the power away may revoke most powers of attorney at any time.

Consent for Placement

If a student has been evaluated for the first time (initial evaluation), and determined by the ARD committee to be eligible for special education pursuant to the IDEA, services may begin only after the parent/surrogate gives consent for such by signing and dating the Consent for Initial Placement Form. This form must also be completed when parents “decline” services.

If TCS campus staff is aware that the parent does not intend to give consent for services, they should contact the Special Education Department administrator to ensure appropriate documentation is maintained and to determine next steps.

Revocation of Consent

Parents may request at any time that special education services be discontinued and revoke consent for the continuation of special education services. Such revocation must be in writing. Please note that if a parent revokes consent pursuant to the IDEA, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

Upon revocation of consent for continued special education and related services, TCS:

- May not continue to provide special education and related services to the child but must provide prior written notice before ceasing services;
- May not use mediation or due process procedures in order to obtain a ruling that services may be provided to the child;
- Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the student because of a failure to provide further services; and
- Is not required to convene an ARD meeting or develop an IEP for the student.

The process to support a parent request for revocation of consent is as follows:

1. Parent submits written request for discontinuation of special education services/intent to withdraw consent.
2. Special education case-manager reviews student needs and current programming (graduation plan and AAR), and notifies campus administrator, LSSP/Diagnostician, and Director of Special Education of parent request.
3. Campus administrator or LSSP/Diagnostician contacts parent/surrogate to discuss concerns and special education services. As part of the contact, the administrator, LSSP or Diagnostician should:
 - a. Offer options to address concerns (ARD to consider change in services or dismissal, meeting with administrator or teacher, support for implementation of current IEP/accommodations, etc.).
 - b. Document options offered/discussed and reasons rejected.
 - c. Discuss current services/programming and implications of revocation (graduation plan, AAR, STAAR)
 - d. Document parent response and district offerings/action/plans.
 - e. Document discussion that revocation will also revoke right to a surrogate parent.

4. If parent decides against revoking consent for special education services, the school staff involved must follow-up on agreements/commitments discussed above.
5. If parent continues to want to revoke consent for special education services, the campus administrator or LSSP/Diagnostician must notify the Director of Special Education, and provide:

- a. Parent contact information
 - b. Student information
 - c. Concerns, as expressed by parent
6. Director of Special Education and campus administrator will call a meeting with parent to:
- a. Discuss parent request
 - b. Review current special education services
 - c. Provide a copy of Notice of Procedural Safeguards and specifically review parent/student rights under IDEA which will no longer be in effect upon revocation of consent for special education services
 - d. Inform parent of possible supports available through general education
 - e. Inform parent that 504 services may not be an option
 - f. Complete a Notice of Action form in eSped, Notices.
7. ARD PEIMS Clerk:
- a. Files Decline Special Education Services form in special education file, and
 - b. Maintains file in inactive storage.

Consent to Release or Request Student Records

TCS may release records without parental consent, based upon Family Educational Rights and Privacy Act (34 CFR § 99.31), to:

- School officials with legitimate educational interest;

Other schools to which a student is transferring *FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions:*

(34 CFR § 99.31):

- **School officials with legitimate educational interest;**
- **Other schools to which a student is transferring;**
- **Specified officials for audit or evaluation purposes;**
- **Appropriate parties in connection with financial aid to a student;**
- **Organizations conducting certain studies for or on behalf of the school;**
- **Accrediting organizations;**
- **To comply with a judicial order or lawfully issued subpoena;**
- **Appropriate officials in cases of health and safety emergencies; and**
- **State and local authorities, within a juvenile justice system, pursuant to specific State law.**

Parental Consent to Release records will be obtained in all other instances not listed above.

According to federal and state laws, requests for records must be processed within 45 calendar days or less. For requests by school districts, records must be sent in time for the new district to receive the records within 30 calendar days from the date of enrollment in the new district. For subpoenas, records must be sent in time for the court to receive the records within 10 days or less.

Generally, the Special Ed/PEIMS Clerk will handle record requests while the special education student is enrolled at that campus because that is where the records reside. If the student has been dismissed from specially designed instruction, or has withdrawn from TCS, then the records should no longer be at that campus and the request will therefore be handled by the Student Services Coordinator since that is where inactive records reside.

Notice of Access to Records

TCS maintains an access sheet in each special education audit file. The access sheet identifies the information contained in the file as confidential and restricts access. TCS employees have automatic access; others accessing folders must sign the access sheet.

Notice of Destruction of Student Records

Personally identifiable information which is maintained to provide educational services to students with disabilities will be destroyed seven years after the student has been dismissed or graduated from the program, if it is no longer needed to provide educational services to the students, or unless the parent notifies TCS otherwise. Personally identifiable information includes, but may not be limited to: referral data, notice/consent documents, evaluation reports and supporting data, ARD committee summary and supporting data, and the IEP. Parents are notified of this policy each time they receive a copy of their child's ARD committee report. At least two public notices, in the newspaper of the communities where the campus is located, are made a week apart and at least 30 calendar days prior to the destruction of any records, during which time parents of students with disabilities or adult persons (age 18 and over) with disabilities may notify TCS should they want the records to be maintained. The public notice should remind the parent or adult person with disabilities that the records might be needed by the child or the parent for social security benefits or other purposes.

III: EVALUATION

Full Individual Evaluation (Initial FIE)

Referral of students for a full and individual initial evaluation to make a determination of disability and educational need for special education supports and services shall be a part of the district's overall, general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all supports and services available to all students, such as tutorial, remedial, compensatory, response to scientific, research-based intervention, and other academic or behavioral support services. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full and individual initial evaluation. School personnel, the student's parents or legal guardian, or another person involved in the education or care of the student may initiate this referral for a full and individual initial evaluation.

(Note: According to TEA, failing the State Assessments “does not constitute an educational need for special education.”)

The FIE consists of information in the following areas:

- Reason for Referral/Evaluation – statement needs to question whether the student meets the criteria for services in special education.
- Educational History, including Core Instruction and Response to Intervention
- Language/Communication – address student’s dominant language, expressive and receptive language, articulation, voice, and fluency.
- Physical – address vision, hearing, fine and gross motor skills, and health history
- Sociological – previous and current family history, cultural and sociological factors, and educational opportunities.
- Emotional/Behavioral – address student’s emotional and behavioral concerns
- Cognitive Abilities/Processes - address student’s full cognitive general abilities (Short-term Memory, Long term Retrieval, Fluid Reasoning, Crystallized Knowledge, Visual, Auditory, and Processing Speed).
- Adaptive Behavior – address students cognitive ability and adaptive behavior are equivalent to each other.
- Academic/Developmental/Functional Performance - address areas of academic concern of how suspected disability interferes with academic performance (Reading Comprehension, Basic Reading, Math Calculation, Math Reasoning, Written Expression, Oral Language, and Listening Comprehension).
- Assistive Technology – address if AT services is recommended for student.
- Summary/Conclusions, including disability determination and educational need for specially designed instruction (supports and services)
- Recommendations

Note: The original evaluation report must be signed in ink.

The initial evaluation must be conducted and the evaluation report completed within 45 school days of receiving parental consent for the evaluation, unless:

- *The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or*
- *The child transfers from one LEA to another when an evaluation is pending and the LEA complies with the transfer student framework. (§300.301.(c-d))*

(See Section I: Referral Process)

Evaluation of Bilingual Students

A bilingual student may be referred for evaluation for special education eligibility through the SIT process. The referral must include:

- Language Proficiency Original Scores (must be current - within six months). If LEP testing cannot be completed, include a copy of the Home Language Survey.
- Current language of instruction

Graduation Evaluation Requirements for Special Education Students

Graduation is a change of placement in that it ends a student's right to FAPE and thus his/her eligibility for specially designed instruction. Federal law requires an evaluation before determining that a student is no longer eligible for specially designed instruction with the exception of "...graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under State law."

When considering a student's graduation, the ARD committee must re-evaluate the student as part of the graduation decision-making process. The purpose of this re-evaluation is to assist in justifying/supporting the graduation decision. An evaluation is specifically required when a student graduates via an IEP. According to TCS "best practice", this "graduation evaluation" must be completed during the year the student graduates. This evaluation can be done in conjunction with an ARD meeting or outside the context of an ARD meeting (following the guidelines for a REED). A LSSP/Diagnostician is required to attend the reevaluation planning meeting for these students. Evaluation prior to graduation is not for the purpose of college services eligibility.

Physician's Report

A physician's report is required for determining a disability condition for special education under the classifications of [Other Health Impairment](#), [Orthopedic Impairment](#), or [Traumatic Brain Injury](#). A physician's report is only one component of the determination of a disability condition, and is **NOT** the sole determining factor. By law, eligibility must be determined by a multidisciplinary team. While medical diagnoses are essential, it is the responsibility of the multidisciplinary team and the ARD committee to determine need for specially designed instruction related to the medical condition. TCS will conduct a full individual evaluation to determine strengths and weaknesses, and how the impairment is affecting the student's academic performance.

Referral and Evaluation of Students with a Visual Impairment (VI)

Process Step	Person(s) Responsible
Refer child to be screened for suspected visual problems by vision and hearing screeners.	Classroom teachers
Screen child's vision. If child fails screening, ask parent to provide up-to-date eye information with an eye exam from an optometrist or ophthalmologist.	Vision and hearing screener; for (write out , instead of using initials)PPCD, nurse may participate
Receive report from doctor.	Nurse/vision & hearing screeners
File doctor's report with the student's health records if the doctor reports no serious vision loss after correction. OR If the doctor reports a <u>serious visual loss in both eyes after correction</u> , refer to itinerant VI office. OR If the parent or the school continues to have a concern about the child's useable vision....Do what?.	Campus staff
Review the eye report and communicate with teacher/vision and hearing screeners on need for further action.	VI staff
Hold an SIT/ARD and: <ul style="list-style-type: none"> • Determine need for Functional Vision Evaluation (FVE). • Secure parent permission for full and individual initial evaluation to include Functional Vision Evaluation (FVE). • Give parents information on parents' rights. 	Counselor/SIT coordinator
Perform Functional Vision Evaluation and Learning Media Assessment. VI teacher gives report to evaluation staff, if child not already in special education, in order for a FIE to be completed. FIE must be completed within 45 school days for student not currently being served under another handicapping condition.	VI teacher
If recommended in the Functional Vision Evaluation (FVE), conducts Certified Orientation and Mobility (COMS) evaluation.	O&M instructor
Hold ARD meeting within 30 calendar days of completion date of Initial Evaluation. Secure parent permission for services. Gather TEA registration information. If child is determined to be functionally blind, provide information on the benefits of Braille. Develop IEPs for VI and O&M services and complete the VI addendum to the IEP.	SIT/ARD coordinator and VI representative(s)

Referral And Evaluation Of Students With An Auditory Impairment (AI)

Process Step	Person(s) Responsible
Refer child to be screened for suspected hearing loss by vision and hearing screeners.	Classroom teacher
Screen child's hearing	Hearing/Vision screeners
If child fails screening parent is provided follow up information as recommended by hearing/screening policy to access evaluation with otologist and audiologist.	Hearing/vision screeners, Parent
Parents or professional sends doctor reports and/or audiogram to school. Parent signs consent to release records form for ENT write out and Audiologist so information can be shared between them and TCS staff.	Parent, Campus staff, AI staff
School should call a planning meeting including AI staff to review the outside reports. Team with AI staff's assistance reviews reports and communicate with teacher/parent on need for further action/evaluation. <ul style="list-style-type: none"> • If no further action is needed then the planning form is completed and distributed. • If consideration of Auditory Impairment as an additional disability is recommended, then the planning form is completed and Consent for Individual Evaluation is obtained. Consent for Individual Evaluation starts timeline. 	AI staff, teacher, parent, LSSP/Diagnostician, counselor, administration case manager if special education student.
FIE must be completed within 45 calendar days for student not currently being served under another handicapping condition. <ul style="list-style-type: none"> • Request Part A and Part B eligibility reports from physician and audiologist. • Upon receipt, copies sent to AI/RDSPD Audiologist. • Request speech report/evaluation • Conduct AI communication evaluation. AI teacher gives reports to LSSP/Diagnostician 	AI Teacher, LSSP/Diagnostician, case manager, campus SLP
Campus holds ARD meeting within 30 calendar days of written report. Develop IEP. Discuss need for related services and/or assistive technology. Complete AI supplement. Provide TSD information to parent and secure parent permission for services.	ARD Committee, AI Teacher, LSSP/Diagnostician, Parent

Functional Behavioral Assessment (FBA)

All FBAs are documented via the eSped. While FBAs are typically completed outside the ARD committee decision-making process, they may be completed during an ARD meeting when appropriate.

What is a Functional Behavioral Assessment (FBA)?

A Functional Behavioral Assessment is a process of analyzing the behavior(s) of a student in terms of what happens immediately before and what happens immediately following the behavior. Based on the analysis, the assessors develop hypotheses about the intended purpose or "function" of the behavior. What drives the student to behave a certain way? What is the student trying to accomplish? This type of analysis is based on the belief that all behavior is purposeful.

Information should come from a variety of sources including, but not limited to: folder review, FIE/reevaluation report, discipline referrals, direct observation of student behavior and interaction with others, scatter plot analysis, parent interview, student interview, behavior charts/graphs, point sheets, and teacher interview.

Who conducts a Functional Behavioral Assessment (FBA)?

An FBA will be created by a team comprised of staff involved with the child: administrator, regular teachers, special education teachers, therapists, counselors, behavior specialist, and parent (optional). Someone trained and who understands how to conduct the assessment guides the team through the assessment process. This could include counselors, behavior specialists, LSSP/Diagnostician, and special education teachers, teacher interview and observation.

The FBA does not require ARD committee approval and does not have to be developed by an ARD committee though an ARD committee may develop, amend, and/or update a FBA with parental notice and consent, and/or make a plan for the development of a FBA at a later date. FBA's are subject to the 3-year reevaluation/review process, and a FBA plan is developed when a new FBA is needed.

Note: Requires [Notice and Consent for Evaluation](#).

When should an FBA be completed for a student?

If a student's behavior significantly impacts the development of social/ behavioral skills, and/ or impedes the student's learning or that of others, a FBA and a BIP are required. The following situations might warrant a FBA and BIP:

- If behavior of a student is creating a problem for the student and others
- If a student's behavior has resulted in removal from the educational environment, and/or separation from peers at least three (3) days/times for the same or similar behavior, a FBA should be conducted to determine the "function" of that behavior in that setting. Teachers must maintain documentation. Interventions can then be developed to decrease the problem behavior and address social skills goals and objectives.
- If it seems clear a student will be considered for a more restrictive placement (such as a self-contained class) there must be a Functional Behavioral Assessment with a corresponding Behavior Intervention Plan (BIP) and an IEP with social skills goals and objectives for the first phase of implementation.
- If a manifestation determination ARD meeting has determined the behavior was the result of a student's disability and there is not currently a FBA, the ARD committee must develop a "FBA Plan" and a BIP during the problem-solving portion of the Manifestation Determination ARD meeting. (See: section on Manifestation Determination ARD Committee).

What is a FBA Plan?

If during an ARD meeting the committee determines that the student requires a BIP but a FBA has not yet been completed, then the FBA Plan must be completed as part of the ARD committee decision-making process. The FBA Plan simply documents when, how and who will complete a FBA. The FBA requires [Notice and Consent for Evaluation](#). An ARD meeting should be scheduled immediately after completion of the FBA to amend the BIP. The case manager will establish a timeline and expectations for data collection related to behaviors of concern.

Students requiring consideration of a FBA include:

- Those with a recent diagnosis of OHI for ADD or ADHD, ED, or Autism
- Student's new to TCS with OHI for ADD/ADHD, ED, or Autism

A plan to complete a FBA is needed for:

- All removals totaling 10 days or more
- Change of placement to a more restrictive setting due to behavior
- Students not making progress in IEP goals due to social/behavioral issues.

What are the components of a Functional Behavioral Assessment?

- Identify strengths of the student
- Identify the student's interests and motivators (e.g. Was a student inventory completed?)
- Identify environmental, sociological, and/or health issues
- Identify strategies, interventions, motivators that have been effective/ineffective in the past
- Identify the behaviors that are of concern. These should be stated in observable and descriptive terms. This stage should include collection of data including frequency, severity, etc.
- Identify the context in which the behavior occurs.
- Identify the antecedents or "triggers" that occur just prior to the behavior(s). Identify the consequences that occur immediately following the behaviors. Identify any delayed consequences.
- Identify any distant setting events or influences that may be affecting the occurrence of the behaviors.
- Develop hypotheses about the probable "function" or "purpose" of the behaviors. This is the purpose that a behavior accomplishes for the student in a given situation. It may be conscious or unconscious.

Initial Evaluation vs. Reevaluation

A Full and Individual Evaluation (FIE) of a child is the **first** completed evaluation of a child to determine if the child has a disability under IDEA and the nature and extent of special education and related services required. Once a child has been fully evaluated a **first** time and a decision is rendered that a child is eligible under IDEA (and the required services have been determined), any subsequent evaluation of the child while the student receives special education services would constitute a reevaluation.

Reevaluation Planning Process

Most students must be reevaluated at least every three years and when being considered for dismissal from special education, including graduation under an IEP. The reevaluation must begin with an evaluation plan (REED-Review Existing Evaluation Data). The evaluation plan must be completed by evaluation staff, either a Speech Language Pathologist or LSSP/Diagnostician. The evaluation plan may be completed in conjunction with any ARD meeting (usually within the year prior to the due date of the reevaluation), or in an informal planning meeting held separately from an ARD meeting, as a stand-alone meeting. **A written Notice of ARD Committee Meeting and a signature page is required in this case.**

The planning meeting must include input from teachers and other school district personnel who have knowledge of the student, including parents, the adult student, and evaluation staff.

As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must:

- Review existing data such as current classroom-based, curriculum-based (e.g., the Benchmarks), local or state assessments, classroom-based observations or observations by teachers and related service providers, private evaluations and/or information provided by the parent, student portfolio, report cards, discipline records, attendance records and previous district evaluation records.

- If a student has been evaluated through the REED process for two consecutive 3-year evaluations, TCS will conduct a full and individual evaluation to gather complete information.
- Determine the scope of the evaluation, if needed. This is determined by discussion of the following:
 - Whether a disability continues to exist,
 - The student's present levels of academic achievement and functional performance and need for specially designed instruction;

NOTE: Academic testing (e. g. district provided resource tools) provides more appropriate and up-to-date evaluation data regarding the student's current coursework, goals and needs. Standardized grade level scores are less useful for IEP planning than are these specific curriculum based assessments.

- Whether the student continues to need special education and related services; and
- Whether any additions or modifications to the special education or related services are needed to meet the measurable annual goals in the IEP and, as appropriate, in the general curriculum.

If additional testing is recommended:

- Give [Notice of Evaluation](#).
- Obtain [Parental Consent for Individual Evaluation](#). If the parent does not respond to the request for consent, document at least two efforts to obtain consent then proceed with the evaluation. If the parent refuses to consent to the evaluation, consult with the Director of Special Education regarding potential next steps. The due date for completion for any requested evaluation is determined by state and federal law and should be calculated by the evaluation planning team. It is critical that the evaluation be completed according to this timeline.
- An ARD meeting to review the new evaluation should be held as soon as possible after the evaluation is complete **if** there are changes in eligibility, the IEP, or needed services. If **no** changes in the eligibility, IEP or services are needed, parents should be notified, and a copy of the report should be sent to them. The new evaluation may be reviewed at the next ARD meeting in accordance with applicable timelines.

If additional testing is not recommended:

- The evaluation staff member who completes the evaluation plan selects the appropriate option and determines whether the evaluation date is reset or if it remains the same.
- The Assessment/Evaluation Planning Supplement needs to be imported into a REED.
- Parents must be notified of their right to request an evaluation to determine whether the child continues to be a child with a disability.

NOTE: Prior written notice must be sent to the parent when TCS proposes or refuses to conduct an evaluation/reevaluation.

In every case, the information reviewed should be attached to the folder, either in a summary form or with copies of work samples, test summaries, or other portfolio items. This will ensure that future planning meetings have documentation of the information that has been reviewed.

Private Evaluations Provided by Parents for Students Not Currently Identified As a Student with a Disability

When a parent brings in an outside, private evaluation, for a student not currently identified as eligible for special education through a public school system, we must follow the SIT process. (Such reports include, but

are not limited to: Psychological Evaluations, Speech Evaluations' eligibility reports for Other Health

Impairment, Orthopedic Impairment, or Traumatic Brain Injury;; Ophthalmologist/Optomtrist reports; Audiological/ Otological reports; and Occupational or Physical Therapy evaluations), **A diagnosis from a private provider should be considered but does not automatically guarantee disability determination and/or eligibility for special education supports and services.** The criteria used to determine eligibility in a clinical setting is often very different from the criteria in the public schools; we are guided by federal, state, and district regulations. These legal requirements also guide the report standards. Private evaluations often follow a medical model, not an educational model.

The private report should be shared with the LSSP/Diagnostician/SLP staff person on your campus. In the case of other reports, they should be shared with the respective staff person who would potentially conduct a school evaluation related to that disability or service. (For example: Your assigned OT or PT should review any OT or PT reports to assist the SIT team in making decisions.) The LSSP/Diagnostician/SLP staff member may also be invited to the SIT meeting to assist with the review of the report. The team will review the private evaluation, educational history, **and** data related to the student's **current** performance and skills to determine if there is sufficient evidence to support the suspected disability **and** an educational need for services that can only be provided through special education. The SIT members must discuss and document all general education interventions which have been (or may be) provided to address the student's needs. The student's response to these interventions must include progress monitoring.

The SIT discussion may or may not lead to a special education referral depending on the child's need for special education services. Sometimes, the child's needs may be addressed through general education interventions and/or a 504 Accommodations Plan. Should the SIT Team decide not to refer to special education; a [Notice of Refusal/Decision](#) and [Notice of Procedural Safeguards](#) will be given to the parent/guardian/surrogate parent.

If the decision is made to proceed with the referral to special education, contact the LSSP/Diagnostician or SLP.

Independent Educational Evaluations

A parent may request an Independent Educational Evaluation (IEE). If the TCS evaluation is more than one year old, TCS will conduct its own reevaluation and follow the requisite steps for doing so. If the parent disagrees with this reevaluation, TCS will consider the parent request for an IEE.

If the parent's request for an IEE occurs during an ARD meeting, the committee must discuss and document, (in the ARD minutes), the request. Information should be given to the parent about the process for formally submitting a written request for an IEE.

If the parent requests an IEE outside the context of an ARD, TCS should provide the parent with information concerning the process to submit a written request for an IEE.

TCS Response to IEE Request

TCS must document its response to any parent request for an IEE.

If a parent requests an IEE at public expense, TCS must, without unnecessary delay:

- Request a due process hearing to show that its evaluation of the child was appropriate; or
- Provide the IEE at public expense (unless TCS demonstrates in a due process hearing that the IEE did not meet TCS' criteria).

A parent refuses to say why he/she disagrees with the TCS evaluation does NOT impact whether the district will agree to provide the IEE. A parent is not required to provide the basis for disagreement as a prerequisite to obtaining an IEE at public expense.

The parent's written request should be sent to the Director of Special Education, Trinity Charter School, 8305 Cross Park Drive, Austin, Texas 78754.

IEE Guidelines

The following information is provided to the parents when they request an IIEE at public expense:

- Definitions:
 - Independent educational evaluation – evaluation conducted by a qualified examiner not employed by Trinity Charter School.
 - Public expense – the public agency either pays the full cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parent.
- IDEA provides the parents of a child with disabilities the right to obtain an IEE at public expense if the parent disagrees with an evaluation provided by the district. However, the district may initiate an impartial hearing (explain or define impartial hearing) to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an IEE, but not at public expense.
- A parent's right to an IEE is available each time the district conducts an evaluation. This would include a request after the initial evaluation, the three-year evaluation, and reevaluations performed more frequently. Only one IEE may be reimbursed for each evaluation performed by the district.
- The parent's request for an IEE should be made no later than one year following the district's evaluation. If the district's evaluation is more than one year old, the district may choose to conduct a reevaluation. If the parent disagrees with reevaluation, an IEE request will be considered by the district. Parents may be asked to clarify the issues to be addressed in the IEE.
- The parent's request for an IEE should be made no later than one year following the TCS evaluation. If the district's evaluation is more than one year old, TCS may choose to conduct a reevaluation. If the parent disagrees with reevaluation, an IEE request will be considered by the district. Parents may be asked to clarify the issues to be addressed in the IEE.
- The parent's written request for an IEE should be sent to the Director of Special Education, Trinity Charter School, 8305 Cross Park Drive, Austin, Texas 78754.
- A reevaluation planning committee, with parental agreement, may recommend additional evaluation by TCS's evaluation staff as an alternative to an IEE; however, this option must not be used to deny the parent of the right to request an IEE at public expense or to obtain an IEE at private expense
- Criteria under which the IEE at public expense is to be obtained include the following:
 - The evaluator must be located within a 100 mile radius of TCS.
 - The evaluator must meet the minimum qualifications as outlined in the federal and state regulations with verification by the Director of Special Education. The evaluator must provide an original typed report and copies of the protocols to the district that includes original signature and title. The report must comply with all requirements of state and federal regulations. Remittance will be made upon the receipt of the report and protocols.
- In the event that the evaluator recommends services (to be provided upon completion of the evaluation), said evaluator will not be eligible to provide services to this student, at TCS.
- All consultants/contractors and their employees, if any, shall obtain criminal history record information prior to entering upon TCS property when one or more students are present. In addition, consultants/contractors are required to provide a list of such employees (hard copy and disk in a searchable electronic format) to TCS. Thus, a new section 12, Criminal History Information, and a Contractor Certification form are included in the Consulting Agreement.
- Criteria for fee setting include the following:
 - TCS will pay for an IEE, which allows parents to choose from among the qualified professionals in the area. The cost of the IEE shall be no greater than 10% above the Medicaid rate in the area. The amount will be agreed upon prior to the initiation of the evaluation.

- Parents will be allowed the opportunity to demonstrate to the district that unique circumstances justify an IEE that does not fall within the district's criteria.

- Steps to be followed by parents seeking reimbursement for an IEE obtained prior to notifying TCS:
 - TCS will consider a parental request for IEE reimbursement when the request is made within a reasonable time period of the completion of a TCS evaluation. A reasonable time is defined as 90 calendar days after parental receipt of the results of the district's evaluation or 90 calendar days after the district's refusal to test.
 - The request for reimbursement will be submitted to the Director of Special Education, Trinity Charter School, 8305 Cross Park Drive, Austin, Texas 78754 who will verify that the TCS criteria has been met and that the written report has been received. An original invoice from the evaluator must be submitted prior to payment.
 - TCS will deny payment for an IEE that does not meet minimum Texas Education Agency criteria for the specific disability identified.
 - TCS will deny payment for an IEE conducted by someone who does not meet minimum qualifications as outlined in federal and state regulations.
 - TCS will deny payment for an IEE that does not meet state and federal requirements.
 - TCS will deny payment if the district chooses to defend the appropriateness of its evaluation.
- The results of a parent-initiated IEE will be considered by the district in any decision made with respect to the provision of a free appropriate public education to the student.
(*Note: TCS is obligated to consider, but not automatically accept, the recommendations of the IEE.*)
- An independent evaluation will be provided at public expense if required by a Hearing Officer as part of a due process hearing.

Dyslexia Screening and Assessment for Students Receiving Specially Designed Instruction

When a request is made for a student in special education (this includes students identified with speech only services) to be tested for dyslexia follow the [SIT Process for Students Currently Served by Special Education](#) in Section I of this document.

- If the evaluation planning team determines there is a need for dyslexia screening/assessment, [Notice and Consent for Evaluation](#) will be provided to the parent, and there will be a referral to the campus dyslexia designee. Screening/Assessment must be completed within a reasonable amount of time, OR
- If the evaluation planning team determines there is a need for dyslexia/reading evaluation OR other evaluation relative to special education eligibility, the LSSP/Diagnostician is responsible for conducting the re-evaluation. [Notice and Consent for Evaluation](#) are provided to the parent in accordance with the IDEA.
- Upon completion of Dyslexia screening/assessment or re-evaluation, an ARD committee meeting will be scheduled to review the results and make recommendations relative to the IEP.
- If the evaluation planning team determines there is not sufficient data to support a dyslexia screening and assessment, this denial will be documented and a [Notice of Decision](#) is provided to parents.
- A summary report of dyslexia screening and assessment is to be maintained in the student's special education audit folder.

Note: The special education teacher or LSSP/Diagnostician is responsible for coordinating the entire dyslexia screening/assessment or re-evaluation process (from initial request to review of results, including the [Notice of Decision](#) if needed).

IV: ELIGIBILITY

Age Ranges for Student Eligibility

Pursuant to state and federal law, services shall be available to all eligible students ages 3-21. Services will be made available to eligible students on their third birthday. An eligible student receiving specially designed instruction who is 21 years of age on September 1 of a school year shall be eligible for services through the end of that school year. Graduation with a regular high school diploma usually terminates a student's right to receive services, though there are exceptions; see the ARD section regarding [a student graduating and being awarded a high school diploma](#) for further information about these exceptions. A free and appropriate public education (FAPE) shall be available from birth to students with visual or auditory impairments.

NOTE: While evaluators document the presence or absence of a disability and recommends services, the ARD committee ultimately determines eligibility and the need for specially designed instruction, if any.

Eligibility Criteria

To be eligible to receive specially designed instruction, two facts must both be present and documented:

The student meets the definition of one or more categories of disabilities under the IDEA;
AND

- The student has a need for special education and related services as a result of the disability or disabilities.

*NOTE: A student is **not** eligible for special education if his/her only need is for monitoring by special education personnel, consultation by special education personnel, or related services (e.g., transportation, OT, PT, etc.).*

The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility must include, but is not limited to, the following:

- A Licensed Specialist in School Psychology (LSSP), an Educational Diagnostician, or other appropriately certified or licensed practitioner with experience and training in the area of the disability; or
- A licensed or certified professional for a specific eligibility category, defined later in this section (i.e., Speech/Language Pathologist, VI teacher, AI teacher, or physician).

Upon completion of the [FULL AND INDIVIDUAL EVALUATION](#), the admission, review and dismissal (ARD) committee must determine whether: (§300.306(a)(1))

- The child has a disability; and
- By reason of the disability, if the child needs special education and related services. (§300.8(a)(1))

If it is determined, through an appropriate evaluation under the full and individual evaluation frameworks, that a child has one of the disabilities but only needs a related service and not special education, the child is not a child with a disability under the IDEA. (§300.8(a)(2))

A child must not be determined by the ARD committee to be a child with a disability if the determinant factor for such determination is:

- Lack of appropriate instruction in reading, including in the essential components of reading instruction as defined in Section 1208(3) of the Elementary and Secondary Education Act (ESEA);
- Lack of appropriate instruction in math; or
- Limited English proficiency; and

The student does not otherwise meet the eligibility criteria under 34 CFR § 300.8(a). The LEA must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent. (§300.306(a)(2))

Eligibility Definitions

Deaf or Hard of Hearing (03)

A student who is deaf or hard of hearing is one who has been determined to meet the criteria for deafness as stated in 34 CFR 300.8(c)(3), or for students who are deaf or hard of hearing as defined in 34 CFR 300.8(c)(5).

The student's evaluation must include an otological examination performed by an otologist or by a licensed medical doctor, with documentation that an otologist is not reasonably available. <<School Name>> shall also conduct an audiological evaluation by a licensed audiologist. The evaluation must include a description of the implications of the hearing loss for the student's hearing in a variety of circumstances with or without recommended amplification.

Autism (AU) (10)

Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three 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. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance. A child who manifests the characteristics of autism after age three could be identified as having autism if the above criteria are satisfied. Students with pervasive developmental disorders are included under this category. The team's written report of evaluation must include specific recommendations for behavioral interventions and strategies.

Deaf-Blindness (DB) (05)

A student is eligible under deaf-blindness if identified with 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 students with deafness or students with blindness.

34 CFR 300.8(c)(2).

In addition to the Individuals with Disabilities Education Act ("IDEA") requirements, a student may be eligible if a student is found to:

1. meet the eligibility criteria for auditory impairment specified in subsection 19 TAC 89.1040(c)(3) and visual impairment specified in subsection 19 TAC 89.1040 (c)(12);
2. meet the eligibility criteria for a student with a visual impairment and has 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;
3. have documented hearing and visual losses that, if considered individually, may not meet the requirements for auditory impairment or visual impairment, but the combination of such losses adversely affects the student's educational performance; or
4. have a documented medical diagnosis of a progressive medical condition that will result in concomitant hearing and visual losses that, without special education intervention, will adversely affect the student's educational performance.

19 TAC 89.1040(c)(2).

Developmental Delay (DD) (12)

*This is a valid eligibility label in Texas, but not at TCS. It is for student's birth through age two-years who are served in an ECI program. Since TCS does not operate an ECI program, **this eligibility label is never applicable at TCS and should NOT be used at this time.***

(NOTE: If a student transfers into TCS with this label, the ARD committee must meet upon enrollment in TCS and determine another more clearly designated disability.)

Emotional Disturbance (ED) (07)

Emotional disturbance means a condition 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.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance. The written report of evaluation must include specific recommendations for behavioral supports and interventions.

Specific Learning Disability (SLD) (08)

Specific learning disability (SLD) includes a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations.

SLD includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

A specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage. In addition to being identified as having a disorder that impacts a basic psychological process, TCS shall also show that the student does not achieve adequately for the student's age or meet state-approved grade-level standards in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving when provided appropriate instruction, as indicated by performance on multiple measures such as in-class tests; grade average over time (e.g. six weeks, semester); norm- or criterion- referenced tests; statewide assessments; or a process based on the child's response to scientific, research-based intervention.

The evaluation must also show that the student:

1. does not make sufficient progress when provided a process based on the student's response to scientific, research-based intervention (as defined in 20 USC, §7801(37)), as indicated by the student's performance relative to the performance of the student's peers on repeated, curriculum-based assessments of achievement at reasonable intervals, reflecting student progress during classroom instruction; or
2. the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, grade-level standards, or intellectual ability, as indicated by significant variance among specific areas of cognitive function, such as working memory and verbal comprehension, or between specific areas of cognitive function and academic achievement.

Prior to identifying a student as one with a learning disability, TCS shall ensure that the suspected disability is not due to lack of educational opportunity or lack of appropriate instruction. TCS shall consider data that shows the student has received appropriate instruction in math and reading in the general education setting. TCS shall also consider documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of student progress during instruction. This may include, but is not limited to, RTI progress results, in-class tests on grade-level

curriculum, or other regularly administered assessments. Intervals are considered reasonable if consistent with the assessment requirements of a student's specific instructional program.

Intellectual Disability (ID) (06)

Intellectual Disability means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance. A student with an intellectual disability is one who:

- Has been determined to have 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
 - Safety

Multiple Disabilities (MD)

A student may qualify as a student with multiple disabilities if they are identified to have a combination of impairments (such as intellectual disability-blindness or intellectual disability-orthopedic impairment) and the combination causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments.

“Multiple disabilities” does not include deaf-blindness. *34 CFR 300.8(c)(7)*.

The impairments must be: (a) expected to continue indefinitely; and (b) severely limit performance in two or more of the following:

1. psychomotor skills;
2. self-care skills;
3. communication;
4. social and emotional development, or
5. cognition.

A student who qualifies for more than one impairment but does not severely impair performance in one of the above categories, or is not expected to continue indefinitely, does not qualify as a student with multiple disabilities.

19 TAC 89.1040(c)(6).

Noncategorical Early Childhood (NCEC) (14)

A student between the ages of 3 and who is evaluated as having an intellectual disability, an emotional disturbance, a specific learning disability, or autism may be described as "noncategorical early childhood." This **must** be listed as the primary disability if another disability (e.g., speech impairment) is present. This disability label **must** be changed/dropped prior to the student's sixth birthday.

Orthopedic Impairment (OI) (01)

This special education designation is used when a severe orthopedic impairment adversely affects a child's educational performance. The term includes impairments caused by a congenital abnormality, 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). The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on an orthopedic impairment must include a licensed physician.

(Note: Depending on context has also been coded as “OH”(for Orthopedic Handicap). This causes confusion with “Other Health Impairment,” and is not to be used educationally.

Other Health Impairment (OHI) (02)

A student with OHI is one who has been determined to meet the criteria for OHI due to chronic or acute health problems. *19 TAC 89.1040(c)(8).*

OHI means having limited strength, vitality, or alertness that adversely affects a child’s educational performance. *34 CFR 300.8(c)(9)(i).*

The term “health problems” includes:

1. Asthma;
2. Attention Deficit Disorder or Attention Deficit Hyperactivity Disorder;
3. Diabetes;
4. Epilepsy;
5. Heart Condition;
6. Hemophilia;
7. Lead poisoning;
8. Leukemia;
9. Nephritis;
10. Rheumatic Fever;
11. Sickle Cell Anemia; or
12. Tourette Syndrome. *19 TAC 89.1040(c)(8); 34 CFR 300.(c)(9)(i).*

“Limited alertness” includes a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment. *34 CFR 300.8(c)(9).*

TCS must include a licensed physician on the multidisciplinary team when determining eligibility under OHI. *19 TAC 89.1040(c)(8).*

Speech Impairment (SI) (09)

Speech impairment means a communication disorder such as stuttering, impaired articulation, language impairment, or a voice impairment, that adversely affects a student's educational performance. The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's 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.

Traumatic Brain Injury (TBI) (13)

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; or speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma. The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on a traumatic brain injury must include a licensed physician, in addition to the licensed or certified practitioners with experience and training in the area of the Traumatic Brain Injury. *[NOTE: Refer to Other Health Impaired for non-traumatic brain injuries such as anoxia or cerebrovascular accident. NOT LISTED UNDER OHI]*

Visual Impairment (VI) (04)

Visual impairment including blindness means impairment in vision that, even with correction, adversely affects a child’s educational performance. The term includes both partial sight and blindness.

When determining eligibility, the multidisciplinary team must include a person who is appropriately certified as an orientation and mobility specialist (COMS). The team must also include participation by a COMS when evaluating data used to make the determination as to the student's need for specially designed instruction.

The multidisciplinary team must consider information from a variety of sources, which must include:

1. a medical report by a licensed ophthalmologist or optometrist that indicates the visual loss stated in exact measures of visual field and corrected visual acuity, at a distance and at near range, in each eye. If exact measures cannot be obtained, the eye specialist must so state and provide best estimates. The report should also include a diagnosis and prognosis whenever possible and whether the student has:
 - no vision or visual loss after correction; or
 - a progressive medical condition that will result in no vision or a visual loss after correction;
2. A functional vision evaluation by a certified VI teacher or a COMS that includes the performance of tasks in a variety of environments requiring the use of both near and distance vision and recommendations concerning the need for a clinical low vision evaluation;
3. A learning media assessment by a certified teacher of children with visual impairments that include recommendations concerning which specific visual, tactual, and/or auditory learning media are appropriate for the student and whether or not there is a need for ongoing evaluation in this area; and
4. As part of the initial FIE, an orientation and mobility evaluation performed by a COMS in a variety of lighting conditions and a variety of settings including in the child's home, school, and community and in settings unfamiliar to the child.

Definition of Medically Fragile

A medically fragile student is one who:

- is in the age range of birth to 22 years, **AND**
- has a serious, ongoing illness or a chronic condition that has lasted or is anticipated to last at least 12 or more months or has required at least one month of hospitalization, and that requires daily, ongoing medical treatments and monitoring by appropriately trained personnel which may include parents or other family members, **AND**
- requires the routine use of medical device or of assistive technology to compensate for the loss of usefulness of a body function needed to participate in activities of daily living, **AND**
- lives with ongoing threat to his or her continued well-being.

(NOTE: “Medically Fragile” is not an eligibility category under the IDEA.)

V: ADMISSION, REVIEW AND DISMISSAL (ARD) COMMITTEE

All ARD meetings are documented via the district’s Special Ed Software (eSped)

Members of the Admission, Review, and Dismissal (ARD) Committee

<p>Parent or Surrogate Parent (§300.322(a, c, d, e), §300.30(a)(1-5)),</p>	<p>Must be invited to all ARD meetings regardless of the age of the student. Adult student may designate parent as representative. If neither parent can attend, the district shall use other methods to ensure parent participation, including individual or conference telephone calls. A meeting may be conducted without a parent in attendance if the parent is unable to attend. If the parent is unable to attend the meeting, the ARD committee must document and consider any information provided by parent. The district shall take whatever action is necessary to ensure that the parent understands the proceedings at the ARD meeting. Determine need and arrange for an interpreter for parents with deafness or whose native language is other than English.</p> <p>“Parent” includes:</p> <ul style="list-style-type: none"> • A biological or adoptive parent of a child; • a guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State) (must have guardianship documentation on file); • an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare; • a foster parent (must have documentation on file); or • a surrogate parent who has been appointed by the district or court appointed and have documentation on file)
<p>Student (§300.321(a)(7))</p>	<p>Should be invited when deemed appropriate by parent and ARD Committee. Must be invited when student is a legal adult and/or when transition services are being discussed. An emancipated minor, student under 18 years of age who has legally separated from his/her parent is considered an adult under IDEA. Rights transfer to students with disabilities at age of majority (18 years), just as they do to students without disabilities unless it has been determined by legal process (guardianship proceedings). TCS shall provide any notice required by IDEA, Part B to both the student and the parents. All other rights accorded to parents under IDEA, Part B transfer to the student including students who are incarcerated in an adult or juvenile, state or local correctional institution. See Notice of Transfer of Parental Rights.</p>
<p>Administrator (§300.321(a)(4))</p>	<p>Required – campus or district administrator must serve as the administrative representative. The administrative representative must meet 4 requirements: 1) is qualified to provide or supervise the provision of specially designed instruction, 2) is knowledgeable about general curriculum, 3) is knowledgeable about the availability of resources in the district and able to commit those resources, and 4) has received ARD meeting training from the TCS Special Education Department. May also simultaneously represent LPAC (Language Proficiency Assessment Committee) if qualified.</p>
<p>General Education Teacher of the Student (§300.321(a)(2))</p>	<p>Required at all ARD meetings. The general education teacher of the student with a disability, must, participate in the development, review, and revision of the student’s IEP, including assisting in the determination of:</p> <ul style="list-style-type: none"> • Participation in state and district assessment programs • Appropriate positive behavioral interventions and strategies for the student. • Supplementary aids and services, accommodations, program modifications and supports. <p>The general education teacher may also simultaneously represent LPAC and/or Career and Technical Education (CTE) if appropriately qualified. Special education teachers who are NOT teachers of record for general education courses may NOT serve as general education teachers regardless of certification. If the designated general education teacher is not available, an alternate general education teacher who works with the student will be identified.</p>

	<ul style="list-style-type: none"> For campuses that do not provide general education services, the home/sending campus administrator will designate a general education teacher to participate in ARD meetings.
Special Education Teacher or Provider of the Student (§300.321(a)(3))	Required at all ARD meetings and may simultaneously represent evaluation and interpretation of instructional implications of existing evaluation results, except when initial or reevaluation report is presented or reevaluation plan is being developed, dismissal/ graduation is being addressed, and manifestation determination is being made. Special education teacher may not represent both special education teacher and general education teacher roles.
Evaluation Specialist (§300.321(a)(5))	Required –when reviewing FIE or Reevaluation reports, when determining the need for additional evaluation data or conducting reevaluation planning, and when determining manifestation and considering graduation and/or dismissal. Evaluation specialist must be a certified/licensed evaluation professional (e.g., SLP, LSSP or Educational Diagnostician). At other times, the special education teacher must simultaneously represent evaluation.
Language Proficiency Assessment Committee (LPAC) (§89.1225(f)(4))	Required if the student is an emergent bilingual student. ¹ May also simultaneously represent CATE, Administration and/or general education if appropriately qualified.
Career and Technology Education (CATE) Teacher (§75.1023(d)(1))	Required if considering initial/continued placement or dismissal from career and technology education courses. May also simultaneously represent LPAC and/or general education if appropriately qualified.
Certified VI Teacher	Required if the student has a Visual Impairment.
Certified AI Teacher (§89.1050(c)(4)(B))	Required if the student has an Auditory Impairment
Certified VI/AI Teachers or DB Teacher (§89.1050(c)(4)(A))	Required if the student has Deaf-Blindness.
ICFMR Representative	Must be invited if the student resides in an Intermediate Care Facility for the Intellectual Disabled. This representative cannot serve as the parent. (The parent, court-appointed guardian, adult student, and/or surrogate must still be invited.)
	..(Not served by TCS)
Other Agency Representatives	Must be invited from any agencies likely to be responsible for providing or paying for transition services. Must have signed consent from parent or adult student prior to sending notice of meeting.
Person with Special Knowledge or Expertise (§300.321(a)(6))	May be invited at the discretion of the parent or with parental consent by TCS. The determination of the knowledge or special expertise of any individual shall be made by the person (i.e., parent or TCS) who invites the individual to be a member of the ARD Committee. Some examples of persons with special knowledge or expertise include: <ul style="list-style-type: none"> Related Services Personnel Behavior Specialist School/Community Liaison School Counselor Instructional Coordinator Family Member or Friend Attorney

¹ The Texas Legislature recently replaced the phrase “limited English proficient (LEP)” with “emergent bilingual student,” and the terms may be used interchangeably in this guidance document.

Speech Pathologist	<p>Must be invited if student is SI. Attendance is mandatory at the following ARD meetings: SI only with no special education instruction; SI only with special education instruction if 3 year reevaluation discussed; SI only eligibility; SI only with addition of other special education eligibility or other specially designed instruction; if speech services are changing.</p> <p>Attendance is OPTIONAL at the following ARD meetings: admission into special</p>
	<p>education with speech and other eligibilities at the same time (LSSP/Educational Diagnostician serves as evaluation); speech with other eligibilities ARD meetings (if 3 year reevaluation is discussed, LSSP/diagnostician and/or SLP must attend)</p>
School Nurse	<p>Must be invited when addressing, adding or discontinuing school health services and at annual ARD meetings for students receiving school health services.</p>

Required Attendance at ARD Committee Meetings

Members	Admission/ Annual ARDs	Manifestation Determination*	Transition	Temporary Placement	At Risk / Critical*	VII/Al or Deaf Blind	Problem Solving/Failure	Dismissal/ Graduation	Evaluation Reeval	Homebound
Parent/Surrogate/ Guardian/Adult Student	Required									
Student (non-adult or adult w/o parental rights)	Recommended		Required	Recommended						
Admin	Required									
Gen. Ed Teacher	Required General Education Teacher of the Student									
Spec. Ed Teacher	Required Special Education Teacher of the Student									
Evaluation Specialist	LSSP/Diag/SLP Required		LSSP/SLP Required, but Special Education Teacher May Represent Evaluation					LSSP/Diagnostician/SLP Required		Special Ed. Teacher Represents Evaluation
Certified VI, AI Teacher	Required for AI and/or VI eligibilities									
Speech Other	Recommended		Recommended	Recommended	Recommended	Recommended	Recommended	Required	Required	
Speech Only	Required					N/A	Required			
Related Services - OT, PT, Counselor	Recommended if addressing related service									
LPAC	Required if LEP/Emergent Bilingual									
CTE	Required if considering any career courses		Required if considering any career courses				Required if considering any career courses			
School Nurse	Required if addressing school health services									
School to Community Liaisons					Highly Recommended		Highly Recommended			
Homebound Representative	Required only if homebound									Required
Other Spec. Ed. Teacher (Inclusion, LS, VAC)	Recommended if providing instructional services		Recommended if providing instructional services		Recommended if providing instructional services		Recommended if providing instructional services		Recommended if providing instructional services	
Other	Sending campus representative participates by phone if student moves to new campus within TCS	Discipline Administrator, Campus Police, Behavior Specialist, Parent Liaison	Community Service Providers and/or Agency representatives		Director of Special Education (consultation or attendance)	RDSPD representative if considering program	Director of Special Education (consultation or attendance)	Community Service Providers and/or Agency representatives		Campus representative
Counselor (or designee)	Highly Recommended									
Trained Translator / Interpreter	*Required at all ARD committee meetings if parent does not communicate in English									

School District Attorney: attendance is determined on an individual basis by the Director of Special Education when parent intends/brings legal representation or an advocate to ARD meetings. ARD meetings may be postponed if prior notice not provided by parent.

* Tape record ARD meeting

Tape record any meeting where translation is needed.

Surrogate Parents

The LSSP/Diagnostician at each campus coordinates the surrogate parent program and is responsible for its ongoing required activities.

The LSSP/Diagnostician is responsible for:

- Identification and documentation of students needing a surrogate
- Recruitment, conflict of interest verification and appointment by written letter
- Training of surrogates and staff member as to the role and responsibilities of surrogates
- Monitoring Surrogate Parent Logs to ensure fulfillment of all duties
- Assigning different trained surrogate if duties not being performed adequately or appropriately
- Maintaining records of applicants, conflict of interest verification, appointment letters, training / training dates, and service/duty logs
- Ensuring surrogates are treated in the same way as parents in regard to notice requirements (Invitation to ARD, Consents, participation in ARD meetings, receipt of ARD reports, and progress reports/grades, and due process rights).

Definition

A surrogate parent is a person appointed to represent the interests of a child with a disability in the educational decision-making process when no parent is known; when the district, after reasonable efforts (i.e., all avenues of communication have been exhausted and documented in student file), cannot locate the child's parents ;when the child is an unaccompanied homeless youth, or the child is a ward of the state under the laws of the state.(§300.519(a)) A surrogate parent has all of the rights and responsibilities of a parent under Part B or IDEA. The term parent means a parent, a foster parent, a guardian, a person acting as a parent of a child, or a surrogate parent who has been appointed in accordance with federal and state law. The term does not include the state if the child is a ward of the state

Process for Determining Need for Surrogate Parent

Not all students residing in foster homes, group homes, state schools, state hospitals, or other institutions are wards of the state. If the parent has legal guardianship, then a surrogate may not be assigned. Surrogate parents may not be assigned unless the criteria for surrogates are met. TCS must obtain a copy of the court order naming DFPS as Temporary Managing Conservator (TMC) or Permanent Managing Conservator (PMC); or DFPS Placement Authorization Form 2085, when a student is a ward in conservatorship of the state to determine the student's need for a surrogate parent. .“Ward of the State” refers to a child who is in the custody of the state, overseen by a public child welfare agency. The Department of Family Protective Services can be the temporary or permanent managing conservator for the child.

TCS will assign a surrogate parent when at least **one** of the following criterions is met:

- No parent can be identified
- The parent cannot be located after reasonable efforts by TCS
- The child is a “Ward of the State”
- The child is an unaccompanied homeless youth. (§300.519(a))

In accordance with clarification from the Office of Special Education, if the public agency responsible for the child's education has been appointed managing conservator of the child, the child is a “Ward of the State,” and the appointment of a surrogate parent would be required. A court may render a final order appointing the Department of Protective and Regulatory Services as managing conservator of the child without terminating the rights of the parent of the child. No surrogate parent is needed if parental education decision making rights have not been terminated.

Process for Assigning a Surrogate Parent

In assigning a surrogate parent, the individual cannot be an employee of the State Education Agency (TEA), the Local Education Agency (TCS), or any other agency that is involved in the education or care of the child. The surrogate must have no interest that conflicts with the interest of the child he or she represents; and must have knowledge and skills that ensure adequate representation of the child. (§300.519(d)2)) TCS may select a person who is an employee of a nonpublic agency that only provides non-educational care for the child. If a surrogate parent is needed, TCS must verify with CPS to determine if DFPS has assigned a court appointed surrogate parent. CPS should provide TCS with Education Decision-Maker Form 2085-E. If no court appointed surrogate parent, then the LSSP/Diagnostician is responsible for recruiting, verifying no conflict of interest, training and assigning a surrogate parent.

NOTE: Students who are eighteen and older are not appointed a surrogate parent; however, many adult students have legal guardians appointed by the State. Documentation of legal guardianship must be obtained by the campus and maintained in the special education folder. The legal guardian has the rights and responsibilities of parents, and must be invited to ARDs. Their input must be gathered by the campus for Transition Planning activities.

Residential facility (RF) staff and foster parents should provide campuses with appropriate documentation of parent status when registering an RF student. These documents, which may include guardianship, conservatorship by the state, or power of attorney, are needed in order to correctly determine the child/parent status. They are copied and kept in the student's special education folder.

Assignment of Foster Parent to Serve as parent

Foster parents usually want to be appointed as surrogate parents. They may, be appointed, under most circumstances. After a child has been with the foster parent/surrogate for 60 days, the foster parent is no longer considered the "surrogate parent" and is considered the "parent."

If the student has a foster parent, determine whether the foster parent may serve as a parent. A foster parent may act as a parent of the student with a disability if the following criteria are met (must be documented):

- The foster parent has an ongoing, long-term parental relationship with the child (the child has been placed with the foster parent for at least 60 days).
- The foster parent is willing to make the educational decisions required of parents under the IDEA.
- The foster parent has no interest that would conflict with the interests of the child.
- The foster parent agrees to complete (and completes) a training program, within 90 days of the initial assignment as the parent, in which the individual is provided with an explanation of the provisions of federal and state laws, rules, and regulations. (TEC 29.015(b) and §89.1047(b)(1-2))

If the foster parent does not meet the criteria to serve as parent, TCS will appoint a surrogate parent. TCS shall give preferential consideration to a foster parent of a student with a disability when assigning a surrogate parent for the child.

Once a foster parent has completed a training program conducted or provided by the Texas Department of Protective and Regulatory Services, TCS, an education service center, or any entity that receives federal funds to provide IDEA training to parents, the foster parent shall not be required by TCS to complete additional training in order to continue serving as his/her child's surrogate parent or parent or to serve as the surrogate parent or parent for other students with disabilities.

TCS may provide ongoing or additional training to foster parents and/or parents. TCS will not deny an individual who has not received the required training from serving as the parent on the grounds that the individual has not been trained. In such a case, surrogate training will be provided.

Note: The Department of Protective and Regulatory Services (DPRS) is appointed as the temporary or permanent managing conservator of the student. Staff members employed by the Department of Protective and Regulatory Services (DPRS) cannot serve as a surrogate parent and may represent the parent only at a temporary placement ARD meeting if no surrogate parent has been appointed by then.

Appointment of a Surrogate Parent

The surrogate parent may represent the child in all matters relating to:

- The identification, evaluation, and educational placement of the child.
- The provision of a free appropriate public education (FAPE) to the child.

Document the appointment of a surrogate parent when **one** of the following conditions is present:

- No parent can be identified.
- TCS, after reasonable efforts (i.e., all avenues of communication have been exhausted and documented in student file), cannot discover the whereabouts of a parent.
- The child is a ward of the State under the laws of the State (the Department of Protective and Regulatory Services is appointed as the temporary or permanent managing conservator).
- The child is an unaccompanied homeless youth. (§300.519(a))

Document that the individual agrees to:

- Attend surrogate parent training within 90 days of the appointment
- Visit the student and the student's school.
- Consult with persons involved in the student's education, including teachers, caseworkers, court-appointed volunteers, guardians ad litem, attorneys ad litem, foster parents, and caretakers.
- Review the child's educational records.
- Attend meetings of the child's ARD committee
- Exercise independent judgment regarding the child's interests
- Exercise the child's due process rights under applicable federal and state law
- Complete (and does complete) a training program, within 90 days of assignment as a surrogate parent, (TEC 29.001(10))

TCS must assure the surrogate parent:

- Is not an employee of the TEA, TCS, or any other agency that is involved in the education or care of the child (residential facility employee).
- Has no interest that conflicts with the interest of the student he or she represents.
- Has knowledge and skills that ensure adequate representation of the child. (§300.519(d)(2))

TCS shall implement procedures for conducting an analysis of whether a foster parent or potential surrogate parent has an interest that conflict with the interests of his/her child. A foster parent in a home which is verified by the DPRS or a child-placing agency shall not be deemed to have a financial conflict of interest by virtue of serving as the foster parent in that home. These homes include, but are not limited to, basic, rehabilitative, primary medical, or therapeutic foster or foster group homes. In addition, issues concerning quality of care of the child do not constitute a conflict of interest. Concerns regarding quality of care of the child should be communicated, and may be statutorily required to be reported, to the Department of Protective and Regulatory Services.

TCS may select as a surrogate a person who is an employee of a nonpublic agency that only provides non-educational care for the child and who meets the standards and criteria above. A person who otherwise qualifies to be a surrogate parent is not an employee of TCS solely because he or she is paid by the agency to serve as a surrogate parent.

If TCS denies a foster parent the right to serve as a surrogate parent or parent, then TCS must provide the foster parent with written notice of such denial within seven calendar days after the date on which the decision is made. The written notice shall:

- Reason(s) the foster parent is being denied the right to serve as the surrogate parent or parent (the notice must specifically explain the interests of the foster parent that conflict with the interests of his/her child).
- Inform the foster parent of his/her right to file a complaint with the TEA.

Surrogate / Foster Parent Training

Surrogate parents, including foster parents, must receive prescribed training within 90 days of their appointment. This training is required only once, and includes topics such as the reason for surrogate parent appointment, expectations for surrogate parents, Least Restrictive Environment, and content of the IEP. Documentation of the training should be kept by both the surrogate parents and the district. (§300.519(d)(2)(iii))

The training includes:

- The identification of a student with a disability.
- The collection of evaluation and reevaluation data relating to a student with a disability.
- The ARD committee decision-making process.
- The development of an IEP, including the consideration of transition services for a student who is at least 16 years of age.
- The determination of least restrictive environment.
- The implementation of an IEP.
- The **Notice of Procedural Safeguards**.
- The sources that the surrogate parent may contact to obtain assistance in understanding the provisions of federal and state laws, rules, and regulations relating to students with disabilities. (§89.1047(a)(1)(A-H))

The training program must be provided in the native language or other mode of communication used by the individual who is to serve as a surrogate parent. (§89.1047(a)(2))

Once an individual has completed a training program conducted or provided by or through the Texas Department of Protective and Regulatory Services, TCS, an education service center, or any entity that receives federal funds to provide IDEA training to parents, the individual shall not be required by TCS to complete additional training in order to continue serving as the student's surrogate parent or to serve as the surrogate parent for other students with disabilities. (§89.1047(a)(3))

TCS may provide ongoing or additional training to surrogate parents and/or parents; however, TCS cannot deny an individual who has received the required training from serving as a surrogate parent on the grounds that the individual has not been trained. (§89.1047(a)(3))

TCS' LSSP/Diagnostician is responsible for maintaining documentation of training and the content of the training.

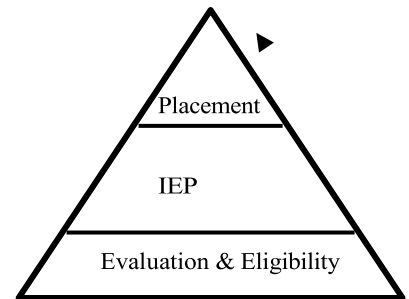
Annual ARD Committee Meeting Agenda

- 1) Introductions of persons attending the ARD Meeting and their role in the meeting
- 2) Statement of Confidentiality and Conduct
All information concerning a student with disabilities is confidential and may not be discussed with anyone except those who have a legitimate educational interest in the student with disabilities. All persons participating in the ARD Committee meeting will work together in order to facilitate a safe, collaborative environment focused on the development of appropriate educational plans for the student.
- 3) Statement of the Purpose of the IEP Team Meeting/ARD Committee Meeting
- 4) Review of Assessment Data, including:
 - Parent information and concerns
 - Reports and Evaluations (Full and Individual Initial Evaluation, Present Levels of Academic and Functional Performance, other)
- 5) Consideration of Additional Evaluation(s)
- 6) Determination of Student's Eligibility
- 7) Review Previous IEP Team Goals and Objectives on all Annual ARDs (not applicable for initial ARD).
- 8) Present Levels of Academic Achievement and Functional Performance, including Supplements

A. Physical	F. Assistive Technology
B. Behavioral	G. Content Areas of concern
C. Discipline	H. Disability Affect(s)
D. Transition and Prevocational/Vocational	I. Communication Needs
E. Academic/Functional Competencies	J. Transition Planning
- 9) Annual Goals
- 10) Determination of Services to be Provided:

a. Schedule of Services	d. State Assessments
b. Accommodations	e. Accommodations
c. Related Services	f. Local Assessments
- 11) Service and Site Considerations
 - a. Placements Provided, Tried, and Considered
 - b. Instructional Arrangement Current Year
 - c. Instructional Arrangement Next Year
- 12) Extended School Year Services (ESY)
- 13) Graduation
- 14) Considerations of Least Restrictive Environment

a. Removal from General Ed classroom	d. Educated with Non-disabled peers
b. LRE Considerations	e. Removal from General Ed Campus
c. Nonacademic and Extracurricular	
- 15) Assurances and Signatures
- 16) Deliberations



ARD Agenda from a Student's Perspective

What happens in my ARD meeting? Why are we meeting today?

How am I eligible for services?

What do my parents and teachers say about my progress this year?

What do I want to say about how I'm doing in school?

What do we need to plan for now?

- Transition - What do I want to do when I graduate from high school?
- Goals – What skills will I need?
- Behavior – Do I need any help?

My classes

- Courses I need to take
- Courses I want to take
- Supports I will need in each class
- What supports will I need during transitions and/or out of class?

What other decisions need to be made?

Who signs my IEP?

Items to keep at the ARD table:

- Procedural Safeguards
- Consent for Release of Confidential Information
- ARD Agenda
- Transition/Agency/Community Resources Information
- Campus contact list

Individualized Education Program (IEP)

General

An ARD committee meeting is required to be held at least annually and as frequently as needed to address student needs (problem solving, discipline, health matters, lack of progress/failure, misc. programming) by appropriate district/campus personnel and other required members to decide the student's educational program and to document placement decisions agreed upon in the ARD committee meeting. The result of the ARD meeting is the Individualized Education Program document.

There are Three Types of ARD Committee Meetings:

Admission

If the student is not currently in special education, the purpose of meeting will always be to address "admission" into special education. The outcome of the meeting will be one of the following:

- Initial placement (i.e., admission) of student into special education
- Qualifies for special education, but parent(s) decline services
- Student does not qualify (DNQ) for services

Note: Regardless of the outcome of the meeting, the purpose of the meeting is always to address "admission" issues. Documenting it as an "Admission" ARD meeting is imperative for proper reporting.

Review

After a student has been admitted into special education, the purpose of all subsequent meetings is to "review" information until the final meeting when a student is dismissed from all specially designed instruction. There are many reasons for having a review meeting, including an "annual" review when a new IEP is developed.

Dismissal

When a student is exiting all specially designed instruction, the purpose of the meeting is "dismissal." There are two reasons to dismiss a student from special education:

- The student no longer meets eligibility criteria (i.e., disability and/or need);
OR
- Graduation is ending the student's right to special education.

*Note: Proper documentation of dismissal meetings is imperative for proper reporting. **Changes in placement** (e.g., going from "PPCD" to "speech only") **or changes in service** (e.g., discontinuing OT or speech therapy) **are not "dismissals" and should not be discussed or documented as such.***

An ARD is not needed to address Revocation of Consent for Special Education Services

(See [Revocation of Consent](#) for more information.)

Purpose of ARD Committee Meeting

The [Notice of ARD Committee Meeting](#) should include all areas to be addressed by the ARD committee. If district personnel wish to address areas not indicated on the Notice (Prior Written Notice), parent consent to expand meeting topics must be obtained. Specifically document discussion of additional areas to be addressed and parent consent in the IEP summary. (§300.503(a))

ARD Committee Decision-Making Process

It is the philosophy of Trinity Charter School that the ARD committee decision-making process should begin from a strengths based approach, focused on students strengths and interests, and be valued as a tool for developing and maximizing supports and services to students with disabilities to enable them to be successful in general education environments and for developing positive relationships with families. Thorough and thoughtful planning is essential to the ARD committee decision-making process. Efforts should be made to ensure parent's active involvement in the ARD process. Direct communication and collaboration with the family to incorporate their input and concerns in the IEP is essential and helps to build consensus. Pre-ARD planning meetings are one tool to facilitate collaborative planning, as is regular

communication with parents. When honored in this way, ARD meetings shift from being simply compliance tools, to becoming vehicles for planning, based upon a true understanding of student needs, strengths, and future goals.

ARD decisions are based upon a consensus building process. **Consensus is interpreted as a general agreement between the school and the family in regard to the content of the IEP.** It does not imply that all TCS employees must agree with all decisions or every detail of an ARD meeting but that as a whole, and specifically the school administrator and parent, the ARD committee is in support of the intent and direction of the IEP. *(Note: any areas of disagreement on the part of school team members should be documented in the ARD meeting summary.)*

A DRAFT ARD committee document should be provided to parents/adult students/surrogates for review prior to the ARD meeting. The DRAFT must be complete enough for the parents to understand the focus of TCS planning. Note in the minutes that parent was provided copy of draft prior to the ARD meeting. It is strongly recommended to follow best practice by preplanning the IEP with the parent and appropriate service providers at least three days in advance of the ARD meeting.

ARD committee meetings are professional meetings and are conducted accordingly.

- The ARD meeting room is identified, arranged and prepared for the meeting prior to the start time of the meeting.
- TCS staff is available at the beginning of the ARD meeting.
- Needed technology is available and eSped is active prior to beginning the ARD meeting.
- Tapes and recorder are set up if needed
- ARD meeting begins as scheduled.
- Administrator verifies that all required participants are in attendance or in the case of the parent who is not in attendance, that all proper notification procedures were followed.
- Introductions are made with required members and their roles noted. *(Note: All members may participate in the discussion and indicate agreement or disagreement with the decision(s), but only the consensus members, as previously described, determine the action.)*
- Agenda is reviewed and the purpose of the ARD meeting with time allotted for meeting is noted. If there are additional areas to be addressed that were not included in the [ARD Notice](#), areas are identified and added **with parent approval**.
- Required participants remain in meeting for duration. Non-required participants remain in meeting until excused.
- Meeting concludes on time or if a continuance is needed, a date and time to reconvene is set prior to participants leaving.

Recording ARD Committee Meetings

Parent, adult student, and/or advocate may request to record the ARD meeting. If parent, adult student or advocate records the meeting, the school will also make a recording. All participants in the meeting will be informed that the recording is being made and it will be documented in additional summary/minutes.

The following ARD committee meetings are always recorded:

- Manifestation determination review meetings;
- ARD committee meetings interpreted for a non-English speaking parent are to be audiotape recorded whether the parent is in attendance or not. The audiotape of the ARD committee meeting should be provided to the parent immediately after the meeting. The campus must keep a copy of the recording for the audit folder; and
- Meetings that parents or advocates are recording.

If tape recordings are made, the use of two tape recorders is recommended to provide a copy of the tape to the parent immediately after the meeting.

The use of a digital recorder is highly encouraged and allows for electronic transfer and maintenance of recordings. Parent may be provided the option of receiving the recording electronically or in a CD format.

When meetings are recorded:

- Label recordings with student name and date of ARD meeting.
- Provide copy to parent.
- The tapes/CD becomes a part of the audit folder. Store in a large envelope with student's name, unique ID and list of dates of ARD meetings. Maintain copies of tapes/CD with special education file.

Determination of Eligibility

Based on the initial [full and individual evaluation or reevaluation](#), determine whether the student is eligible or continues to be eligible for special education and related services. For eligibility:

- Student meets disability eligibility criteria.
- Student has a need for specially designed instruction as a result of the disability or disabilities.

Address the two eligibility questions above and document consideration of relevant factors as appropriate such as:

- Is the student making documented educational progress in the current school year that is sufficient to allow mastery of grade level academic expectations as compared to enrolled grade level peers? (Review grades, progress reports, State and local assessment data, academic credits earned, etc.) If no, discuss areas of weakness.
- Has the student historically made documented educational progress that has been sufficient to allow mastery of grade level academic expectations as compared to enrolled grade level peers? (Review past grades, State and local assessment data, academic credits earned, etc.) If no, discuss areas of weakness.
- Is the student making social, emotional and behavioral growth?
- Can supplemental programs, services, and accommodations required by the student be provided in a general education setting? If no, explain.

(Note: According to TEA, failing the State Assessments “does not constitute an educational need for special education, but meeting exit level state assessment graduation requirements must be considered prior to dismissing a student from special education.”)

In determining eligibility,, the ARD committee shall review information from a variety of sources (document sources) including, but not necessarily limited to:

- Parent input
- Language/Communication
- Social or cultural background
- Physical condition
- Intellectual ability
- Adaptive behavior
- Academic achievement and functional performance
- Teacher recommendations

A child may not be determined to be eligible:

- If the determinant factor for eligibility is lack of instruction in reading or math.
- If the determinant factor for eligibility is limited English proficiency.
- If the child does not otherwise meet the eligibility criteria

Provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

Determination of Present Levels of Academic Achievement and Functional Performance and Needs

- Consider the physical and health of the student.
- Consider the strengths of the student.
- Consider the academic, developmental and functional needs of the student based upon current data.
- Consider the concerns of the parents for enhancing the education of their student
- For a student residing in a residential facility program, consider appropriate records and relevant information provided by the residential facility.
- Consider the results of the initial or most recent evaluation of the student.
- Consider the results of the student's performance on any general state or district-wide assessment programs (benchmarks, State Assessments, etc.), as appropriate.
- Consider the language and communication needs of the student.
- For an emergent bilingual student, consider the language needs of the student as those needs relate to the student's IEP.
- Consider whether the student's behavior impedes his or her learning or that of others. If yes:
 - Consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior.
 - When considering the use of restraint or time-out, (see section on restraints.)
- Consider whether the student requires assistive technology devices and services.
 - With respect to assistive technology devices, determine whether the student needs a piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with disability.
 - With respect to assistive technology services, determine whether the student needs a service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device.
- For a student who has a visual impairment, provide for instruction in Braille and the use of Braille unless the ARD committee determines that instruction in Braille or the use of Braille is not appropriate for the student.
- For a student who has an auditory impairment:
 - Consider the student's language and communication needs.
 - Consider opportunities for direct communications with peers and professional personnel in the student's language and communication mode.
 - Consider the student's academic level.
 - Consider the student's full range of needs, including opportunities for direct instruction in the student's language and communication mode.
 - An interpreter, who is certified in the appropriate language mode, if certification in such mode is available, shall provide interpreting services for students who are deaf.
 - Provide each parent with the state adopted form that contains written information about programs offered by state institutions.
- A statement of the student's present levels of academic achievement and functional performance, including:
 - Current independent level, where the student is performing academically or functionally at the time of the ARD meeting.
 - How the student's disability affects the student's involvement and progress in the general curriculum (i.e., the same curriculum as for non-disabled students). (§300.320(a)(1)(i))

Development of Goals and Objectives

The IEP includes a statement of measurable annual goals, including benchmarks or short-term objectives related to:

- meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the enrolled grade level general curriculum. (See Standards Based Goals.)

AND

- meeting each of the student's other needs for specially designed instruction that result from the student's disability. (§300.320(a)(2)(i))

The IEP should include functional measurable goals and measurable behavioral objectives/benchmarks that are **educationally relevant to the enrolled grade level general curriculum**. Annual measurable goals are statements developed from current independent level which describe what a student can reasonably be expected to accomplish in a year in the student's special education program. The benchmarks are statements that are related to the annual goal and define where you believe the student will be at a certain period of time (possibly at the end of each grading period).

An ARD/IEP committee is only required to include IEP goals for those areas in which the child's disability adversely affects involvement and progress in the general curriculum.

IEP goals and objectives must correlate with current levels of performance and student needs and must align with assessment decisions. Measurable annual goals and objectives, including benchmarks or short-term objectives are instrumental to the strategic planning process used to develop and implement the IEP for each child with a disability. Goals should target the skills students need to be able to access and progress in the general curriculum. Once the IEP team develops measurable annual goals for a child, the team can develop measurable short-term objectives or benchmarks that will enable families, students, and educators to monitor progress during the year.

Measurable goals meet the following criteria:

- state condition, timeframe, behavior, and criteria
- indicate what to do to measure the accomplishment of the goal
- yield the same conclusion if measured by several people
- allow a calculation of how much progress it represents
- can be measured without additional information

Annual goals are statements which describe what the student can **reasonably** be expected to accomplish within a year in the student's special education program.

New goals and objectives must be developed annually. If existing goals have not been met and need to be continued, they must be modified to remove mastered benchmarks/objectives and to add new benchmarks/objectives, to adjust criteria for mastery, etc. **Annual ARD committee meetings CANNOT accept previous year's goals without significant changes.**

Goals and Objectives addressed in other ways in the ARD committee decision-making process:

- The IEP must include a statement of how the student's progress toward the annual goals will be measured.
Note: See [IEP Progress Reports](#) later in this document.
- The IEP must include a statement of how the student's parents will be regularly informed of their student's progress toward the annual goals.
- Parents are informed through such means as periodic report cards, at least as often as parents are informed of their non-disabled student's progress. (eSped IEP – Progress) (§300.320(a)(3))

Determination of Participation in State or District-Wide Assessment

eSped (documentation of Testing – by subject area (see [ARD Committee Decision-Making Process for the State Assessment Program](#)))

Children with disabilities must be included in general State and district-wide assessment programs, with appropriate accommodations in administration. TEA criteria for assessment decisions must be followed. (See [Effective Assessment Decision Making](#) for more information.)

State or District Assessments:

Children in Texas in grades 3-11 must participate in statewide assessments. ARD committees must:

- Determine how a child with a disability participates in the district and statewide assessments.
- Include a statement of any individual allowable accommodations in the administration of any state or district-wide assessments of student achievement that are needed in order for the student to participate in the assessment.

If the ARD committee determines that the STAAR (with allowable accommodations) is not appropriate, the ARD committee must complete the STAAR A Eligibility Requirements Form to determine if student is eligible to take STAAR A. If the ARD committee determines the STAAR and STAAR A are not appropriate, then the ARD committee must complete the STAAR Alt 2 Participation Requirement Form to determine if the student is eligible to take STAAR Alt 2.

Determination of Services:

The ARD committee decides what services are needed for the student to receive a free and appropriate public education (FAPE), including to:

- enable the child to advance appropriately toward attaining the annual goals
- be involved and make progress in the general curriculum
- be educated and participate with non-disabled peers.

The term special education means specially designed instruction to meet the unique needs of a child with a disability. Specially designed instruction means adapting, to the needs of a child, the content, methodology, or delivery of instruction. The instruction is adapted as needed to address the child's unique needs related to the disability and to ensure access to the general curriculum.

- A statement of the supplementary aids and services based on peer-reviewed research to the extent practicable, to be provided. The term “supplementary aids and services” means aids, services, and other supports that are provided in general education classes, other education related settings and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate.
- A statement of the program interventions, accommodations, or other program modifications that will be provided for the student.

*Note: “Accommodation” is defined as a change made in **HOW** the teaching or testing procedures are provided to a student with access to information and to create an equal opportunity to demonstrate knowledge and skills.*

*“Modification” is defined as a change in **WHAT** the student is expected to learn and/or demonstrate. While a student may be working on modified course content, the subject area remains the same as the rest of the class.*

- A statement of the supports that will be provided for the student.
- A statement of the specially designed instruction to be provided based on peer reviewed research to the extent practicable.

Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

- A statement of the related services based on evaluation of the child's needs and peer reviewed research to the extent practicable, required to assist the student to benefit from special education.
- The projected date for the beginning of the services and modifications.
- The anticipated frequency of the services and modifications.
- The anticipated location of the services and modifications.
- The anticipated duration of the services and modifications.

Note: The ARD committee must address the type, location, time, and peer or adult capable of providing supports from the time student arrives on campus to the end of the day. The committee must also address support from the perspective of student needs for the different settings, activities, and expectations of the entire school day. The term 1:1 is not to be used as it does not identify the conditions of the support and why it is needed.

For students with [autism](#), consider information about the following and address completely in the IEP:

- Extended educational programming
- Daily schedules reflecting minimal unstructured time
- In-home and parent training or viable alternatives
- Prioritized behavioral objectives
- Skills for current and post-secondary environments
- Parent training
- Staff training
- Suitable staff-to-students ratio (with consideration for instructional settings)
- Teaching strategies based upon peer reviewed research
- Communication interventions
- Social skills supports and strategies
- If the ARD committee determines that services are not needed in one or more of the areas specified in this section, the IEP must include a statement to that effect and the basis upon which the determination was made.

For students with a [visual impairment](#), making appropriate decisions about the development and implementation of programs and services requires a clear understanding of the unique learning needs of these students. In addition to the general education that all students receive, students with visual impairments also need an **expanded core curriculum** to meet needs directly related to their vision disability. The expanded core curriculum for VI students must be based on the Functional Vision Evaluation and Learning Media Assessment. These evaluations by certified Teachers of the Visually Impaired (TVI) and Orientation and Mobility Teachers (COM) determine services for Visually Impaired students. Expanded curriculum areas, which are addressed in these evaluations, include instruction in (as required for the student to succeed in classroom settings and derive lasting, practical benefits from the education in TCS):

- Compensatory skills that permit access to the general curriculum (such as Braille, auditory and communication skills, study skills, and concept development)
- Independent living skills,
- Orientation and mobility skills,
- Recreation and leisure skills,
- Assistive technology,
- Social interaction skills,

- Career education,
- Sensory efficiency (including visual, tactual and auditory skills)
- Self-determination

Determination of Need for Extended School Year (ESY) Services

The ARD committee decides if the child qualifies for ESY services. The decision is based on formal and/or informal measures. ESY is not limited to categories of disability. These are individualized decisions based on the criteria for extended school year and not a “one size fits all” decision.

A child qualifies for ESY services if, in one or more critical areas addressed in the child’s current IEP, the child has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be regained within a reasonable period of time. (§89.1065(4)) The term severe or substantial regression means that the child has been, or will be, unable to maintain one or more acquired critical skills in the absence of ESY services. *(Note: ARD committees **may not make the determination that a student qualifies for ESY until after there has been opportunity to collect regression/recoupment data. Data must be collected at the beginning of the school year to determine regression and then again 6 to 8 weeks later to determine recoupment, and then the process is repeated before and after extended breaks from school. ESY consideration should be postponed until after the winter holidays. For ARDS held prior to January, Document ESY discussion in ARD summary and note that at this time student does not meet criteria for ESY eligibility but that data will be collected and an ARD scheduled to address eligibility should data indicate need for ESY services. Case manager must follow up with parent regarding ESY data at some point in the spring semester.)***

A skill is critical when the loss of that skill results, or is reasonably expected to result, in any of the following occurrences to the child during the first eight weeks of the next regular school year:

- Removal to a more restrictive placement,
- A significant loss of skills needed to progress in the general curriculum,
- A significant loss of self-help skills and, therefore, requires more direct services and support,
- Loss of access to non-educational, community-based independent living skill instruction or an independent living environment as a result of losing skills, or
- Loss of access to on-the-job training or productive employment due to losing skills. (§89.1065(4))

If the loss of acquired critical skills would be particularly severe or substantial, or if such loss results or reasonably may be expected to result, in immediate physical harm to the child or to others, Extended School Year (ESY) services may be justified without consideration of the period of time for regaining such skills. In any case, the period of time for regaining a critical skill shall not exceed eight weeks. (§89.1065(3))

If the Admission, Review and Dismissal (ARD) committee determines that the child is in need of ESY services, then the Individualized Education Program (IEP) must also include goals and objectives for ESY services from the child’s current IEP. (§89.1055(c))
(Note: See [Extended School Year Services](#) for more information)

Transition/Graduation Sequence

Federal and state statutes mandate Transition Services on or before the student’s 14th birthday. (TEC 29.0111).

Federal

IEP development begins with the student's transition vision, which means:

- appropriate, measurable postsecondary goals based on
- age-appropriate transition assessments related to
- employment,
- education/ training, and where appropriate
- independent living skills. (§300.320(b)(1))

State

The Texas Education Code and its implementing regulations also address transition services. State law requires the ARD committee consider the following with respect to transition services and planning:

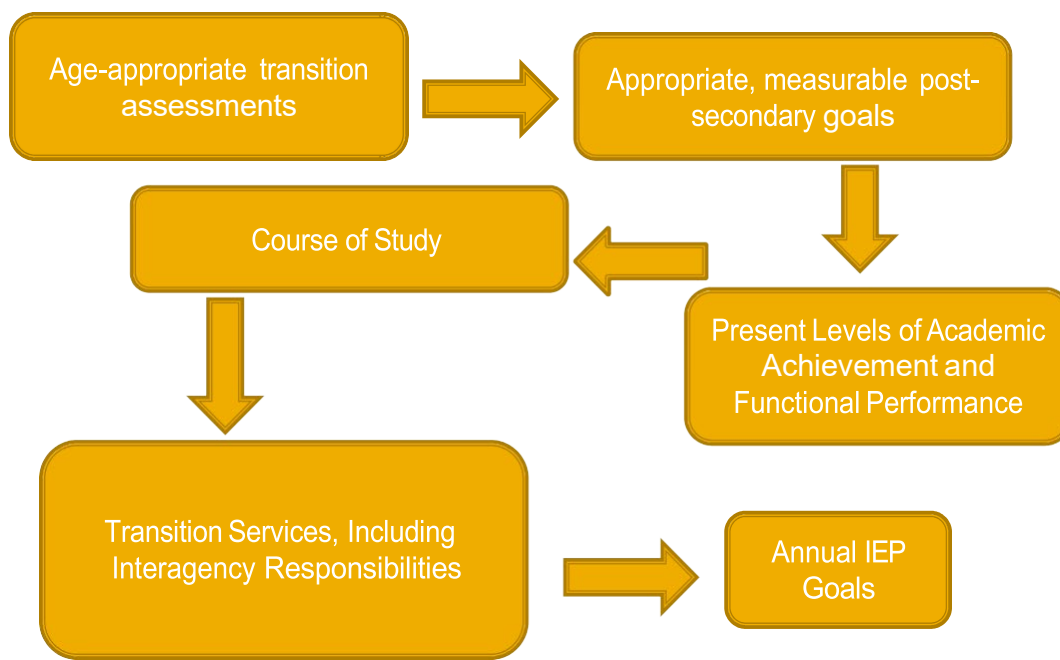
- student's involvement in his transition planning ARD meeting
- parents' involvement in their child's transition planning
- post-secondary education options
- functional vocational evaluation
- employment goals and objectives
- availability of age-appropriate instructional environments
- independent living goals and objectives
- appropriate circumstances for referring students or their parents to federal and state governmental agencies for services (§89.1055(g) and TEC 29.011(1-9))

Parent Involvement

For a student younger than age 18, the ARD committee must consider, and as appropriate, address appropriate involvement in the child's transition by the child's parent and other persons invited to participate by the parent or the LEA in which the child is enrolled. The school must document multiple attempts to involve the parent, foster parent, surrogate parent, or legal guardian of students in residential facilities and foster homes. If the parent or guardian does not respond to the eSped notice, phone calls and home visits should be made. A certified letter with "request response" should be sent if all other efforts fail. All attempts at communication must be documented in the eSped communication log, and copies of letters must be kept in the audit folder.

For an adult student, the ARD committee must consider and, if appropriate, address involvement in the student's transition and future by the adult student's parent and other persons if the parent or other person: (1) is invited to participate by the adult student or the LEA in which the adult student is enrolled; or (2) has the adult student's consent to participate through a supported decision-making agreement. (§89.1055(h)(3); TEC 29.011(a)(3); Est. Chap. 1357)

Process for Transition Planning



The eSped program is formatted to assist the special education case managers with addressing all federal and state requirements for transition in the IEP.

Steps for Transition Planning and Services

1. Age-appropriate transition evaluations

Postsecondary goals must be based on age-appropriate transition evaluations.

A transition evaluation is a planned, continuous process of obtaining, organizing and using information to assist individuals with disabilities of all ages and their families in making all critical transitions in the students' lives both successful and satisfying.

Good transition evaluations assist with the following:

- determining student's knowledge of career and life options.
- assisting student with identifying interests, preferences, strengths in relation to postsecondary education, training, employment and living (required elements for transition planning).
- determining appropriate courses, schedule of services, specifically-designed instruction, and activities to develop employment and community participation.
- determining the level of the student's self-determination.
- determining needed accommodations, supports or community services needed to seek, obtain and maintain desired post-school activities.

How are transition evaluations documented?

- Maintain the paper copy of the evaluation
- Record the name and date of the evaluation
- Record the results of the evaluation in Transition Service page of ARD.

2. Measurable, post-secondary goals

These are post-secondary goals, not IEP goals, and they will occur after graduation from high school. Postsecondary Goals should be updated annually, based on Transition Evaluations and changes in the student's interests. The postsecondary goals should be more specific the closer the student gets to graduation. Postsecondary Goals are required in the areas of Employment and Education/Training. Independent Living postsecondary Goals are required for students with social, behavioral, cognitive and/or physical needs. Postsecondary Goals for Recreation/Leisure and Community should be included under "Independent Living."

3. Present levels of academic achievement and functional performance (PLAAFP)

The PLAAFP will include transition strengths, needs, and preferences/interests for the transition planning that are needed to determine IEP goals and transition activities. The PLAAFP should be written to describe competencies.

The PLAAFP must be updated at least annually, using the results of transition evaluations, academic performance, and other data gathered by the teacher. PLAAFP updates are required for:

- Training/Education and Employment
- Independent Living
- Social/Behavioral
- Recreation/Leisure, and
- Readiness for Postsecondary Education

4. Course of study

The student's course of study will be reviewed and revised each year to reflect the updated information regarding the student's postsecondary goals. The counselor, student and case manager should review the academic achievement record prior to the annual ARD meeting to ensure the student is "on track". Courses the student anticipates taking throughout the remainder of his/her secondary school years must be listed in the IEP. The course of study should correctly reflect the graduation program and any modification of content, including locally-developed special education courses.

5. Coordinated Set of Activities

Needs and activities are transition services that are recommended for the student each year, and which build skills that are needed for the student's postsecondary goals. The following areas must be addressed:

- Instruction
- Related services (if the student has related services)
- Community experiences
- Employment
- Daily living skills services are required for students with behavioral, social, physical or cognitive needs
- A Functional Vocational Evaluation is not required, but may be recommended for a student if appropriate
- Activities must demonstrate coordination among the school, family, student and any outside agency to which the student may be referred. (However, school must have written consent from parent/surrogate to include agency in ARD meeting and have documentation that the agency agrees to any of the activities assigned to them.)
- The IEP should specify the expected date for implementation and the person or agency responsible for arranging or providing the services. Needs and activities should be specific to the student and his/her postsecondary goals. Do not delete completed activities or activities that are no longer relevant to the student's postsecondary goals. The student, family and representatives

from outside agencies should be actively involved in determining needs and activities. Here are some examples:

Need/Activity	Dates	Responsible Parties
Instruction—Social Skills Training	2010-11	School, student
Instruction—Keyboarding	fall, 2010	School, student
Community Experiences—practice using public transportation	2010-11	School, student
Enroll in a self-advocacy class	2008-09	School, student
Tour occupational training programs	2008-09	School, student, and family
Learn rules for riding on public transportation	2009-10	School, student, family
Join a community recreation center YMCA	2009-10	Student, family
Complete application for DARS	2010-11	Student, family

6. Annual, measurable IEP goals and objectives/benchmarks

These goals support transition services and may be academic, vocational, and/or social/behavioral.

7. Interagency Responsibilities and Linkages

Students receiving special education services should be “linked” to government agencies that will help in assisting with achievement of post-secondary goals. Agencies such as DARS (Department of Assistive and Rehabilitative Services) support and train students as they are leaving high school. Their services to the student are detailed in Section IV of the IEP transition section and should be invited to the ARD meeting, with the consent of parents or adult students, and should be part of ARD pre-planning activities when their services are being considered in the IEP. Depending upon their individual needs, students may have agency involvement with Department of Assistive and Rehabilitative Services, Mental Health and Mental Retardation (MHMR), Department of Child and Family Services (CFS), ARCIL, Supplemental Security Income (SSI), or numerous other resources.

At the beginning of each school year, special education case managers should update agency information. Many students have agency involvement prior to high school; consent forms must be obtained in order for the school to communicate with the agencies, even when the student has had agency linkages from a young age. The form “Consent to Release Confidential Information” should be used to obtain permission to communicate with an agency.

The form Consent to Invite an Outside Agency should also be used to invite that agency representative to ARD meetings. It can be accessed in Notices on eSped. Consent forms must be on file Special Education folder. The consent to invite an agency or any outside person to an ARD meeting must be obtained prior to each meeting; one consent does not last throughout high school.

It is not the right of a special education teacher to make a decision that a student doesn’t “need” agency linkages; the parent or adult student makes that decision after being given information about the role of agencies. Teachers also do not determine if a student is eligible for agency services. Eligibility is determined by the agency.

Graduation

Graduation Requirements Under the Foundation High School Program

A student with a disability who receives special education services and who enters or entered ninth grade during or after the 2014-2015 school year may graduate and receive a regular high school diploma if the student satisfies the following criteria:

1. Demonstrates mastery of the required states standards or TCS’ standards if they are greater;
 2. Satisfactorily completes the credit requirements for graduation under the Foundation High School Program; and
 3. Achieves satisfactory performance on the required end-of-course assessment instruments.
- Education Code 28.025(c)(1), 39.025; 19 TAC 74.12, 74.125(n), 89.1070(b)(1), 101.3023(a).*

A student who receives special education services entering ninth grade in 2014-2015 or after may also graduate and earn a regular high school diploma if:

1. The student demonstrates mastery of the required states standards or TCS; standards if they are greater;
2. The student satisfactorily completes the credit requirements for graduation under the Foundation High School Program; but
3. The student's ARD committee has determined that satisfactory performance on the required end-of-course instruments is not necessary for graduation. *19 TAC 89.1070(b)(2)*.

A student who receives special education services entering ninth grade in 2014-2015 or after may also graduate and earn a regular high school diploma if:

1. The student demonstrates mastery of the required states standards or TCS; standards if they are greater;
2. The student satisfactorily completes the credit requirements for graduation under the Foundation High School Program, one or more of which contain modified curriculum that is aligned to the standards applicable to general education;
3. The student achieves satisfactory performance on the required end-of-course assessment instruments, unless the student's ARD committee has determined that satisfactory performance on the required end-of-course instruments is not necessary for graduation; and
4. The student successfully completes the IEP and meets one of the following conditions:
 - a. consistent with the IEP, the student obtains full-time employment and masters sufficient self-help skills to enable to the student to maintain employment without direct or ongoing educational support of TCS;
 - b. consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require ongoing educational support from TCS;
 - c. the student has access to services that are not within the legal responsibility TCS or employment or educational options for which the student has been prepared for by the academic program; or
 - d. the student no longer meets age eligibility requirements. *Education Code 28.025; 19 TAC 89.1035, 89.1070(b)(3)*.

Endorsements under the Foundation High School Program

A student receiving special education services may receive an endorsement if the student:

1. Satisfactorily completes, with or without modification of the curriculum:
 - a. the curriculum requirements for graduation under the Foundation High School Program;
 - b. The additional credit requirements in mathematics, science, and elective courses; and
2. Satisfactorily completes the courses required for the endorsement either:
 - a. without modified curriculum for those courses; or
 - b. with modification of the curriculum for those courses, provided that the curriculum as modified is sufficiently rigorous as determined by the student's ARD committee. *Education Code 28.025(c-7); 19 TAC 89.1070(c)(2)*.

The ARD committee is responsible for determining whether a student is required to achieve satisfactory performance on an end-of-course assessment to earn an endorsement on the student's transcript. *Education Code 28.025(c-8); 19 TAC 89.1070(c)(3)*.

A student who is in eleventh or twelfth grade and who has taken each of the required state assessments but failed to achieve satisfactorily on no more than two of the assessments, is eligible for an endorsement if the student meets the other endorsement requirements. *19 TAC 89.1070(d)*.

Transitioning to the Foundation High School Program

A student receiving special education services who entered ninth grade prior to the 2014-2015 school year may receive a diploma under the Foundation High School Program if the student's ARD committee determines the student should take courses under the Foundation High School Program and the student completes the requirements of that Program. *Education Code 28.025(c)(1); 19 TAC 74.1021(a)(1), 89.1070(e).*

A student transitioning to the Foundation High School Program may earn an endorsement if the student meets the requirements to do so. *19 TAC 89.1070(c)-(e).*

A student transitioning to the Foundation High School Program who is classified as in grade 11 or 12 who took each of the required assessments, but failed to achieve satisfactorily on no more than two of the assessments may graduate if the student met all other applicable graduation requirements. *19 TAC 89.107(e), 101.3022(f)(1).*

Substitutions under the Foundation High School Program

a) *Language- Other-Than-English ("LOTE")*

A student who, due to disability, is unable to complete two credits in the same language in a LOTE, as provided in Section 28.025(b-1)(5), may substitute for those credits:

1. Two credits in ELA, mathematics, science, or social studies; or
2. Two credits in career and technology education ("CTE"), technology applications, or other academic electives.

A credit allowed to be substituted under the above provisions may not also be used by the student to satisfy a graduation credit requirement other than credit for completion of a LOTE.

The determination regarding a student's ability to participate in LOTE courses will be made by the student's ARD committee. *Education Code 28.025(b-14)(1); 19 TAC 74.12(b)(5)(D)(i).*

b) *Physical Education*

In accordance with State Board of Education ("SBOE") rules, a student who is unable to participate in physical activity due to disability or illness is allowed to substitute for the physical education credit required under TEC 28.025(b-1)(8):

1. One credit in ELA, mathematics, science, or social studies;
2. One credit in a course that is offered for a credit as provided by TEC 28.002(g-1); or
3. One academic elective credit.

A credit allowed to be substituted for PE credit may not also be used by the student to satisfy any other graduation requirement.

The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee, if the student receives special education services under the IDEA and Texas Education Code Chapter 29;
2. The student's 504 committee, if the student does not receive special education services under the IDEA or Texas Education Code Chapter 29, Subchapter A but is covered by Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794; or
3. If each of the committees described above is inapplicable, a committee established by the school of persons with appropriate knowledge regarding the student. *Education Code 28.025(b-11),(b-14); 19 TAC 74.12(b)(6)(G)(i).*

Distinguished Achievement, Recommended, and Minimum High School Program

A student receiving special education services who entered ninth grade before the 2014-2015 school year may graduate with a regular diploma if the student:

1. Demonstrates mastery of the required states standards or TCS's standards if they are greater;
2. Satisfactorily completes the credit requirements for graduation under the Foundation High School Program; and
3. Achieves satisfactory performance on the required state assessments. *Education Code 28.025(c)(1), 39.025; 19 TAC 74.1021, 89.1070(f), 101.3023.*

A student who is in eleventh or twelfth grade and who has taken each of the required assessments, but failed to achieve satisfactorily on no more than two assessments, may graduate under the recommended or distinguished program if the student meets all other applicable graduation requirements. *19 TAC 89.1070(f)(2), 101.3022(f)(1).*

A student receiving special education services who entered ninth grade before the 2014-2015 school year may also graduate with a regular high school diploma if the student:

1. Demonstrates mastery of the required states standards or TCS's standards if they are greater;
2. Satisfactorily completes the credit requirements for graduation under the minimum high school program; and
3. Participates in or satisfactorily performs on the required state assessments as determined by the student's ARD committee. *19 TAC 89.1070(f)(3).*

A student receiving special education services who entered ninth grade before the 2014-2015 school year, may also graduate and be awarded a regular high school diploma if the student:

- a. Demonstrates mastery of the state standards through courses, or TCS's standards if they are greater, one or more of which contained modified content and is aligned with the requirements under the minimum high school program;
- b. Completes credit requirements for graduation under the minimum high school program; and
- c. Participates in or satisfactorily performs on the required state assessment as determined by the ARD committee. *Education Code 28.025(c), 39.025; 19 TAC 74.1021, 74.1025(n), 89.1070(f)(3), 101.3023.*

A student receiving special education services who entered ninth grade before the 2014-2015 school year, may also graduate and be awarded a regular high school diploma if the student:

1. Demonstrates mastery of the state standards through courses, or TCS's standards if they are greater, one or more of which contained modified content and is aligned with the requirements under the minimum high school program;
2. Completes credit requirements for graduation under the minimum high school program;
3. Participates in or satisfactorily performs on the required state assessment as determined by the ARD committee; and
4. Successfully completes the IEP and meets one of the following conditions:
 - (a) consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, and masters sufficient self-help skills to enable to the student to maintain employment without direct or ongoing educational support of TCS;
 - (b) consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require the ongoing educational support of TCS;
 - (c) the student has access to services that are not within the legal responsibility of public education or educational options for which the student has been prepared for by the academic program; or
 - (d) the student no longer meets age eligibility requirements. *Education Code 28.025(c)(2), 39.025; 19 TAC 74.1025(n), 89.1035, 89.1070(f)(4), 101.3023.*

High School Diploma and Certificate of Coursework Completion

TCS may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the SBOE under Education Code Section 28.025(a) but who fails to

comply with Section 39.025 (Secondary-Level Performance Required) relating to exit-level assessment requirements. TCS does allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. *Education Code 28.025(d)*.

Certificate of Attendance

TCS shall issue a Certificate of Attendance to a student who receives special education services under Subchapter A, Chapter 29 of the Texas Education Code and who has completed four years of high school but has not completed the student's IEP. TCS shall allow a student who receives a certificate of attendance to participate in a graduation ceremony with students receiving high school diplomas. A student may participate in only one graduation ceremony. Receiving a Certificate of Attendance does not preclude a student from receiving a diploma if the student completes the IEP. *Education Code 28.025(f)*.

Limited Modification to Course Content

General education course content (i.e., TEKS) may be modified if necessary for the student to participate in the general curriculum and make expected progress toward annual goals. Specific modification must be documented in the student's IEP.

Course Substitutions

All students should have at least minimum credits and minimum curriculum. A course substitution is made to ensure a student receives credit for a required course. There are general education course substitutions that can be used for some required courses. Complete the [4-Year Graduation Plan/Course of Study at the ARD meeting](#) to document substitutions.

Course substitutions may be necessary for a student who has transferred in from another district and does not have a clearly defined course history. If a student has been in a TCS high school since 9th grade, substitutions should consist of acceptable general education courses or locally developed special education courses. For the past several years, locally developed special education courses have been available in all the core curricular areas. These locally developed courses can substitute for state required courses, and they are clearly identified with specific subject areas. Basic English 1 will appear on the transcript correctly as a substitute for English 1. Consumer Economics, a life skills level course, correctly appears on the AAR as an Economics course. Locally developed special education courses that clearly track to a state-required course, such as Basic English 1 and English 1, do not need to be listed on an AAR update form. Reading, an acceptable substitution for an English requirement, will not automatically appear on a transcript as an English course because it is an elective; it must be recommended in an ARD meeting as a substitute, then the communication page must be given to the registrar in order to make the change on the AAR. Locally developed math courses also track to state courses. When in doubt, check the 9XXXXXXXXX number for the locally developed course. The digits after the 9 will be the same as the state number for the general education course. Only the core curriculum courses will track in that manner. Occupational Prep, for example, does not have a general education "equivalent."

The basic rule of thumb to follow when considering a course substitution is: does it make sense?

The ARD committee cannot waive state requirements; any recommended substitution should be in the "same family" as the required course. Reading, for example, is an accepted ELA course substitution although Reading is an elective. It would not make sense to substitute Building Maintenance, a CTE elective, for a required science course. The only way a work-related special education course can be substituted for a required course is if:

- the student has specific goals relating to the academic skill, **and**
- a certified teacher instructs the student in the academic skill area on the job.

Applied Computer Skills, offered at both the "resource" level and the life skills level, can serve as a technology credit substitution. Development of Social Skills and Application of Social Skills are substitutions for Communication Applications.

Appendix C – Transition Supplement & Graduation

Least Restrictive Environment

Describe previous efforts, if any, to educate the student in a general education classroom (including a description of supplementary aids and services). Document placement options that have been provided or tried in the last year, and the placements that are being considered for the future year.

Describe the results of the placements for the past year and describe why the efforts failed (was it the result of a lack of sufficient supplementary aids and services?).

Will the student receive an educational benefit from general education (including non-academic benefit)?

Describe the effects, if any, the student's presence has on the general education classroom. Focus on the student's disability and how that could impact his/her participation in the classroom.

Identify those needs that can be met in a general education classroom.

Identify those needs that cannot be met in a general education classroom.

LRE: Instructional Setting

TCS shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

The placement decision is based on the student's IEP.

A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Providing a special education course in the general education setting is an option to consider.

- Districts that do not operate programs for non-disabled preschool children are not required to initiate such programs solely to satisfy the requirements regarding placement in the least restrictive environment. Similarly, districts are not required to establish extensive contract programs with private schools that serve both children with disabilities and children without disabling conditions solely to implement LRE requirements. Generally, the use of facilities that are separate or otherwise solely devoted to children with disabilities is permissible only when necessary to meet an individual child's specific needs, and should not be the only option available. (§300.102(a)(1))

Consider any potential harmful effects on the student or on the quality of services that he or she needs.

Determine and specify the appropriate instructional setting.

Provide an explanation of the extent, if any, to which the student will not participate with non-disabled students:

- In the regular class (including while advancing toward attaining the student's annual goals and progressing in the general curriculum).
- In extracurricular and other nonacademic activities.
- In other activities.

LRE: Length of School Day

Determine and specify the appropriate length of day for each student. Students with disabilities shall have available an instructional day commensurate with that of students without disabilities. See [Commensurate School Day](#) for further information.(§89.1075(d))

LRE: Campus

Placement decisions do not refer to specific location or sites. TCS, in compliance with assurances in federal law that all students with disabilities will be educated as close to their home as possible, locates students at their home school or in their home school feeder pattern to the extent possible. The ARD committee, after reviewing the student's needs, programs and services, identifies when those cannot be met on the home campus and for what reasons.

Based on the recommended type of program or school, location of school will be determined by central TCS administration after due consideration of this ARD committee's recommendations.

Any student who has a hearing impairment that adversely affects educational performance shall be eligible for consideration for the Regional Day School Program for the Deaf, subject to the ARD committee recommendations.

LRE – Access to Challenging Academic Programs

The ARD Committee considers participation by qualified students in accelerated classes or programs, such as Gifted and Talented, Distinguished High School Program, Advanced Placement, and International Baccalaureate. Participation in an accelerated class or program is considered part of the regular education component of a student's IEP. Therefore, if a qualified student with a disability requires related aids and services to participate in a regular education class or program, then a school cannot deny that student the needed related aids and services needed for participation in challenging academic classes or programs. The same applies for all instructional accommodations needed, such as extended time on tests or the use of a computer to take notes.

Implementation of the child's IEP modifications, however, cannot be used to substantially change the challenging academic program (e.g. reduced student work output, reduced amount of knowledge required to be taught and learned). Part of the "challenge" in these programs is that the student be able to demonstrate greater quantities of work output because of their typical faster pace as well as to demonstrate knowledge on a higher critical thinking level compared to regular instructional programs. The student remains responsible for meeting the work and achievement level expectations. Failure to do so is grounds for removal from the challenging academic program. Warnings and consequences given to non-special education students about lack of progress or expectation levels being met would similarly be provided to special education students in these programs.

LRE – Consideration of Nonacademic and Extracurricular Activities

The ARD committee addresses supplementary aids and services a student will need should the student elect to participate in extracurricular activities. ARD does not decide in which extracurricular activities a student may participate. The committee is to make clear delineation between discussion of services for the provision of FAPE and services for extracurricular activities. Determinations should be based upon student interests and available activities. The committee must document in the ARD summary any accommodations, aids, and services student will need to receive an equal opportunity to participate. (§300.320(a)(4)(ii))

Residential Facilities:

For a student residing in a residential facility where TCS has a campus, the ARD committee must determine the appropriate educational placement for the student, considering all available information regarding the student's individualized needs, including, but not limited to, the non-educational needs that may restrict the ability of the student to be served on another public school campus or in another instructional setting. These non-educational needs could include the student's health and safety (e.g. substance abuse), and/or the student's placement in a restrictive residential facility program (e.g., juvenile incarceration or restrictive court-ordered placements). (§89.1115(d)(3)(B))

LRE: Residential/Private School Placement

If a parent or guardian or advocate of a student with a disability brings to the attention of a teacher, administrator, support staff or an ARD committee a request for other residential or private school placement of a student, the school administrator should contact the Director of Special Education. The Director of Special Education will work collaboratively with the school staff, residential facility administration, student, and family to explore and exhaust all district resources prior to consideration of another residential or private school placement.

LRE: Assurances

Assure that removal of students with disabilities from the general educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Assure that each student with a disability participates in nonacademic and extracurricular services and activities, including meals, and recess periods, with non-disabled students to the maximum extent appropriate to the needs of that student.

Assure that to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are non-disabled.

Reaching Consensus

ARD decisions are based upon a consensus building process. The ARD committee shall develop the IEP by agreement of the ARD committee members or, if those persons cannot agree, by an alternate method provided by the agency. Majority vote may not be used to determine the IEP. (TEC 29.005(b)).

- Include the names and positions of the members participating in each meeting. (eSped participants tab)
- Read summary (optional) or review decisions, making corrections as needed. Items to include in the written ARD meeting summary include, but are not necessarily limited to:
 - Response to parent questions and concerns and attempts to obtain parent input. It is important to reflect that the parent had meaningful opportunities to participate and that the Committee meaningfully considered parent input.
 - Note parent requests made during the meeting and document district response/decision.
 - Quote positive comments made by parent(s) and staff.
 - Indicate time and date ARD will reconvene if the ARD meeting stopped and was incomplete. Indicate any additional information to be collected prior to reconvening.
 - Write staff titles rather than names
 - Include specific details of offense if the ARD meeting is a Manifestation Determination.
 - Use spell check.
 - Read summary for all ARD members to hear.
- Note discussion regarding decisions in summary of ARD meeting, particularly if there has been consensus building as part of the ARD committee decision-making process.
- Review decisions prior to obtaining agreement or disagreement.
- Indicate each member's agreement or disagreement with the committee's decisions.
- Obtain signatures **in ink** on printed ARD meeting document.

ARD Disagreement:

When mutual agreement about all required elements of the IEP is not achieved, offer the parent(s) or adult student who disagrees a single opportunity to have the committee recess for a period of time not to exceed ten school days, unless the parties mutually agree otherwise.

If the parent or adult student declines the offer to recess:

- Document the offer and declination in the summary and on the Disagreement form.
- Provide a written statement of the basis of the disagreement in the summary.
- Document that the district's proposed IEP will still go into effect.
- Finalize the ARD report and obtain signatures.
- The parent or adult student shall be provided prior written [Notice of Refusal Decision](#).
- Offer the members who disagree the opportunity to write their own statement.
- *Notify the Director of Special Education of any disagreement ARDs.*

If the parent or adult student accepts offer of recess, the committee must:

- Determine by mutual agreement, prior to the conclusion of disagreement ARD, the date, time, and place for continuing the ARD committee meeting and document on Disagreement form (this serves as the ARD Notice; no other notice is needed).
- Provide a written statement of the basis for the disagreement in summary.
- Offer each member, including the parent, who disagrees with the IEP the opportunity to include a statement of disagreement.

- Determine what will be done during the recess that may assist in enabling the ARD committee to reach mutual agreement, such as considering alternatives, gathering additional data, preparing further documentation, and/or obtaining additional resource persons (documented on Disagreement form).
- Stay put with existing IEP will be in effect on all elements of the IEP unless specific agreement has been reached on areas that may be implemented during the recess. Finalize ARD and obtain signatures.
- Notify Director of Special Education and invite to attend reconvene meeting.

If parent cancels scheduled disagreement ARD, send [Notice of Decision](#).

If a ten-day recess is implemented and the ARD committee still cannot reach mutual agreement,

- The district shall implement the IEP that it has determined to be appropriate for the student.
- A written statement of the basis for the disagreement is put in the summary of the IEP
- The members who disagree are offered an opportunity to write their own statements.
- The parents or adult student shall be provided prior written [Notice of Decision](#).

If a parent disagrees with a manifestation determination,

- The parent has the right to request an Expedited hearing through TEA.
- Provide the parent a copy of the [Procedural Safeguards](#), highlighting the “expedited hearing” process.
- There is NO ten-day recess or reconvene ARD. Removal hearing may proceed at the discretion of the campus administrator.
- There is no “stay put” during the expedited hearing process.

ARD Indecision

- If upon completion of the ARD meeting parents have not had time to process decisions or wish to reflect, they may indicate that they have “participated” in the meeting and then return a signed copy of the IEP indicating the parent’s agreement/disagreement upon further review.
- If parent does not agree with decisions, a single reconvene meeting may be offered. A review ARD may be held at any time upon request of TCS or the parent.
- If the parent agrees with ARD decisions but there are minor corrections, TCS and the parent may agree not to convene an ARD committee meeting for the purpose of making the change and instead make the change through the IEP amendment process. The amendment process may not be used for eligibility determinations, changes of placement, or manifestation determination reviews.

Incomplete ARD

- If the ARD committee does not complete all areas to be addressed, the ARD meeting may be recessed and reconvened at a later date.
- Date and time for reconvene is scheduled at time of recess and documented in ARD summary. Reconvene should be within 5 to 10 days.
- Note participants excused from reconvene in ARD summary (may not be required participants).
- ARD is left in DRAFT form until reconvene, but must be finalized and signed upon completion.
- Print signature page for participants to sign to document participation.
- Upon reconvene, note date, time, and participants present in ARD summary.

Upon Completion of ARD Committee Meeting:

Upon close of the ARD meeting:

- Provide the parent a copy of the child’s IEP (ARD record) at no cost to the parent. If a copy is not provided at this time, all reasonable efforts must be made to provide the IEP to the parent or adult student **within 2 workdays**.
- If the student’s parent is unable to speak English, either:

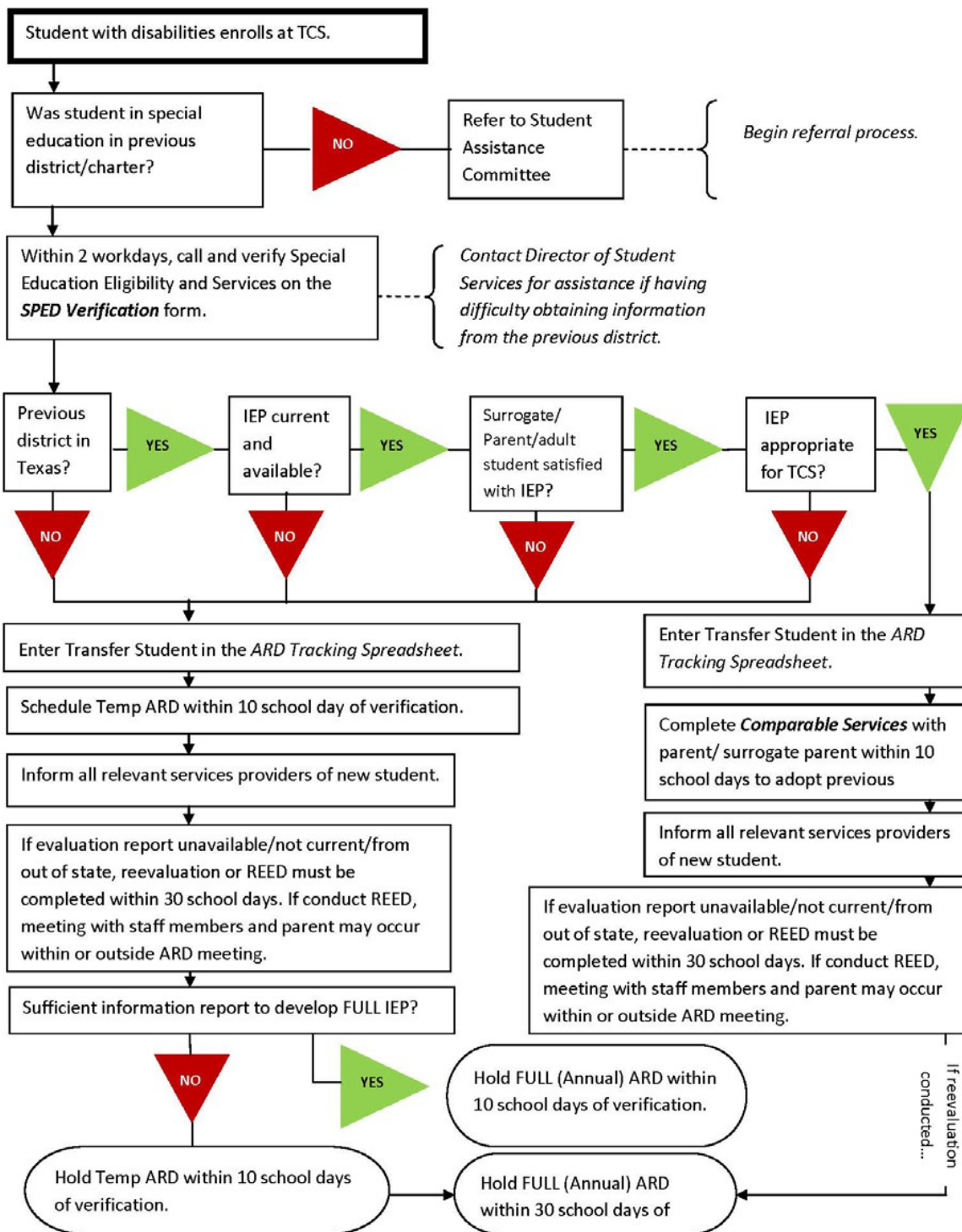
- Provide the parent with a written or audiotaped copy of the student's IEP (ARD report) translated into Spanish, if that is the parent's native language.
- If the parent's native language is a language other than Spanish, make a good faith effort to provide the parent with a written or audio taped copy of the student's IEP (ARD report) translated into the parent's native language.
- Notify and provide each teacher and service provider who provides instruction and/or support to a student with disabilities relevant sections of the student's current IEP.
- Notify each teacher and service provider of specific responsibilities related to implementing the IEP, such as goals and benchmarks, participation in state and district testing programs, behavior intervention plans, and needed accommodations, modifications, and supports for the child.
- Notify staff responsible for making any required schedule and/or program changes of the changes to be made and the timeline for implementation (i.e., schedule changes to be made by the counselors).
- Provide **Notice of Decision** to address any items parent requested that ARD did not support as requested (i.e., parents and school agreed to an alternate option and ended ARD in agreement but option was not the one originally requested by the parent).

Actions Outside the Scope of an ARD Committee

The ARD committee is only responsible for the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law as set forth in 19 TAC 89.1050(a).

Transfer flowchart for TCS

Transfer Student Guidelines



TRANSFER STUDENTS--Determination of Need for an ARD Committee Meeting:

When students with disabilities new to TCS enroll, **a determination of need for ARD meeting must be made.** (See [flowchart](#) on previous page). Information from previous school district may be obtained by phone with officials in the previous district and/or by written documents shared by the parent or adult student. Records requests are made to previous district(s) ([Consent to Release/Request Records](#) form).

If student's previous district was in TEXAS and a copy of current IEP is available:

(Includes Charter Schools)

The following questions must be addressed for a Transfer Student whose previous district was in TEXAS:

- Is a copy of the student's IEP available and current?
- Is the parent or adult student satisfied with the current IEP (a statement documenting satisfaction must be made)?
- Is the current IEP appropriate, and can it be implemented at TCS **as written by the previous district?**

If the response to any of the questions is NO, you must still complete the Transfer form in eSped, i.e., address all required fields. This is a critical step as it activates the student in special education in PIEMS. An ARD meeting must be held within 10 school days of the student's verification of special education services. Make determination of type of ARD meeting needed, i.e., either an annual review or a temporary placement, and provide [Notice of ARD Committee Meeting](#).

If responses to all of the questions are YES, an ARD meeting is not needed at this time. Verification of specially designed instruction in previous district in Texas must be documented. This includes:

- Date of IEP
- Date of FIE/Reevaluation
- Eligibility
- State and District Testing Program Participation (STAAR/A/Alternate)
- Specially designed instruction exactly as specified in previous district
- Schedule as specified in previous district (minutes per period/day may vary due to minor differences in schedules but content of schedule may not vary)
- Goals and objectives exactly as specified in previous district

Address all required fields. This is a critical step as it activates the student in special education in PIEMS.

Copy of FIE/Reevaluation must be obtained if not available at time of determination.

Follow procedures for completion of ARD in regard to sharing relevant sections of IEP with each teacher and service provider who provides instruction or services to the student, and providing copy of transfer paperwork to parent.

If an IEP from another district has been accepted for a transfer student, the next ARD meeting is completed via eSped and must address all required areas not previously documented in the "Transfer" form, including FBA if adopted from previous district.

If student's previous district was in TEXAS and a copy of current IEP is NOT available:

An ARD meeting must be held within 10 school days of the student's verification of special education services. Make determination of type of ARD meeting needed and provide [Notice of ARD Committee Meeting](#). Records request are made to previous district (Consent to Release/Request Records form).

(Note: Temporary placements are not permissible for students coming from an ECI program such as Easter Seals or Any Baby Can. Temporary placements are only permissible for students transferring into TCS from another special education program in a previous school district. The evaluation plan/report (just like for reevaluations) will document available information as well as whatever additional information may be needed. This evaluation plan/report is the FIE since it is what the ARD committee uses for initial eligibility and placement

determination. Any subsequent evaluation will be a reevaluation, even though it will probably be much more comprehensive.)

If student's previous district was NOT in Texas or was a private school:

Complete the Student Transfer form in eSped. Schedule an ARD meeting and provide [Notice of ARD Committee Meeting](#) to parent or adult student. Contact previous school district for oral information and send records request (Consent to Release/Request Records form).

All transfer students eligible for specially designed instruction in TCS must have:

- a Transfer (Determination of Need) form AND an "annual" ARD meeting completed in **eSped** within 10 days of enrollment; OR
- a Transfer (Determination of Need) form AND a "temporary placement" ARD meeting completed in **eSped** within 10 days of enrollment (*Note: will require an "annual" ARD meeting be completed within 30 school days of the "temporary placement" ARD meeting*); OR
- a completed and document verified COMPLETE Transfer Student File in **eSped** within 10 days of enrollment (documents filed in TCS audit file).
- a Transfer (Determination of Need) form completed in **eSped** within 10 school days of verification of special education services indicating acceptance of the previous district's IEP. (*Note: only applicable if previous district was in Texas, you have a copy of the previous district's IEP, parents/adult student are satisfied with the IEP, and TCS is able to implement the previous district's IEP "as is."*)

Provision of Services for Transfer Students

All new students with disabilities who were eligible for specially designed instruction in other school districts must be provided specially designed instruction similar to the services provided in the previous school district, as soon as TCS is aware of that the student is eligible for specially designed instruction.

In the case of a child with a disability who transfers public schools within the same academic year, who enrolls in a new public school, and who had an IEP that was in effect **in TEXAS or in another state**, then TCS, in consultation with the parents, must provide FAPE to the child, including services comparable to those described in the previously held IEP, until such time as TCS conducts an evaluation if determined to be necessary, and adopts the previously held IEP or develops, adopts, and implements a new IEP.

A TCS campus where a new student enrolls must take reasonable steps to **promptly** obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled.

- Campus must contact previous district by phone within 2 workdays of student's enrollment.
- If having difficulty obtaining information from the previous district, contact your assigned Special Education Instructional Coordinator for assistance.
- Campus documents date of FIE/Reevaluation, date of current IEP, eligibility, IEP goals, and all specially designed instruction (information transmitted orally or by fax)
- Campus provides services as completely as possible until temporary ARD meeting is held.
- Temporary ARD incorporates services of previous district's IEP.

Reevaluation Planning Process

(REED – Review of Existing Evaluation Data)

Students must be reevaluated at least every three years unless the parent and TCS agree that a reevaluation is unnecessary, and when being considered for dismissal from special education, including graduation under an IEP (see [Graduation Evaluation Requirements](#)). The reevaluation must begin with a planning meeting. There are two ways to conduct a reevaluation planning meeting.

The planning must involve input from all members of the student's team, including parents, the adult student, and evaluation staff.

The planning meeting must address the following:

- A review of existing data such as curriculum-based evaluation, observations, parent information, student portfolio, standardized tests, report cards, discipline records and attendance records, previous district or private evaluation reports.
- A decision as to whether additional evaluation is needed. The team determines this by discussion of the following:
 - Whether a disability continues to exist,
 - The student's present levels of academic achievement and functional performance and need for specially designed instruction;
NOTE: Academic testing is most appropriately conducted by teachers who can select instruments that reflect the student's current coursework, goals and needs. Standardized grade level scores are less useful for IEP planning than are specific curriculum based assessments.
 - Whether the student continues to need special education and related services; and
 - Whether any additions or modifications to the special education or related services are needed to meet the measurable annual goals in the IEP and, as appropriate, in the general curriculum.

See [Evaluation](#) section of Operating Guidelines for complete [reevaluation planning process](#).

eSped Meeting – Review

- Indicate the date of the original FIE
- Indicate the date of the most current reevaluation which is either:
- The date of the meeting at which the team determined that no further evaluation was needed (eSped Meeting – Additional)
- If testing is recommended, the date of the meeting at which the team determined that additional evaluation was needed is used as the reevaluation date until that the additional evaluation is completed. This date must be on or before the due date of the reevaluation.
- When the additional evaluation report is complete, an ARD meeting will be scheduled to review the new information and the date of the new evaluation report will become the reevaluation date.

Dismissal from Special Education

A student is dismissed from special education when either:

- Graduation ends the student's right to specially designed instruction.

OR

- The student is no longer eligible for specially designed instruction because:
 - There is no longer any disability as defined by IDEA; or
 - There is no longer a need for specially designed instruction.

Note: If a parent requests dismissal from special education, the ARD committee must meet to determine whether or not the student no longer meets eligibility criteria. A student should not be dismissed at parents request as long as the student continues to have a disability and a need for specially designed instruction.

Parents may elect to revoke consent for special education services outside the authority of an ARD committee. See [Revocation of Consent](#).

When a student is evaluated and no longer meets eligibility criteria, an ARD Committee meeting should be held within 30 calendar days after completion of the reevaluation report, which determines a student no longer has a disability condition. The ARD Committee convenes to determine eligibility for continuation of specially designed instruction. Specially designed instruction cannot continue for students who do not have eligibility.

When a student no longer exhibits a need for specially designed instruction and dismissal is being considered, a reevaluation plan/report must be completed. The reevaluation plan/report documents the review of existing data, the scope of any necessary evaluation, and the committee's decision concerning eligibility. A new FIE is not required. The ARD committee then considers the conclusions of the reevaluation plan/report to make the dismissal decision.

A student may be dismissed from specially designed instruction at the parent's request, by mutual agreement of the ARD Committee, or following a special education hearing officer order.

eSped Dismissal Process:

- Note dismissal and dismissal date in purpose of ARD meeting (Meeting – Purpose)
- Note that student DOES NOT meet eligibility criteria (Meeting – Eligibility). Remember that eligibility for specially designed instruction is dependent upon the simultaneous presence of two documented facts: 1) a disability as defined by IDEA, and 2) because of this disability, a need for specially designed instruction.
- Note in summary discussion of criteria and recommendations of committee.

Changes in Eligibility and Programs are NOT dismissals:

- A change from PPCD to other specially designed instruction is NOT dismissal from special education as long as student continues to have an eligibility condition. For example:
 - From PPCD to speech services only
 - From PPCD to KG inclusion support
- Removal of speech impairment eligibility when the student continues to have eligibility in another area is NOT dismissal from special education.

Graduation

Except as specifically provided by law, graduation with a regular high school diploma terminates a student's eligibility for special education and related services. Termination of eligibility based on graduation requires TCS to complete a summary of performance in accordance with 34 CFR 300.305(e)(3), and prior written notice must also be provided. *34 CFR 300.102; 19 TAC 89.1035(a), 89.1070(a)*

A student who meets the age range for eligibility under state and federal law may return to school provided the student was awarded a diploma that satisfied the following conditions:

1. The student was required to successfully complete the individualized education program (“IEP”); and
2. The student was required to:
 - a. Obtain full-time employment, based on the child's abilities and local employment opportunities, and master sufficient self-help skills to enable the student to maintain employment without direct or ongoing educational support of TCS;
 - b. demonstrate mastery of specific employability skills and self-help skills that do not require ongoing educational support from TCS; or
 - c. have access to services that are not within the legal responsibility of TCS or employment or educational options for which the student has been prepared for by the academic program. *19 TAC 89.1070(b)(3)(A)-(C), (f)(4)(A)-C, (j)*.

Upon request of the student or parent to resume services, the ARD committee must determine the needed educational services. *19 TAC 89.1070(j)*.

Graduation ARD meetings must be held during the semester that the student is recommended to graduate! Holding graduation ARD meetings any earlier than that will cause serious data errors in PIEMS. *(Note: Students recommended to graduate during the summer should have their graduations ARD meetings during the Spring semester.)*

For a student graduating and being awarded a high school diploma, graduation terminates a student's eligibility for specially designed instruction and a student's entitlement to the benefits of the Foundation School Program. Verify that one of the following conditions have been met:

- Satisfactorily completed the state's or TCS (whichever is greater) minimum curriculum and credit requirements for graduation applicable to students in general education, including satisfactory performance on the exit level assessment instrument.
- OR**
- Satisfactorily completed the state's or TCS' (whichever is greater) minimum curriculum and credit requirements for graduation applicable to students in general education and has been exempted from the exit-level assessment instrument because the assessment instrument, even with allowable modifications, would not provide an appropriate measure of the student's achievement as determined by the student's ARD committee.

For a student graduating and being awarded a high school diploma:

- When considering a student's graduation, the student shall be evaluated prior to graduation, per Determination of Needed Evaluation Data and FIE/reevaluation unless the student exceeds the age of eligibility or is graduating from secondary school on a general education graduation plan (IDEA Change).
- Consider the FIE/reevaluation and the views of the parent and/or student, as appropriate.
- When appropriate, seek in writing and consider written recommendations from adult service agencies.
- For students graduating via a general education plan or because they have exceeded age eligibility requirements, provide a summary of the student's academic achievement and functional performance including recommendations on how to assist the student in meeting his/her postsecondary goals. (IDEA change)
- Determine that the student has successfully completed his/her IEP.
- Determine that the student has successfully completed the state's or TCS' (whichever is greater) minimum credit requirements for students without disabilities.
- Determine that the student has successfully completed the state's or TCS' minimum curriculum requirements to the extent possible with modifications/substitutions only when it is determined necessary by the ARD committee for the student to receive an appropriate education.
- Determine that the student has met one of the following conditions:
 - Full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to maintain the employment without the educational support of TCS.
 - Demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of TCS.
 - Access to outside services, or employment, or educational options for which the student has been prepared by the academic program.
- Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment.
- For students who receive a diploma under this part, the ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements. Special Education Administration must be invited to ARD considering reestablishment of special education services.

Description and Directions for “Summary of Performance”

Description

The [Summary of Performance \(SOP\)](#) is required for all graduating special education students under the Reauthorization of IDEA 2004. As stated in IDEA, the local education agency “shall provide the [student] with a summary of the [student’s] academic achievement and functional performance, which shall include recommendations on how to assist the [student] in meeting...postsecondary goals.” The purpose of the SOP is to assist the student with transition from high school to higher education, training and/or employment. It will assist the student in establishing eligibility for reasonable accommodations and supports in postsecondary settings.

The [Summary of Performance](#) must be completed during the student’s final year of high school. It is not an ARD meeting document. It is not, at this time, part of Special Education Manager. The following format is used in order to ensure compliance with Federal Law as well as incorporating “best practice” elements recommended by the National Transition Documentation Summit.

Directions

Complete the form with the student, ideally either at a transition planning meeting or a re-evaluation planning meeting during the student’s final year of high school. You will need to pull data from the student’s most recent IEP. Your evaluation staff will give you Present Level of Performance information for the Cognitive Areas (see bottom of page 1). The form is self-explanatory and also has brief directions on each section.

Recommendations for assisting the student in meeting post-secondary goals are addressed on the bottom of page 2. These recommendations are for areas that must be addressed in transition planning: education, employment, independent living, and community participation.

Page 3 reflects student input, and is signed by the student. This ensures that the student knows his disability and can advocate for himself.

The final page lists the student’s employer, if applicable, and agencies with which the student has been connected.

This document is for the student. When completed and signed, the student should be given a copy. The original must be filed in the student’s special education audit folder. Although this is not an ARD meeting document, it is a federal requirement and the district must be able to produce evidence of the SOP for auditing/monitoring purposes.

Participation in Graduation Ceremony and Maintaining FAPE Eligibility:

Certificate of Coursework Completion: TCS may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the SBOE under Education Code Section 28.025(a) but who fails to comply with Section 39.025 (Secondary-Level Performance Required) relating to exit-level assessment requirements. A student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. *Education Code 28.025(d)*.

Certificate of Attendance: TCS shall issue a Certificate of Attendance to a student who receives special education services under Subchapter A, Chapter 29 of the Texas Education Code and who has completed four years of high school but has not completed the student's IEP.

- TCS shall allow a student who receives a certificate of attendance to participate in a graduation ceremony with students receiving high school diplomas.
- A student may participate in only one graduation ceremony.
- Receiving a Certificate of Attendance does not preclude a student from receiving a diploma if the student completes the IEP. *Education Code 28.025(f)*.

Withdrawal

When a student is simply withdrawn from school for any reason, the ARD Committee is not responsible to meet for dismissal purposes. As soon as the campus is aware that a student has withdrawn, initiate an Audit

Folder tracking sheet, indicating reason for withdrawal. Contact special education team secretary to arrange for folder to be picked up. If known, note district or campus to which the student has moved.

Note: For students who withdraw from Trinity Charter School prior to the completion of the admission process, organize all documentation chronologically in the referral folder and give folder to campus SEES staff member to include in the evaluation folder. If known, note district or campus to which the student has moved. If the student has moved to another TCS campus, the folder will be transferred to that campus. If the student has moved out of district, the folder will be forwarded to the Special Ed/PEIMs Clerk.

ARDs for Students Not Currently Enrolled in TCS

ARDs typically are not held for students who have recently left TCS except in extremely rare circumstances as required by law. Contact your Director of Special Education if you feel there are extenuating circumstances that require an ARD meeting for a student who has withdrawn from TCS.

Students who are in special education at the time they withdraw from a previous district are entitled to special education services in TCS as soon as they enroll, even if those services are homebound. If we are unable to implement the IEP exactly as it was written in the other district, then we have up to 10 school days to hold an ARD meeting and modify the IEP, but the student is still entitled to comparable services from the moment of enrollment.

Amending an IEP without Convening an ARD Committee Meeting

An IEP may be amended without convening the student's ARD Committee, but only if:

- TCS and the parent agree to the IEP amendment process in lieu of convening an ARD committee meeting;
- the student is currently enrolled in TCS,
- is currently in special education, and
- there is a current ARD committee report filed in eSped.

The school may contact the parent if they wish to propose amendments to a student's IEP without an ARD committee meeting, or a parent may request the school amend their child's IEP. Regardless of who initiates the consideration of an IEP amendment, the school and the parent **must all agree** that the IEP may be amended without holding an ARD committee meeting.

Advantages

There are many advantages to the new IEP Amendment process:

- It eliminates the hassles of scheduling an ARD committee meeting.
- You don't have to struggle with finding an available time slot in your campus' busy ARD schedule.
- You do not have to provide formal written [Notice of ARD Committee Meeting](#), or follow-up on the notice when there has been no response from the parent, or negotiate a mutually agreeable alternate date and time.
- Not all of the members of the ARD committee are required for the new IEP Amendment process.

Required Participants

There are three persons who are always required to sign and date the IEP Amendment Report:

- The parent, or when appropriate a guardian, [surrogate](#) parent, or an adult student.
- An administrative representative, such as the principal or an assistant principal.
- And the Special Education Representative. Typically this is the student's Special Education Case Manager.

There are also times when a fourth person is required to be part of the IEP Amendment process. If you are adding or discontinuing school health services, then the school nurse must agree to the changes, complete or modify the School Health Services form, and must sign and date the IEP Amendment report. Also, if the

school nurse modifies an existing School Health Services form, then the school nurse must sign and date the IEP Amendment report.

Required Communication

While the IEP Amendment process does not require a meeting, it is still necessary for the required members to communicate with one another. This communication may occur via a meeting, such as a parent-teacher conference or a home visit. Or it may involve communication via telephone calls, written notes or e-mails. Any appropriate means of communication may be used. The important thing is to communicate and to document all communication with parents in the eSped "Communication Log."

There are some areas of the IEP that may NOT be amended

- You may not amend a transfer student's IEP that you have adopted from another Texas school district.
- You may not address eligibility. This means you cannot determine that a student is eligible and admit the student into special education, nor can you determine that a student is no longer eligible and dismiss the student from special education. You cannot add, drop or change disability labels.
- You cannot use the IEP Amendment process to conduct a Manifestation Determination review.
- You cannot use the IEP Amendment to change a student's educational placement, or instructional setting.
- You cannot use the IEP Amendment to change a student's schedule of services, including "related services" whether direct or consult. However, you may change the goals that a related service is supporting.
- Other than test accommodations, you cannot amend assessment decisions. In other words, you cannot change what assessment should be administered to a student, such as TAKS or TAKS-Modified.
- You cannot determine or change a graduation plan.
- You cannot extend or shorten the current IEP end date.
- And finally, you cannot use the IEP Amendment to "develop" a new IEP such as when you admit a student into special education or as part of an "annual" IEP review.

There are many areas of the IEP that may be amended without an ARD meeting

- With the exception of the Graduation Plan, you can amend all of the areas of Transition.
- You can modify all areas, such as the "Physical" area, including Individual Personal Care Services (IPCS) and School Health Services (SHS); the "Behavioral" area, including the "BIP" and the "FBA Plan; Language; and the Autism supplement.
- You can modify the "Auditory Supplement" with the exception of decisions related to the Regional Day School Program for the Deaf, and you can modify the "Visual Supplement" with the exception of decisions related to the Texas School for the Blind and Visually Impaired.
- You can modify "Present Levels of Academic Achievement and Functional Performance."
- You can amend documentation of a student's involvement in general education, as well as how IEP progress is to be reported.
- You can add, delete and modify goals and objectives.
- You can amend how the curricular content, or "TEKS," of a general education course is modified.
- You can amend accommodations, including those for assessments as well as others routinely used in the classroom.
- You can address LRE issues, as long as it does not indicate a change of placement. This includes amending the LRE supplement as well as modifying what has been tried, considered, or is currently provided.
- You can amend information about harmful effects and participation in extracurricular activities.
- You can address the need for Assistive Technology.
- You can amend Extended School Year services. Since it would not constitute a change in placement, you can even determine whether or not a student needs ESY services.
- You can even determine whether or not a student needs special transportation since this also would not constitute a change in placement.

The parent and school must agree to the specific amendments of the IEP. If any one of the required members does not agree, then the IEP Amendment process must be abandoned and the issues that are being disagreed upon must be addressed via an ARD committee meeting.

The printed IEP Amendment report will be a complete IEP. It will include not only the amended areas of the IEP, but also the information in the IEP that was not amended.

When selecting a projected IEP begin date, be sure to select a date just far enough into the future when you reasonably expect to have obtained all required signatures. The amended IEP cannot be implemented until all required members have signed and dated the IEP Amendment report. In the event that one of the signatures is dated after the projected IEP Begin date, contact your Special Ed/PEIMs Clerk immediately so that corrections may be made in PEIMS.

Just like a signed ARD Committee Report, the signed IEP Amendment Report is a “legal” document and should be treated as such. The original signed IEP Amendment Report must be filed in the student’s Special Education Audit Folder in the same section with ARD Reports. A copy of the signed IEP Amendment Report must be provided to the parent. Remember that the law requires schools to provide a copy of the IEP to parents in their native language. For parents whose native language is other than English, this typically consists of an audio taped translation.

VI: BEHAVIOR MANAGEMENT

Behavior Support for Students with Disabilities

The Trinity Charter School (TCS) Special Education Department provides behavior support for students with disabilities, whose behavior interferes with the learning process and/or presents risks to self or others. District behavioral support is provided primarily with the development of Functional Behavior Assessments (FBAs) and Behavior Intervention Plans (BIPs). The campus LSSP/Diagnostician provides behavioral support to the instructional and administrative staff in the implementation of the plans.

Behavioral Intervention Philosophy for Special Education

We believe that the purpose of behavioral intervention is to help students develop an internal focus of control that equips them to think, decide and choose in self-responsible ways, leading to greater success.

Guiding Principles for Behavioral Interventions:

- 1) All behaviors have a purpose or satisfy a need.
- 2) Most individuals grow and change when they experience reasonable, appropriate, natural and logical consequences.
- 3) Proactive intervention approaches, along with consequences, are essential.
- 4) Interventions that deteriorate into power struggles, foster dependency, or create mistrust and rejection are counterproductive and will detract from the PRIMARY GOAL of the student building an internal locus of control.

I. All behaviors have a purpose or satisfy a need.

- A. Behaviors are aimed at achieving satisfaction or reducing frustration of a psychological or physiological need.
- B. When needs are being satisfied by behaviors that are inappropriate and problematic, individuals may not be aware of the role their own negative self-view plays in maintaining those self-defeating patterns.
- C. Teaching more appropriate ways of getting these needs met, while setting clear limits on the problem behaviors, is the role of knowledgeable and compassionate school staff.
- D. Such teaching supports appropriate “discipline”, with its recognition of individual autonomy, and training of individuals to make the better choices.

II. Most Individuals grow and change when they experience reasonable, appropriate, natural and logical consequences of their choices if:

- they have some ability to make a connection between the choices they make and the outcomes they experience; and
 - they have the ability to communicate their needs in some manner.
- A. Natural consequences are administered by the environment and require no direct intervention from another person.
 - B. Logical consequences reflect social values and require direct intervention from another person.
 - C. Logical consequences that are unenforceable are harmful because they interfere with the development of trust.
 - D. Consequences differ from “punishment” in terms of their a) intent, b) focus, c) relationship to the misbehavior, and d) manner of administration.
 - E. Consequences must be reasonable, including being:
 - 1) developmentally appropriate, and
 - 2) appropriate to the situation.

- F. School rules and consequences must be:
 - 1) known ahead of time by students
 - 2) communicated clearly
 - 3) posted and frequently reviewed with students
 - 4) administered immediately after the behavior, to be most effective.

III. Since the individual's negative self-view may be the source of inappropriate behaviors, and consequences alone may not be sufficient to affect internal change, PROACTIVE INTERVENTION APPROACHES that target the source of the behavior are essential.

- A. In a relationship-based approach to intervention, problem behaviors are believed to be symptoms of the individual's negative self-view.
- B. Negative self-view may be held in place by (1) the individual's experience of loss or fear of loss; (2) the emotional pain that ensues from such experience; (3) the individual's psychological coping style; and/or (4) the conclusions individuals draw about themselves based on spoken and unspoken messages they absorb from adult responses to their experience.
- C. Repetitive inappropriate behavior validates the individual's negative self-view and adds to the difficulty of interrupting the self-defeating patterns when authoritarian, power-based approaches to intervention seek to administer consequences alone.
- D. There are many more strategies for intervening at the source of the problem than there are logical consequences to administer after the behavior occurs.
- E. Effective intervention planning includes nurturing the growth and change of the child's view of self by:
 - 1) building trust
 - 2) building relationships
 - 3) changing the messages regarding the child's sense of worth and self-confidence by utilizing positive behavior supports, that may include opportunities to gain:
 - a) leadership skills
 - b) communication skills
 - c) responsibility training
 - d) social skills training
 - e) reinforcers
 - f) incentives
 - 4) Accessing:
 - a) environmental supports
 - b) district support specialists
 - c) counseling
 - d) wrap-around services

IV. Key Intervention Points:

Interventions that: a) deteriorate into power struggles, b) foster dependency, or c) create mistrust and rejection, are counterproductive and will detract from the PRIMARY GOAL.

- A. **Avoid power struggles.**
 - 1) The belief that it is possible to force another person to do anything is an illusion.
 - 2) Power struggles eliminate the individual's opportunity to learn the relationship between choices and consequences.
 - 3) Power struggles create external instead of internal control and diminish the likelihood the individual will accept responsibility for the choices.
 - 4) Even when power is used to ensure safety, it should be framed by language as a choice the individual is making and not as something that is simply "being done to him (her)".
 - 5) Power struggles create "winners" and "losers" (The individual probably already feels like a "loser".)
 - 6) Power struggles create additional conflicts.
 - 7) Power struggles may turn into self-defeating interaction patterns.
- B. **Enabling creates dependency and further damages self-esteem.**

- 1) Enabling is defined as doing for people what they can do for themselves (sends a message that they are incapable).
- 2) Becoming aware of enabling requires initial training and personal introspection by adults working with children.
- 3) In addition to recognition and training, combating enabling behavior by adults requires a philosophical shift to a "Can Do!" message that is sent to a child.

C. Behavioral limits and responses must be consistent.

- 1) In order to be most effective, the same limits and responses should apply across all environments and, when possible, parents should be a part of the intervention team.
- 2) Inconsistent limits and lack of appropriate logical consequences:
 - a) set up intermittent reinforcement that may increase the probability of negative behavior recurring; and
 - b) create the possibility of resentment on the part of the adult and interfere with the adult's ability to show respect for the student, while disapproving of his/her behavior. Such resentment may:
 1. lead to staff burnout; or
 2. increase the desire of staff to isolate the student, rather than work with him/her to improve behaviors.

Functional Behavioral Assessment (FBA)

All FBAs are documented via the district's eSped. While FBAs are typically completed outside the ARD committee decision-making process, information pertinent to their development may be supplied during an ARD meeting.

Behavior Intervention Plan (BIP)

All BIPs are documented via the district's eSped and are approved as part of the ARD committee decision-making process.

Who needs a Behavior Intervention Plan (BIP)?

A Behavior Intervention Plan (BIP) is required "in the case of a child whose behavior impedes his/her learning or the learning of others. The ARD/IEP report documents consideration of positive behavioral intervention, strategies and supports to address that behavior."

If a student is subject to a disciplinary change of placement and the conduct is found to be a manifestation of the student's disability, TCS **must** either:

1. Conduct a Functional Behavior Analysis/Assessment (FBA), unless an FBA was conducted before the behavior that resulted in the change of placement took place, and implement a BIP for the student; or
2. For a student with an existing BIP, review the BIP and modify it, as necessary, to address the behavior.

If a student's behavior impedes his/her learning or that of others, the Committee should consider:

- Conducting a Functional Behavior Assessment;
- Developing a Behavior Intervention Plan; and/or
- Developing social skills goals and objectives to specifically address behaviors of concern.

What is the connection between an FBA and the BIP and the social skills goals/objectives?

The FBA identifies the function of behaviors. Although not required by law, an FBA may help drive the development of the BIP. The primary purpose of a

FBA is to provide understanding and guidance for teaching the student "new, more appropriate" behaviors to replace the negative, inappropriate behaviors currently being used to get what he/she wants.

Strategies and interventions for teaching and reinforcing these "new, more appropriate" behaviors should be reflected in the BIP. Social/Behavioral goals and objectives should also reflect the "new, appropriate" behaviors. The FBA should result in an ARD meeting for developing or revising a BIP. Ongoing data collection will illustrate effectiveness of the BIP and drive modifications/changes to the BIP.

What is needed to develop the BIP

An FBA is an assessment and a tool for understanding the student and his/her needs. The ARD committee uses and reviews the FBA in the development of the BIP. A BIP must be developed through the ARD committee decision-making process. If there is no FBA at the time of the ARD meeting, then an FBA Plan must be completed.

Creating a Behavior Intervention Plan (BIP)

The BIP should clearly indicate, in writing, each behavior of concern, the function of each behavior, replacement behaviors, strategies for teaching replacement behaviors, and consequences for continued use of inappropriate behaviors. Behaviors of concern refer to those behaviors that prevent the student or others from learning. Each behavior of concern should have (a) prevention strategies and (b) teaching strategies. The BIP should describe what behaviors are to be taught, and how appropriate replacement behaviors are to be reinforced. Consequences are those activities that should take place when the problem behavior occurs. The BIP should include a crisis management plan describing what is to take place when a student's behavior poses potential danger to self or others.

*Note: The BIP is **not** an appropriate vehicle for determining conditions for intrusive adult responses to student behavior, such as student searches, that are clearly regulated through state and federal laws.*

Behavior Intervention Plan (BIP) Implementation

All parts of the BIP must be implemented as necessary to address the behavior. Once the BIP is implemented, its effectiveness should be evaluated at least annually by:

- collecting data and charting progress;
- continuing successful interventions toward goals;
- adapting goals or interventions, if data reveals interventions are not successful;
- continuing monitoring and adapting interventions, based on data collected; and
- revising plans for emerging problem behaviors not covered by the current behavior plan.

If one or more members of the ARD committee, including the parent, believe that modifications are needed in the BIP, the BIP and the FBA, if any, should be reviewed and updated as appropriate. When new behaviors are identified, the FBA should be revised and the BIP updated.

Planning for Dangerous Students

When special education students show a propensity for causing harm to other students, staff, or themselves, planning for an effective response is critical. This response should include the following as appropriate:

- notifying campus staff regarding the type of danger that the student/behavior might pose (while balancing the legal requirement for confidentiality, and a clear message regarding the maintenance of respect for that student);
- developing a crisis plan (documented in the BIP) that recognizes patterns of circumstances, settings, and antecedent events that were predictive of previous dangerous incidents, includes strategies for preventing such behavior, and outlines predetermined responses if such significant behavioral episodes occur again;
- communicating with campus staff details of the plan and expectations for staff; and
- consistently implementing the student's IEP and/or BIP.

Texas Behavior Support Initiative

Physical Restraint Guidelines

In compliance with Texas law all public school employees implementing a behavior intervention plan with students with disabilities must be trained in the Texas Behavior Support Initiative (TBSI). This includes general education teachers, special education teachers, teacher assistants, administrators, or any employee working with a student with a Behavior Intervention Plan (BIP). All new employees must receive training within 30 school days of their hiring or serving students. [Online training modules](#) are available via the Region 4 Education Service Center. Also see the Texas Behavior Support Initiative Manual or go to the TBSI website at <http://www.txbsi.org/> for definition, procedures, and strategies.

Restraint is defined as the use of physical force or a mechanical device to restrict the free movement of all or a portion of the student's body. Physical control and restraint will be used only after verbal and non-verbal intervention efforts have been exhausted and only in emergency situations.

Emergency means a situation in which a student's behavior poses a threat of:

- Imminent, serious physical harm to the student or others; or
- Serious property destruction that could result in imminent, serious harm to the student or others.

Restraint can only be used in an emergency with the following limitations:

- Limited to reasonable force necessary to address emergency;
- Discontinued when emergency no longer exists;
- Implemented to protect health/safety of student and others;
- Shall NOT deprive student of basic human necessities.

Restraint does NOT include:

- Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
- Limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, or provide comfort;

*NOTE: Restraint **shall not** be used as a means for punishing a student for non-compliance.*

In all situations, even those which become violent, it is the intent of the Trinity Charter School to provide the best possible care that protects the welfare, safety and security of all involved, including students, staff, and visitors. Whenever possible, attempts will be made to prevent or diffuse potentially dangerous behavior through early intervention. All personnel who are trained in the use of physical control and restraint techniques will also be trained in verbal and nonverbal de-escalation skills. The goal of a restraint is to protect, not punish.

Key points to know:

- Restraint should not be used to gain compliance.
- Restraint is not to be used as punishment or unnecessary restriction of freedom
- Equipment used to meet a student's specific needs provided to a classroom by Occupational and Physical Therapists, is not restraint. This equipment is generally provided to address postural challenges or as a strategy to meet sensory processing needs. OT/PT equipment should be used for the designated student and for the stated purposes only.

See the Texas Behavior Support Initiative Manual or go to the TBSI website at <http://www.txbsi.org/> for definition, procedures, and strategies.

Prepare for the Crisis

Know Your Student

The law states when restraint is allowed. IEPs or BIPs are not designed for that purpose. At least eighty percent of interactions with all students should be preventive, positive, non-punitive, and non-authoritative. Token systems, behavior contracts, and behavior management systems work well, as long as the environment is nurturing and the student earns release of restrictions. Sound behavior management practices include teaching and reinforcing alternative behaviors or redirecting inappropriate behaviors to new behaviors. Remember, students with a history of negative behavioral and social interactions tend to learn from their successes, not their mistakes.

Use Preventive Strategies.

In order to reduce the need for physical restraint, it is necessary to prevent escalation of negative behavior to the crisis stage. To achieve this, a number of preventive strategies have been proven to be effective, and should be used in conjunction with an array of positive behavior intervention strategies. These strategies may include:

- developmentally appropriate activities
- encouragement
- problem solving
- clarifying expectations
- providing support
- cognitive behavior therapy
- verbal redirection
- conferencing with appropriate others
- active listening
- related services
- vocational training
- anger management techniques
- conflict resolution strategies
- providing choices
- sensory integration activities
- interventions by counselor, School/Community Liaison, and behavior specialist
- relaxation training
- modeling
- social skills training
- behavior modification strategies
- time out*
- referral to behavior support
- restructuring the environment
- limit settings
- victim empathy training
- assertiveness training
- independent living skills
- moral reasoning
- providing a “cool off” area
- verbal de-escalation

** NOTE: Time-out is a behavior management technique used to provide a student with an opportunity to regain self-control. The student is separated from other students for a limited period in a setting that is NOT locked and from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and must be included in the student’s IEP and/or BIP if utilized on a recurrent basis to increase or decrease a targeted behavior. Use of time-out must not be implemented in a manner that precludes the ability of a student to be involved in and progress in the general curriculum and advance appropriately toward attaining the student’s annual IEP goals.*

Levels of Intervention

When the need arises for physical restraint, the least restrictive techniques, requiring the least degree of force, will be used. Only the most severe degrees of aggression should lead staff to consider physical interventions. CPI training **is required** to do physical restraint. If staff not trained in the use of CPI is involved in the restraint of a student, **staff must receive training within 30 school days of the use of restraint**. The training must be current (within 2 years) or re-certification is required.

There are predictable emotional states that tend to lead to aggression. Each state has corresponding interventions that can reduce the probability of aggression.

- Anxiety Level - As symptoms of anxiety surface, a supportive approach requiring empathy and active listening is necessary. The most appropriate staff response is early intervention to diffuse or de-escalate the situation, before a crisis develops. This could include more concrete communication with the student, or the use of relaxation techniques to reduce the state of anxiety.

- Defensive Level - Escalation beyond the anxiety level on the part of a student may result in defensive behavior and loss of rational thinking. Staff should verbally set behavioral limits that are clear, concise

and enforceable, in a controlled and professional manner. Setting limits identifies choices and consequences in an objective, non-threatening way.

- Loss of Self Control (Physically Acting Out) - Physically aggressive behavior that is assaultive or self-destructive may require an intrusive, controlling response.

Continuum of Interventions

If there is documentation of a student causing harm or probable harm to others and/or to self, then therapeutic physical interventions may be necessary as part of the IEP development. Concretely defining an aggressive act is necessary for developing preventive interventions. You may want to establish two categories of behavior, “mild” and “severe”. A student may begin with mildly aggressive behaviors that lead to severely aggressive acts. If you can intervene with the mild acts, there may be no need for physical restraint. It is also helpful when developing the student’s Behavior Intervention Plan, to identify proactive, cooperative behaviors students can be taught for each specific aggressive act identified by the team.

Cooperative Acts	Mild Aggression	Severe Aggression
<ul style="list-style-type: none">• keeping hands/feet to self• stating opinions calmly• stating requests calmly• working independently• following playground rules• following classroom rules	<ul style="list-style-type: none">• teasing• name calling/use of profanity• knocking things off someone’s desk• arguing with teacher• poking, tickling, getting in the way• making fun of someone’s ideas	<ul style="list-style-type: none">• pushing• poking with pencil• hitting• tripping• grabbing• fighting• terroristic threat• banging head or limbs on walls, furniture, or objects• biting, tearing or scratching skin• striking out/assaulting another person• hair pulling

Team Intervention

Whenever possible, use a team approach if faced with a physical crisis. Such an approach is the best means of providing for the care, welfare, safety and security of all involved. Personnel are encouraged to summon team assistance in all situations in which they believe that their safety or the safety of others is threatened. Possible options of personnel who may respond to requests for team assistance are:

- Staff in the immediate vicinity of the incident
- Personnel in the immediate vicinity who have received CPI training
- Persons on campus who have been designated as the “Crisis Response Team” or IMPACT Team members.

During the course of intervention, team members shall follow the directives of the Team Leader. The Team Leader may be: the first person on the scene; the team member with the greatest degree of rapport with the individual who is acting out; a person so designated due to their competence in crisis intervention; or the highest ranking individual present.

During the Crisis

In dealing with a student who is exhibiting agitated or aggressive behavior, staff members should be aware of the following guidelines:

1. Staff members are not to use any form of physical control or restraint for which they have not been trained, unless it is an emergency situation and someone is in immediate physical danger.

2. Do not contain an acting-out or violent student unless the student is in imminent danger, causing harm to another person or himself/herself, **AND** verbal and nonverbal techniques have been exhausted. Do a “room clear” if necessary for the safety of students.
3. Radio or send for assistance. If possible, wait for help if you intend to use physical restraint.
4. If the student is threatening, keep a safe distance from him/her. Do not invade the individual’s personal space. Keep in mind that when a student is approaching a crisis, he/she may require more distance.
5. The adult should keep his/her voice tone calm and supportive. Give instructions one-step at a time. Allow processing time as necessary between instructions. Remain calm. If a student exhibits dangerous behaviors, direct the student to stop. Excessive dialog and a loud voice tend to confuse or contribute to further escalation of the student’s agitation level.
6. Try to get the aggressive student to move independently into an isolation area where he/she can calm down. Talk to the student in a calm voice or remain silent if the student is out of control. Physically containing a student should only be done as a last resort and only when a danger to self or others occurs or is imminent. Allow time for de-escalation. If the situation becomes unsafe, remove the other students from the setting.
7. Do not leave the student alone until he/she visibly calms down.
8. Discuss the student’s behavior and the consequences of his/her behavior only after he/she has become calm. Do not threaten consequences.
9. If a middle or high school student attempts to leave a campus and is not considered an imminent danger to self or others, maintain visual supervision and notify appropriate school, family, and/or community authorities.
10. The goal of CPI is to protect, not punish the student.

Physical Restraint Training

Personnel shall use the Crisis Prevention Institute (CPI) techniques that are taught in the CPI classes.

CPI is the course “of choice” in TCS for addressing aggressive and/or disruptive behavior. CPI is the *Nonviolent Crisis Intervention*® program, which is considered the worldwide standard for crisis prevention and intervention training. With a core philosophy of providing for the *Care, Welfare, Safety, and Security*™ of everyone involved in a crisis situation, the program’s proven strategies give human service providers and educators the skills to safely and effectively respond to anxious, hostile, or violent behavior while balancing the responsibilities of care.

CPI training is highly recommended for all staff members who are responsible for implementing a BIP and who are likely to use physical restraint. TCS provides initial certification in CPI as well as re-certification. Initial CPI certification is valid for two years. If staff not trained in the use of CPI, or whose certification is not current, are involved in the restraint of a student, **staff must receive training within 30 school days of the use of restraint**.

Documentation and Post-Intervention

- The administrator in charge at a campus shall receive verbal and written notification of any incident requiring physical restraint on the day the restraint was utilized.
- The administrator in charge will notify the student’s parent/surrogate by phone on the day the restraint was utilized, and the contact will be documented in the eSped Communication Log.
- Each incident requiring the use of physical restraint must be documented using the TCS Physical Restraint Incident Report and given to the school administrator, as well as the Superintendent or Director of Special Education within one day of the incident
- Documentation of incidents requiring physical restraint is to be completed by all individuals involved in the use of physical restraint.
- Written notification of the use of restraint must be mailed, or otherwise provided to the parent/surrogate, within 24 hours of the restraint.
- TCS Staff will submit copies of the completed Physical Restraint Incident Report to the campus principal on the day received.

- A problem-solving ARD meeting shall occur if physical restraints for an individual student exceed three within one month. The ARD committee must consider the impact of the student's behavior on the student's learning and/or the need to create or revise the BIP.

Resolution/Reconciliation

Positive communication and rapport must be re-established with all parties involved in a physical restraint. Discussion includes, but is not limited to:

- Recognition of feelings
- Strategies to prevent future occurrences
- Replacement behaviors
- Re-entry activities

Considerations for Developing Social Behavioral Goals/Objectives

Goals/Objectives must be developed for:

- Behaviors identified as needing replacement in FBAs and BIPs; and
- Teaching of new skills. Refer to FIE/Reevaluation report for needs based on area of qualification:
- If the student is diagnosed with Emotional Disturbance, he/she qualifies in one or more of the following areas:
 - Inappropriate behavior or feelings under normal circumstances
 - Inability to build and maintain relationships
 - General pervasive mood of unhappiness
 - Inability to learn that cannot be explained
 - Tendency to develop physical symptoms or fears
- If student's primary diagnosis is Other Health Impairment due to ADD/ADHD, the following may need to be addressed:
 - Difficulty focusing
 - Difficulty sustaining attention
 - Attending to tasks
 - Following directions
 - Poor organization and study skills
 - Distractibility
- If student is diagnosed with Autism the following issues may require social/behavioral goals and objectives:
 - Behavior issues
 - Social issues
 - Communication issues
 - Dealing with change/transitions

Sources for data collection to support goals/objective may include point sheets, frequency counts, or other forms of behavioral charting.

How to Write Social Behavioral Goals and Objectives

Teachers should strive to create goals/objectives that are clearly defined and measurable, so that another teacher could easily collect data on them..

Step one – Determine what you want the student to do. (Terminal Behavior)

To determine what you want the student to do, look at areas of need in the ARD meeting report and the Behavior Intervention Plan. The desired behavior should be stated positively and be observable by others.

Example: You want the student to be able to deal with frustrations without having a tantrum. To do this the student would need to be able to problem solve, so your **Terminal Behavior** is ...
“The student will demonstrate use of the problem solving model.”

Step Two – Determine under what circumstances the behavior is to be demonstrated.

Next is to determine the circumstances under which the target behavior is to occur. This includes such things as the number or type of prompts the student will be given, location, tools, etc.

Example: When frustrated in the classroom, and provided a problem solving cue card by staff, the student will demonstrate ...

Step Three – Determine target level of mastery. (How do you know when the student reaches the goal?)

Level of mastery is the realistic expectation of where the student will be in a year. It's a percentage, length of time, or tally.

Examples: In 4 out of 5 situations
 At least 5 times each six weeks
 70% of the time

So this goal/objective would be:

Goal=The Student will increase appropriate responses to frustrating situations

Objective=

1. When encountering a frustrating situation, the student will demonstrate use of the problem solving model in 4 out of 5 situations; or
2. When frustrated and provided a cue card by staff, the student will demonstrate use of the problem solving model in 4 out of 5 situations.

More about objectives

If the behavior requires a sequence of behaviors to be learned, consider benchmarks such as the following, for a student who has difficulty paying attention;

1. The student will describe the observable characteristics of someone paying attention. (End of first six weeks)
2. The student identifies when others are paying attention. (End of first six weeks)
3. Student will model paying attention by looking at the person who is speaking, answering comprehension questions etc.. (End of second six weeks)
4. Student practices paying attention under supervision. (End of third six weeks)
5. Student uses the behavior of paying attention independently 3 times. (End of fourth six weeks)
6. Student pays attention independently daily in 7 out of 10 intervals. (End of year)

Helpful Hint – Make it easy on yourself by making the benchmarks correspond to other times you would be collecting data on the objectives, such as at the end of a reporting period for progress reports. Determine if the student needs to know separate, independent behaviors. These would not be benchmarked.

VII: INSTRUCTIONAL ARRANGEMENTS

Least Restrictive Environment (LRE)

Students with disabilities in TCS are educated with children who are non-disabled, to the maximum extent appropriate. Special classes (e.g., resource, self-contained), or other removal of students with disabilities from the general education environment occurs only when the nature or severity of the disability is such that education in general education classes, with the use of supplementary aids and services, cannot be achieved satisfactorily. Justification for moving a student into a more restrictive environment must be well documented in the ARD Committee Report and reviewed at least every twelve months.

Both federal law and state law require all students with disabilities to receive their instructional and related services in the least restrictive environment (LRE). This requirement applies to all students with disabilities, including students with disabilities who reside in a hospital, residential facility, or state supported living center. However, in some cases, the ARD committee is limited in its ability to place a student on a local district campus. This is true in the case of an adjudicated or incarcerated youth who is detained in a secure facility and/or when a court order precludes the student's inclusion in and exposure to educational settings on a regular school campus. Placement or residence of a student at the facility for care or treatment does not automatically qualify the student for special education. The student must meet special education eligibility requirements.

Continuum of Services

TCS provides a continuum of specially designed instruction in a variety of instructional arrangements and settings. Instructional settings are based on the percentage of time or number of periods that the student receives direct, regularly scheduled, specially designed instruction as required by the IEP, and not on the student's disability. Once a student has been identified as eligible for specially designed instruction at TCS, the student has access to the full continuum of services regardless of whether or not the service is available on the home campus. Determination of the appropriate service for a student is an ARD Committee decision and is documented in the student's IEP at least every twelve months.

Instructional Arrangements/Settings (Codes)

More detailed information about instructional arrangement codes may be viewed in TEA's Student Attendance Accounting Handbook available on the TEA website. The LSSP/Diagnostician is responsible for determining the correct instructional arrangement code.

Confusion over Instructional Arrangement codes has to do with the dual use of terms for describing instructional arrangements and types of instructional programs. Keep in mind: instructional arrangement codes are determined primarily by the amount of time and location of the delivery of specially designed instruction. In other words, the amount of time in the "right" column of the schedule page (services outside general education) drives the determination of the instructional arrangement code; times in the "left" column (services inside general education) do not really affect instructional arrangement codes.

For the purpose of determining a student's instructional arrangement/setting code, the instructional day is defined as that portion of the school day in which instruction takes place (not to include lunch, recess, passing periods, etc.).

When deciding on the instructional arrangement/setting code for students who attend school less than a full day, the student's instructional day is the number of hours the student attends as determined by the ARD committee. Review the number of hours in the instructional day that the student receives specially designed instruction to determine the student's instructional setting. A calculation of special education and direct related services instructional time divided by the total time (general and special education and direct related services) may be necessary in order to determine appropriate instructional arrangements/setting.

The guiding principle for determining the appropriate instructional setting must be the needs of each individual student together with the appropriate support services. If the support services prescribed for the student are over and above what is provided to all students and the ARD committee has determined that these special support services are necessary for the student to succeed in his or her educational program, then these services are specially designed instruction and the instructional setting should be classified accordingly. If these support services were provided in the general education classroom, the instructional setting would be mainstream. However, if these special education support services were provided outside the general education classroom, the instructional setting would be based on the amount of time or the place where these services are provided.

All students in Special Education must have an IEP that includes goals and objectives addressing identified needs and specified instructional service time within and/or outside the general education classroom.

Specialized Services and Support

Trinity Charter School offers a full continuum of services, including a variety of special education programs that are available to support students with significant cognitive, communication, or social/behavioral needs.

Bilingual

This service and support program may be provided within the context of the general education environment or as a resource class based on the student's language and disability needs. Students needing these services and supports with a LEP/ELL/emergent bilingual designation may access this program. ARD Committee recommends students for these programs.

Life Skills

This service and support provides academic and vocational skills to students 6 through 21 years of age who require a functional academic skills curriculum, a structured communication-based approach, functional skills training, community-based instruction, intensive transition services, and access to general education, small group and individual instruction in order to achieve independence.

Social Behavior Skills (SBS)/Inclusion

Social Behavioral Skills (SBS) services support students age 6 through 21 needing significant social and behavioral support in general education, small group or individual instructional settings in order to learn socially appropriate behavior for academic success. Your behavior specialist and special education instructional coordinator should be involved in this process.

CTE / CATE (Career and Technology Education)

Career classes are available to students with disabilities, as determined appropriate to the student's individualized needs.

VIII: EXTENDED SCHOOL YEAR (ESY)

All ESY services are documented via the district's Special Education software (eSped).

Extended School Year (ESY) is the individualized instructional programs beyond the regular school year for students who are enrolled in TCS's special education program. ESY is provided to students exhibiting severe or substantial regression that cannot be recouped within a reasonable time period (not to exceed 8 weeks) in one or more of the **critical skills** addressed in the current IEP objectives.

A skill is critical when the loss of that skill results, or is reasonably expected to result, in any of the following occurrences during the first eight weeks of the next regular school year:

- Placement in a more restrictive instructional arrangement;
- Significant loss of acquired skills necessary for the student to appropriately progress in the general curriculum;
- Significant loss of self-sufficiency in self-help skill areas as evidenced by an increase in the number of direct service staff and/or amount of time required to provide special education or related services;
- Loss of access to community-based independent living skills instruction or an independent living environment provided by non-educational sources as a result of regression in skills; or
- Loss of access to on-the-job training or productive employment as a result of regression in skills.

The service(s) to be provided during ESY is determined on an annual basis. A student may or may not qualify every year and the services/time may vary depending on the eligible goals/objectives.

The decision to provide ESY is determined by the ARD Committee on a case by-case basis. The need for ESY services must be documented from DATA provided by the district and/or the parents. Data may include:

- Regression/recoupment data
- Progress reports prepared by teachers and other providers
- Observation data
- Individual test data
- Group test data
- Formal and informal assessments
- Results of pre/post summer testing
- Parent reports
- Medical or other outside agency reports
- Previous IEPs to determine progress over time

ESY services will be based on individual needs, not by category or severity or type of disability.

If a student for whom ESY services were considered and rejected loses critical skills because of the decision not to provide ESY services, and if those skills are not regained after the reasonable period of time for recoupment, an ARD meeting shall be held. The ARD committee shall review the current IEP to determine if the student's loss of critical skills interferes with the implementation of the current IEP. For students enrolling in a district during the school year, information from the prior school district as well as information collected during the current year may be used to determine the need for ESY.

Beginning of the School Year

- Collect benchmark data for ALL students on all current IEP goals and objections within 6 to 8 weeks of the start of school.
- Teachers/Therapists/Parents collaborate on current IEP objectives for each student and project those critical objectives on which student could significantly regress and require extended recoupment time.
- Collect data on selected critical objectives before and after extended breaks in school year (winter, spring or summer break) to determine regression/recoupment.
- Principals submit referrals for ESY to the Director of Special Education by April 1.
- Teachers/Therapists review ESY supporting data with principal and LSSP/Diagnostician early in March.

- For students whose eligibility for ESY has not yet been determined (insufficient or inconclusive data), collect data on selected critical objectives the week prior to and the 2nd week following spring break to determine regression/recoupment.

At ESY ARD Committee Meeting

(Reminder that all data must be reviewed by data review committee prior to ESY ARD.)

By the end of April an ARD committee or an IEP Amendment must address ESY.

- ESY must be addressed at all Annual ARD meetings.
- For ANNUAL ARD meetings held prior to mid-January, ESY eligibility will not be determined until after winter holiday regression/recoupment data collection. Document in the ARD summary that the student is NOT eligible for ESY at this time and that ESY will be addressed in an ARD or IEP Amendment in the spring semester.
- Review of multiple data sources and respond to the following questions:
 - What significant regression will occur as a result of interruption of student's education (answer as measurable and specific IEP goals/objectives that are to be addressed in ESY)?
 - What previous interruption in the educational program has caused significant regression in current gains (be specific regarding length of interruption, pre/post test scores, or other objective measures of performance)?
 - What specific evidence do you have that demonstrates the inability of student to recover or recoup following an interruption of instruction?
 - List any other factors that may assist in explaining why this student should be considered for ESY services.
- Rule out other contributing factors such as poor attendance, discipline issues unrelated to the disability, medication related changes, and/or physical conditions which may have a negative impact on the students past or present recoupment but may not signify the need for ESY.
- Complete the ESY Supplement in eSped.
- Identify instructional objectives that reflect only the most critical skills to be addressed and will likely not be a duplicate of the students entire IEP. Objectives must be directly related to areas of significant regression/recoupment, and be ones that students have mastered and need to maintain, not objectives in progress or new ones (mark "ESY" beside each specific goal and objective).
- Determine length of time needed to maintain only the ESY goals/objectives. (This time should be less than the time spent during the school year to achieve that specific goal/objective. Data reflecting the percentage of time addressing targeted goals/objectives during the average school day should be used to guide decision making for ESY service needs.)
- Determine if skills could be addressed:
 - With summer skill packets
 - Through home consultation
 - 1 to 3 hours 1 day per week
 - 2 or 3 hours 2 days per week
 - 2 or 3 hours 3 days per week
 - What settings/environments are needed to address targeted goals/objectives (classroom, community, social settings)?
- Determine itinerant services as recommended by itinerant staff (speech, VI, OT/PT, AI, direct/consult and hours: minutes per week).
- Special Education Teacher completes ESY Supplements/Information on eSped.

Principals must notify the Director of Special Education of any ESY ARD meetings pending beyond the end of April.

After ESY ARD Committee Meeting (by last day of April)

For students determined eligible for ESY, the following steps should be completed:

- Special Education Teacher prepares equipment/materials needed to address targeted goals and objectives (to include communication tools/symbols typically used by students) for staff providing EYS services.

At end of ESY, ESY staff will:

- complete ESY progress report for each student, sending progress report to parent(s)/surrogate(s).
- update ESY/IEP goals/objectives

ESY Contact Hour Document forms must be sent to the Director of Special Education **weekly**.

Following ESY, current teacher/therapist will:

- By the end of the 3rd week of school, following the provision of ESY services, the students will be retested on the ESY IEP objectives by the student's current special education teacher/therapist.
- If regression is evident, compared to the ESY progress evaluation, instruction will begin immediately on the objectives with assessment probes taken weekly.
- By the end of the 8th week of school, students will be retested on the ESY IEP objectives and results compared with data results on the instructional objectives at the end of the previous school year before the ESY services. This comparison will be used to determine student recoupment rate and to determine if modifications of the current school year IEP are needed.

ESY Master Schedule will be provided annually with specific dates/timelines.

ESY services are NOT:

- to maintain learned skills which may be recouped through 8 weeks of re-teaching.
- mandated 12-month services for all students with disabilities.
- a childcare service.
- summer enrichment activities.
- necessarily a continuation of the total IEP provided during the regular school year.
- required to be provided all day, every day, or each day during the summer.
- required in order to maximize the educational opportunities of a student with a disability.
- intended to provide additional time to teach skills not taught during the school year.
- remediation for lack of progress.

IX: STATE AND DISTRICT ASSESSMENTS

All students in special education must be included in state and districtwide assessment programs, with appropriate accommodations and modifications in administration, if necessary. The following information should provide a guide for student assessment decisions:

- Every special education student in grades 3 through 12 must take either a STAAR, STAAR A, or STAAR Alternate 2.
- All assessments will be based upon enrolled grade level curriculum (TEKS).
- ARD committees still must determine the most appropriate assessment for students based upon students' levels of performance, needs as related to disabilities, and enrolled grade levels.
- TEA has developed an Accommodations Triangle for STAAR for instruction and assessment.
- Special education students need to be taught enrolled grade level instruction, because every test (even STAAR A, and STAAR Alternate 2) are based on enrolled grade level TEKS.
- Special Education Students taking STAAR A or STAAR Alternate 2 must meet criteria from the State Required Form.
- It is important for all stakeholders to understand the rules of the state and federal accountability system as a means to give context to individual student assessment decisions.
- Understanding the state and federal accountability system will provide the foundation knowledge to creating awareness regarding the importance of every child's educational success.
- Because of the significant level of knowledge necessary to make the very best assessment decision for every student, it would be wise for campus teams (not individual teachers) to review pertinent assessment data prior to ARD committees making testing decisions.

Accommodations

The TEA website contains information concerning available accommodations and may be used for guidance by teachers, ARD committees, language proficiency assessment committees (LPACs), 504 committees, administrators, and district- and campus-level assessment staff in selecting, administering, and evaluating the use of accommodations in instruction and assessment for all students.

Students with Dyslexia or Related Disorders

The committee established to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student. When a student receives special education services, the ARD committee shall determine the allowable accommodations and shall document them in the student's Individualized Education Program ("IEP"). *19 TAC 101.3013; Education Code 39.023(a)-(c), (n); 34 CFR 300.320(a)(6).*

Optimizing Assessment Accommodations:

- Identify accommodations that will have the most impact for particular students/disabilities.
- Review placement and instructional programming of special education students with focus on maximizing grade level instruction and addressing specific deficit skills.
- Teach staff how to choose and support those accommodations.
- Teach students how to optimize those accommodations – particularly oral administration
- Teach test taking strategies to students in regard to multiple choice exams and various reading techniques (summarizing the passage/question before making answer choices, graphic organizers, visualization, use of word context clues, etc)
- Establish an intellectual calisthenics regimen to promote academic endurance
- Identify learners other than students with disabilities (ELL's and other struggling students) who could benefit from similar efforts.

End-Of-Course Assessments

Unless exempted by applicable law, a student may not receive a high school diploma until the student has performed satisfactorily on applicable end-of-course ("EOC") assessment instruments. *Education Code 39.025(a); 19 TAC 101.4001.*

The student's admission, review and dismissal ("ARD") committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma. *Education Code 39.025(a-4)*.

A student receiving special education services is not subject to the individual graduation committee ("IGC") requirements in Education Code 28.0258. As provided in 19 TAC 89.1070 (Graduation Requirements) and 19 TAC 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. *19 TAC 101.3022(f)*.

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

All students in grades 9–12 with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 TAC 101.3011(b)(2). *19 TAC 101.3023(a)-(b)*.

Effective Assessment Decision Making

ARD committees must follow the components of effective assessment decision making:

1. Have the right ARD participants: people who know the student, know enrolled grade curriculum, and understand state and federal assessment and accountability systems.
2. Understand the student's disability and what specially designed instruction he/she needs.
3. Identify the student's "present level of academic achievement and functional performance" that will guide assessment decisions.
4. Know the instructional program, curriculum, and accommodations that enable the student to progress in the general curriculum and plan accordingly, setting rigorous and challenging expectations for the student.

5. Determine the most appropriate accommodations for the student.

District Wide Assessments

All District wide assessments, such as the TPRI (K-2), benchmark tests, ALEKS, Study Island, and Achieve 3000 should be considered at the annual ARD meeting. These tests are not part of the state accountability system and can be a good measure of student progress as well as a good opportunity for students to develop test-taking skills. The ARD committee must consider appropriate accommodations for district assessments.

For each English learner who receives special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments.

a) *Selecting Assessments*

The ARD committee shall document the decisions and justifications in the student's individualized education program (IEP).

19 TAC 101.1005(a).

b) *English Language Proficiency Tests*

In rare cases, the ARD committee in conjunction with the LPAC may determine that it is not appropriate for an English learner who receives special education services to participate in an English language proficiency assessment required above for reasons associated with the student's particular disability. The ARD committee shall document the decisions and justifications in the student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. *19 TAC 101.1003(b).*

In the case of an English learner who receives special education services, the ARD committee in conjunction with the LPAC shall determine and document the need for allowable testing accommodations in accordance with administrative procedures established by TEA. *19 TAC 101.1003(c).*

c) *Alternative Assessment Instruments*

In certain cases, an English learner who receives special education services may, as a result of his or her particular disabling condition, qualify to be administered an alternative assessment instrument based on alternative achievement standards. *19 TAC 101.1005(b).*

An unschooled asylee or refugee who meets these criteria shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school. *19 TAC 101.1005(c).*

d) *Testing Accommodations*

The LPAC in conjunction with the ARD committee shall determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by TEA. *19 TAC 101.1005(e).*

e) *State Assessments – STAAR*

Texas English Language Proficiency Assessment System (TELPAS) Grades K-12

This instrument assesses the progress that LEP students have made in learning the English language. TELPAS is composed of holistically rated assessments (formerly known as the Texas Observation Protocols - TOP) and multiple-choice assessments (formerly known as the Reading Proficiency Tests in English – RPTE). The TELPAS holistically rated assessments are based on student observations and written student work. These assessments are administered for:

- Grades K-1 listening, speaking, writing and reading
- Grades 2-12 listening, speaking and writing
- Grades 2-12 reading (online multiple-choice assessment)

LEP students in grades 2-12, including LEP students with parental denials, are required to be assessed annually with TELPAS reading. Because the span of reading ability is so broad and the purpose is to measure annual growth in English acquisition, these assessments should be appropriate for the vast majority of ELLs who receive special education services. Exceptions include —

- students who need an assessment in braille (Braille versions are not available due to the critical role of visual images in the assessment of English language proficiency.)
- students unable to read even simple words and phrases because of a significant cognitive disability

In such rare cases, the LPAC and ARD committee may collaboratively decide that the student’s special education needs prevent an appropriate measurement of growth in English reading proficiency. This decision is recorded at the time of testing, and the student does not participate in the assessment.

TELPAS holistically rated assessments are based on student classwork and ongoing classroom observations of students in daily instruction. For these assessments, trained teachers use proficiency level descriptors (PLDs) from the Texas English Language Proficiency Standards (ELPS) to determine students’ English language proficiency levels. The teachers use collections of classroom-based student writing when assessing the English language writing proficiency of students in grades 2–12.

Teachers rate ELLs in accordance with how well the students understand and use the English required by the Texas Essential Knowledge and Skills (TEKS) at their grade level. ELLs receiving special education services should be evaluated relative to how well they are able to understand and use English to access the general curriculum at their enrolled grade level in accordance with their IEP.

With rare exceptions, students should be able to be observed and rated meaningfully in each holistically rated domain. If the LPAC and ARD committee collaboratively decide that assessment in a domain is inappropriate because of the severity of a student’s disability, the decision is recorded at the time of testing and the student is not holistically rated.

X: INSTRUCTIONAL SUPPORTS AND RELATED SERVICES

The term “related services” means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education. This decision of the ARD committee is based on an evaluation of the child’s needs. It is an individualized decision and not a “one size fits all” decision. There is no exhaustive list of related services. Related services may include, for example, audiology services, interpreting services, psychological services, and physical and occupational therapy. Medical services for diagnostic or evaluation purposes are included in the category of related services. Related services can also be school health services and school nurse services, social work services in schools, and parent counseling and training. However, related services do not include a medical device that is surgically implanted, the optimization of that device’s functioning, maintenance or replacement of that device. The term supplementary aids and services means aids, services, and other supports that are provided in regular education-related settings and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate. The Individualized Education Program (IEP) must include a statement of needed special education services, related services, and supplementary aids and services to be provided to the child, or on behalf of the child. These services must be based on peer-reviewed research to the extent practicable.

The Special Education Teacher is responsible for making sure all instructional supports and related services are documented via eSped. In addition, the teacher and service provider must ensure that services are provided as indicated in the IEP. **Teacher must submit Inclusion Logs at the end of each month to the Director of Special Education. Service providers are responsible for maintaining related service logs on each student. These logs must be submitted at the end of each month to the Director of Special Education.** Staff members should maintain a copy for their records as well.

Related Services Evaluations

Related service evaluations follow the same timelines as for full and individual initial evaluations. In other words: if the recommendation was made at a SIT meeting, then the related service evaluation is part of the full and individual initial evaluation and the related service provider must work with the other members of the multidisciplinary evaluation team, e.g., LSSP/Educational Diagnostician, to ensure the 45 school day timeline is met.

If the initial recommendation for a related service evaluation is made by an ARD committee after the student has already been placed into special education, then the ARD committee documents the request and determines the timeline for completion of the related services evaluation report, taking into consideration timely attention to the student’s needs. [Notice of Procedural Safeguards](#) as well as [Notice](#) and [Consent for Individual Evaluation](#) are required prior to beginning any evaluations.

When the related services evaluation report is complete, the related service provider contacts the ARD PEIMs clerk or Assessment Staff who schedules the ARD meeting within 30 calendar days following the completion of the report. The ARD committee will review the Related Service Evaluation and recommendations for service provision. The ARD committee must ensure that services recommended align with the evaluation report. After the ARD meeting, the original related services evaluation report is given to the ARD PEIMs Clerk or Assessment Staff to file in the student’s special education audit folder. Copies of the related service evaluation report must be provided to the parent(s)/surrogate(s) and to the LSSP/Educational Diagnostician or to the Speech Therapist if the student’s only disability is Speech Impaired.

Related service evaluations must address the need for assistive technology. If the related service evaluation is part of a full and individual initial evaluation (FIE), then the FIE report documents the consideration of assistive technology devices and or services. If the related service evaluation is completed at the request of an ARD committee after a student has already been placed in special education, then the related service evaluation report must document the consideration of assistive technology devices and or services. Consideration results in one of three conclusions:

- If the evaluator determines that assistive technology devices and/or services are not needed, the basis for this determination is documented.
- If the evaluator determines that assistive technology devices and/or services are needed to provide a free and appropriate public education (FAPE), the recommendations must be included in the related service evaluation report.
- If the evaluator determines that more information is needed in order to make an informed decision regarding the need for assistive technology, a recommendation for additional evaluation must be included in the related service evaluation report.

Adapted Physical Education Placement Process

The principal or LSSP/Diagnostician is responsible for notifying the Director of Special Education when a student requires adapted PE.

Basic Information

1. A student must have an APE Evaluation completed prior to ARD meeting addressing need for APE services.
2. Students who are placed in adapted physical education must have a disability and special needs that cannot be met in general physical education classes.
3. Adapted physical education is a more restrictive environment; therefore, students must go through the ARD committee decision-making process prior to placement in classes.
4. Referral for an evaluation must take place in an ARD meeting with appropriate forms completed.
(Note: APE Evaluation may also be a part of the Full and Individual Initial Evaluation; if so, follow the same timelines. If part of a Reevaluation or a separate related service evaluation, ARD committee sets the timeline for completion.)

Adapted PE Matrix Levels and Schedule Page of Services

Levels of Service

- I. General Physical Education (Elementary & Secondary)
 - Students are able to participate in all physical education activities safely and successfully with appropriate accommodations.
 - General PE teacher is solely responsible for student's grades, assessments, etc.
 - No support from special education needed; nothing noted on schedule of services.
- II. Consulting (Elementary & Secondary)
 - APE teacher consults with General PE teacher regarding any modifications, behavior management techniques, communicating skills, assessing student skills, or curriculum modifications.
 - APE teacher is not directly involved with student. Communication is done through General PE teacher.
 - **Indicate services in the Related Services area of IEP service page.**
- III. General PE with Inclusion/Team Teaching (Elementary)
 - APE teacher collaborates with General PE teacher. APE teacher is responsible for progress reports and grades for the APE students. APE teacher is also responsible for development of Individualized Education Plan (IEP) goals and objectives for APE students.
 - Teaching assistants will attend General PE class (if provided) with inclusion and provide support to APE students by: assisting students to and from the gym, and assisting in activities as needed.
 - Students with disabilities are involved with general PE class activities with accommodations as needed.
 - **General PE students are selected from the same General PE class to work with APE students.**
 - **Schedule page indicates Adapted PE in general education with support.**
- IV. Self-Contained Elementary & Secondary

- APE students are taught in a separate setting.
- APE teacher is responsible for progress reports and grades of APE students. APE teacher also responsible for development of Individualized Education Plan (IEP) goals and objectives for APE students.
- Teaching assistants will attend APE class to support the APE students by: assisting to and from the gym and assistant during physical activity time.
- **Schedule page indicates Adapted PE (time in S.E. outside general education.)**

Time Requirements for Service in Adaptive Physical Education

Adapted Physical Education State requirements

Elementary:

In accordance with Texas Education Code, all students enrolled in full-day kindergarten or Grades 1-6 in an elementary school setting are required to participate in physical activity for a minimum of 30 minutes daily or 135 minutes weekly under the following conditions:

Students who are provided APE will receive APE as determined by the student's ARD Committee.

Middle School – grades 6, 7 & 8

Each student is required to participate in moderately vigorous physical activity for 30 minutes daily for at least 4 semesters during 6th, 7th and 8th grade as a part of the district's physical education curriculum.

Additionally, a school district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. However, APE services for middle school can be provided yearly for students in 6th, 7th and 8th grade.

High School – grades 9 through 12

Each student is required to have a minimum of 1 or up to 2.0 physical education credits for state graduation requirements.

Schools should implement Texas Essential Knowledge and Skills (TEKS) – based PE instruction with accommodations for physical activity that are appropriate for the specific situation and student. Appropriate physical activity accommodations might include adapted PE. TCS must classify each student for PE, on the basis of health, into one of the following categories:

- *Unrestricted (not limited in activities)*
- *Restricted (excludes the more vigorous activities)*
- *Adapted or remedial specific activities prescribed or prohibited, as directed by a member of the healing arts licensed to practice in Texas.*

NOTE: There is no waiver available for students to graduate without meeting the requirements for PE. Students requiring special accommodations in PE may graduate under the minimum, recommended, or distinguished graduation programs.

Assistive Technology

Congress guarantees the availability of Assistive Technology (AT) for people with disabilities, and defines it for students with disabilities in the Individuals with Disabilities Education Act (IDEA) as any item, piece of equipment or product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities.

(Note: the definition of an AT device excludes "surgically implanted" devices such as cochlear implants.)

...**assistive technology service** means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

- a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

- b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- c) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing of assistive technology devices;
- d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- e) Training or technical assistance for a child with a disability, or if appropriate, that child's family; and
- f) Training or technical assistance for professionals (including individuals providing education or rehabilitation service), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of children with disabilities.

(Note: the definition of an AT service excludes services related to "surgically implanted" devices such as cochlear implants.)

IDEA mandates that IEP teams must consider the assistive technology needs for every identified student with a disability during the development of the student's IEP. In developing each child's IEP, the IEP team, shall consider – whether the child requires assistive technology devices and services.

The documentation for the consideration of assistive technology can be found in any of the following evaluation reports: Full Individual Evaluation (FIE), OT/PT, and/or Speech/Language.

In consideration of the need for AT, the most basic obligations are:

1. the student's ARD committee must consider the potential AT needs of the student;
2. the ARD committee must determine if an AT evaluation of the student is necessary to complete its consideration of the AT needs of the student;
3. if determined necessary, an AT evaluation must be performed in order to evaluate the student's need for specially designed instruction; [Documentation of an AT evaluation may be found in the student's evaluation report (FIE or re-evaluation), OT/PT Report, SLP Report, documented recommendations from the district level AT team or by the trained campus-based teams]
4. if the ARD committee decides AT devices/services are necessary, the team must make the provision of the device and/or services a component of the child's IEP;
5. if the ARD meeting is a Review ARD and there has been AT provided previously, ensure that it is still appropriate and being implemented;
6. any AT that is deemed necessary for the student must be documented on the IEP;;
7. check with any related service personnel working directly with the student (VI, AI, SI, OT, PT) to determine if there are any additional accommodations they provide that can be considered as AT;

(From "Assistive Technology: A Legal Perspective, TATN, Texas Assistive Technology Network, Fall of 2003")

It is important to note that the law has determined "appropriate education" means one that provides a student with a disability some educational benefit, but it is not a requirement to maximize the educational benefit. In terms of AT devices and services, this standard is translated to mean that although there may be a "more sophisticated" technology available, if a "less sophisticated" technology will provide some meaningful educational benefit, it may be considered sufficient to meet the student's AT needs.

The Do's of Assistive Technology

- Consider the need for assistive technology at every annual IEP/ARD meeting
- When describing assistive technology in a child's IEP, always refer to what the device/material is providing, not its name. E.g., "auditory word processing software" in lieu of the name of the software, portable word processor in lieu of device name, single message voice output device, in lieu of device name
- AT is determined by the student's need for ***specially designed instruction*** in order to increase, maintain or improve ***functional*** capabilities
- Always make sure that the section of the ARD committee report that addresses AT correctly reflects that the student has access to or does not require the use of AT.

Process for Counseling Referral for Students Receiving Specially Designed Instruction

1. Consultation with a special education counselor can occur at any time for the purpose of reviewing services or planning additional interventions. Collaboration is an important component of counseling support.
2. Prior to requesting a counseling evaluation, the ARD committee, must address the following:
 - a. What interventions have been tried? (e.g., revising the Functional Behavior Assessment, (FBA) and the Behavioral Intervention Plan, (BIP))
 - b. How successful were these interventions?
3. When the campus/special education counseling team has determined that the LRE options have been exhausted, the Special Education Counselor/LSSP assigned to the campus must be invited to and attend the ARD. The Special Education Counselor/LSSP will review the evaluation process with the parent or guardians. If a special education counseling evaluation is recommended, the Special Education Counselor/LSSP assigned to the campus will review the Notice of Evaluation with the parent or guardian and will obtain Consent for Evaluation (through eSped).

The Special Education Counselor/LSSP will complete the counseling evaluation. A second ARD will be scheduled to review evaluation results. If the student qualifies for special education counseling, counseling goals/objectives may be added to the student's IEP and direct services may be recommended, or current behavioral goals may be addressed through consultation services.

If the student does not qualify for special education counseling services, the special education counselor/LSSP will contact the parent and the campus team to review the results of the evaluation.

The special education counselor/LSSP is responsible for opening an ARD in eSped and documenting the following, "The counseling evaluation was reviewed with (parents) on (date) and campus staff on (date). (Student) did not qualify for special education counseling services. See counseling evaluation (date)."

(Note: The Special Education Counselor/LSSP will be responsible for reporting progress for counseling goals/objectives every six or nine weeks depending on the student's grade level).

Referral/Admission Process

For new referrals for special education counseling:

1. The formal request for evaluation should be discussed and documented in an ARD meeting.
2. The ARD meeting chairperson has the parent or guardian sign the [Notice](#) and [Consent for Individual Evaluation](#). NO initial evaluation may proceed without a [Notice](#) and [Consent for Individual Evaluation](#) signed and dated by the parent or guardian or surrogate.
3. The LSSP/ Diagnostician at each campus conduct the evaluation. If a special education counselor/LSSP is not available on the campus to conduct the evaluation, the Diagnostician notifies the Director of Special Education regarding the need for a counseling evaluation.
4. The Counseling evaluation includes at least the following:
 - Review of documentation for need for counseling and previous services
 - Interviews with student and teacher
 - Classroom Observation
 - Review of any functional behavior assessments and behavior intervention plans
 - Administration of the evaluation
 - Preparation of the evaluation report and documentation.
5. The therapist has 45 school days from the date of the signed consent to complete the evaluation or by any date set by the ARD Committee.
6. The Therapist makes a request for ARD meeting to the teacher and/or the person responsible for scheduling ARD meetings at that campus. It will be the LSSP/Diagnostician's responsibility to schedule the ARD meeting within 30 calendar days from the date of the report. It is the therapist's

responsibility to follow up with the teacher and LSSP/Diagnostician and make sure the ARD meeting is scheduled within the correct time frame.

7. The therapist gives/sends copies of the evaluation report including eligibility determination to the LSSP/Educational Diagnostician, classroom teacher and parent.
8. A full evaluation report including recommendations regarding the level of service and specific goals and objectives are filed at the ARD meeting. Goals and objectives are based/developed on the student's current IEP.
9. Services will not begin until the ARD committee approves/recommends the student receive services.

For student entering TCS with counseling as a related service:

1. The LSSP/Diagnostician is responsible for careful review of ARD/IEP documents from previous districts to determine if the student had been receiving special education counseling.
2. Each ARD committee must review the evaluation reports, IEP goals and objectives, progress reports, FBAs, and BIPs from previous districts.
3. The ARD will consider whether the student continues to require counseling as a related service at TCS to benefit from special education instruction.
4. If the ARD determines that the student's needs can be met in other ways at the TCS campus, rationale for this decision must be documented in the ARD summary. Reasons counseling needs might be different at TCS: small setting, structure provided by school and treatment staff. However, the determination of ceasing counseling as a related service is a serious decision in light of the reasons students are placed in TCS.
5. Initiate services as outlined in the IEP.

Occupational Therapy and Physical Therapy Services

Trinity Charter School's Occupational and Physical Therapists supports students with identified disabilities to facilitate their independence, success, and safety in the educational environment. Therapy services are provided within the natural school environment to address the capabilities and challenges presented by a particular disability.

Occupational Therapy and Physical Therapy Services under IDEA

1. Related Services are provided under IDEA, if determined necessary, in order for a student to benefit from special education (make progress towards the student's IEP).
2. The need for services is determined through an evaluation. The determining factor is whether the service is needed in order to assist the student with a disability to benefit from special education.
3. The ARD committee determines, based on evaluation and recommendations from the school occupational therapist and/or physical therapist, the need for services. The amount, time and frequency provided are specified in the student's IEP.
4. Services are provided in a collaborative and integrated fashion within the natural school environment.
5. Contact the Director of Special Education if contract OT/PT is needed.

NOTE:

- Therapy will begin as indicated by the IEP.
- Physical Therapist must have a signed physician's referral before therapy services can commence.
- Based on medical diagnosis, Occupational Therapist may need to have a signed physician's referral before therapy services can commence.

XI: STUDENT RECORDS

Custodian of Student Records

Custodian of Records: Unless otherwise specified in board policy, the principal is custodian of all records for currently enrolled students at the assigned school. The Director of Special Education is the custodian of records for students who have been withdrawn or graduated (after three years).

Campus Principal or designee will annually train all new and returning campus staff on personally identifiable information. As new staff is employed throughout the school year, the training will be provided. Documentation of the date and persons attending training will be maintained by the campus principal and the Director of Special Education.

Each local campus will have a listing of all personnel trained in confidentiality of student records and those who have access to the student records.

Creating New Special Education Audit Folders

There are two situations when you will need to create a new special education audit folder. One is when a student is initially placed into special education. The other is when a special education student transfers into TCS from another district.

Prior to the admission ARD meeting the student's documentation is kept in a manila folder called the "Referral" folder. All information from the time of referral until the time of the admission ARD meeting is kept in this Referral folder. If the decision at the admission ARD committee is to place the student in special education, and Parent Consent for Initial Placement is obtained, all of the documentation is transferred from the Referral folder to a new Special Education Audit Folder.

To create a new Special Education Audit Folder:

1. The ARD/PEIMS Clerk is to pre-assemble Audit folder materials as outlined in the [Audit File Organization](#) Chart.
2. The new Audit folder has divided sections for holding various types of documents. Colored top sheets are placed at the beginning of each section, listing the types of documents filed within that particular section.
3. Complete the Audit File top sheet as required for each section, e.g., check off items as added and/or enter required dates.
4. **Within each section, documents are filed chronologically with the most recent on top.**
5. Complete the top portion of the Folder Access Sheet; this form is attached to the inside cover of the new Audit folder.
6. Enter new students into TxEIS and PEIMS.

When **NOT** to create an Audit folder:

1. At the admission ARD meeting, the committee determines the **student does not qualify (DNQ)** for specially designed instruction. Following the ARD meeting, the Special Ed/PEIMS Clerk will maintain the folder on the campus.
2. If at or following an admission ARD meeting, a **parent does not give signed Consent for Initial Placement**. The Special Ed/PEIMS Clerk maintains the folder on campus.
3. **Student withdraws from your campus prior to the admission ARD meeting**. The ARD/PEIMS Clerk maintains the folder on campus.
4. **Parent does not give signed [Consent for Individual Evaluation](#), or revokes [Consent for Individual Evaluation](#) prior to the admission ARD meeting**. . The Special Ed/PEIMS Clerk maintains the folder on campus.

In all of the above situations, the Referral folder is organized chronologically with the most recent document on top and maintained at the campus.

Maintenance of Special Education Folders

The ARD/PEIMS Clerk is responsible for maintaining and updating Special Education Audit Folders. New information is added to the folder and arranged chronologically with the most recent document on top. Use the [Audit File Organization](#) Chart and the Top Section pages to organize correctly.

The special education audit folder contains legal documents. Altering a signed document, such as an ARD Committee Report, is illegal. These documents should not be altered in any way, even if it is to note typos or other errors. For example, if the eligibility label is not correct, then another ARD meeting is required to fix it. Do not attach “sticky” notes or labels for the purposes of adding quick-find tabs, as these can jam copiers and may destroy that page of a legal document. If you want to mark or divide a section of the folder, use paper clips as markers. Do not write notes on the section dividers. Any relevant information should be documented in the appropriate reports. Any extraneous information you want to maintain for a student should be kept in “Sped Teacher” folders and not in the special education audit folder. The most common contents of this folder are “data” that is used to document progress on goals/objectives. Examples of information that may be contained in the Classroom folder include data collection/tracking sheets, work samples, teacher notes, anecdotal records, discipline reports, progress reports, report cards, attendance reports, medication logs, medical procedures, Brigance test booklets, a copy of the student’s current IEP and BIP, etc.

A Classroom Folder for the General Ed Teacher should also be kept on every student. The most common contents of this folder are “data” that is used to document progress on goals/objectives. Examples of information that may be contained in the Classroom folder include data collection/tracking sheets, work samples, teacher notes, anecdotal records, progress reports, report cards, attendance reports, medication logs, medical procedures, copy of the student’s current IEP and BIP, etc.

Confidentiality of Records

Information about students in special education is considered “confidential” under federal and state laws. This includes information contained in student special education folders, reports (e.g., PEIMS), and data systems (e.g., PEIMs and eSped). **TCS staff shall keep all special education information confidential as required by law.** TCS staff shall not share their account information (i.e., username and password) for district data systems such as PEIMs and eSped). The State Board for Educator Certification may revoke or suspend the certification of a teacher who intentionally divulges confidential special education student information without signed consent.

Maintain Confidentiality When Sending E-mails

District Policy – Internet Safety] requires all employees to “Restrict unauthorized disclosure, use, and dissemination of personally identifiable information regarding students.” Should you choose to use email to convey protected student information to persons with authorized access to such information, follow these guidelines:

- Make sure all recipients have legal right to the information.
- Do not e-mail any information that requires signed consent.
- Do not send confidential student information to e-mail addresses outside of TCS without prior administrative authorization.
- Do not enter any confidential information in the “Subject” line, such as student name or perineum.
- Limit the information contained in the e-mail to only that which is needed.
- Include the following confidentiality notice with your e-mail:

“This email message, including all attachments, is for the sole use of the intended recipient(s) and may contain confidential student and/or employee information. Unauthorized use of disclosure is prohibited under the federal Family Education Rights & Privacy Act (20 U.S.C. §1232g; 34 CFR Part 99; 19 TAC 247.2; Gov’t Code 552.023; Educ. Code 21.355; 29 CFR 1630.14(b)(c)). If you

Are not the intended recipient, you may not use, disclose, copy or disseminate this information.”

Please call the sender immediately or reply by email and destroy all copies of the original message, including attachments.”

Maintain Confidentiality When Purchasing/Installing Software

TCS staff must maintain the security and confidentiality of student and staff data at all times. Our district has a secure computing environment for the protection of our student and staff privacy interests. However, information that is transmitted outside of the district is no longer secured by these protections. Transmitting or providing student data outside of our network is a breach of District Policy (Legal) and a threat to TCS students and staff. Student and staff data should only be stored within our District network unless Information Systems (for software) or Program Evaluation (for research data) approve otherwise. It is therefore important and necessary to go through the appropriate approval process before purchasing any software for utilizing, accessing, or storing confidential information. Safeguards are built into this approval process to eliminate possible security breaches. In the unusual circumstance that data must be housed outside of our network, you must first contact both Information Systems and legal counsel to ensure that the appropriate legal requirements have been met and that the data will be secure.

Storing Records

Special education folders are to be stored in locked file cabinets or a locked file room at all times. Access to folders must be controlled and limited only to those persons with designated access, e.g., special education teachers, special education support staff, campus administrators, school counselors, etc. When folders are out of the file cabinet, they are not to be left unattended, such as on a desk or table somewhere. **Audit folders may not be taken off campus without prior authorization** from the campus principal. The ARD/PIEMS Clerk is ultimately responsible for the storage and safekeeping of the special education Audit folder. *(Note: the specific location(s) for storing Audit folders, as well as the procedure for checking folders in or out of storage, is a campus based decision.)*

Moving Special Education Audit Folders On or Off a Campus

Whenever a student is dismissed from special education services, withdraws from your campus, or is a “no show,” the teacher/therapists give all folders to the Special Ed/PEIMS Clerk.

If you know where a student will be enrolling at the time he withdraws from your campus, give a courtesy call to the next campus of enrollment to let them know to expect the student and Audit folder. Whenever a special education student transfers to your campus from another campus within TCS, the student’s information is entered into T-Rex for the other campus to access. Campuses outside TCS should be referred to T-Rex for records.

Special Education records are held on the campus for three (3) years and then moved to District office for storage for four (4) years. Records are destroyed seven (7) years after the student has withdrawn or been dismissed from special education. The District office handles the required notice requirements prior to destruction of records.

Requests for Records

According to federal and state laws, requests for records must be processed within 45 calendar days or less. For requests by other school districts, records must be sent within 10 business days of receiving the request from the previous district. For subpoenas, records must be sent in time for the court to receive the records within 10 days **or less**, as specified by the court.

Generally, the Special Ed/PEIMS Clerk will handle record requests while the special education student is enrolled at that campus because that is where the records reside. Any open records requests are coordinated between the principal and the Director of Student Services.

Terminology

Request for Student Records is a document that is usually mailed or faxed by the requestor, e.g., a new school district for a former TCS student. Depending upon the request, consent may also be required before releasing records. TCS sends records to requesting districts through TReX.

Note: A facsimile copy of an original request for records may be accepted in lieu of the original.

[Consent to Release or Request Student Records](#) is a document that is signed by the parent, guardian, or adult student when requesting records be sent, e.g., to universities or colleges.

(Note: In TCS there is one form [\(F823\)](#) that is used to address both requests and consents.)

Guardianship is a court order document stating that a person has responsibility for another person, usually a student who has been taken over by the state, or an individual who is 18 years of age or older but is not able to make important decisions for him/herself. The parent of an 18-year-old disabled person is not automatically that person's guardian; the parent must have a court order assigning those legal rights.

Subpoenas and “Open Records” Requests

All subpoenas and “Open Records” requests will be handled by the Special Education office at Central Office. If you receive a subpoena or open records request at your campus, immediately contact the Director of Special Education. Subpoenas must be answered within 10 days or less, sometimes within 48 hours.

Fees

Persons requesting records shall be charged a “copying” fee of \$0.10 (ten cents) per page. However, other school districts (including charter schools) and state agencies shall be exempt from copying fees, e.g., the Texas Department of Assistive and Rehabilitative Services (DARS), Mental Health and Mental Retardation (MHMR), Austin State Hospital (ASH), etc. Fees collected at a campus shall remain at the campus for reimbursement of copying expenses. A receipt should be given to the requestor and the money/check should be given to the appropriate person on your campus; check with your administrator for procedures specific to your campus.

General directions for responding to record requests

1. Make sure you have consent signed by the parent, guardian, surrogate, or adult student when appropriate. *(Note: In accordance with the Family Educational rights and Privacy Act (the Buckley Amendment) Subpart D. Sections 99.31 and 99.34, it is no longer necessary to obtain signed written consent to release records to another school district in which a student may intend to enroll.)*
2. Note the date you receive the request for records on the request document. You may either use a date stamp or write the notation on the request. Example: **Received 9/7/10**
3. When appropriate, collect a copying fee of \$0.10 (ten cents) per page. *(Note: other school districts, state and federal agencies are exempt from this fee.)*
4. A cover letter should accompany information that is being mailed out. The letter should be written on school stationery. This letter should include the name, area code, and phone number of the person who is mailing the special education information.
5. Unless specified otherwise in the request, send the most recent IEP (i.e., annual ARD meeting report and reports from any ARD meeting held after the annual) and the most recent evaluation(s), including those for speech or related services. Never send original documents; these must remain in TCS.
6. Note on the request document the date that records are mailed. Example: **Mailed 9/8/10.**
7. Make a copy of the request document and file it in the Records Requests folder. This will help when the requestor calls inquiring as to if and when the information was mailed to them.
8. File the original request document in the student's Special Education Audit folder.
9. Please be mindful that the information being exchanged is confidential and, if at all possible, should not be faxed.

Common Records Requestors

Another School District - All public school districts in Texas, including Charter schools, are expected to transfer the most recent ARD committee summary, including the current IEP, to a requesting district within 10

days using the Texas Records Exchange (TREx) system. It is not necessary to obtain signed written consent to release information to another school district in which a student may intend to enroll. When a student transfers to another district, TCS staff may release (without parent consent) the following information via telephone in order to assist the new district in conducting a temporary placement ARD meeting:

- Date the student was placed in special education
- Date of the last full and independent evaluation
- Area(s) of disability
- Amount of time per day in special education
- Type and amount of related services
- Daily schedule of services

Parent/Guardian/Surrogate Parent/Adult Student - Parent, guardian, surrogate parent or adult student must sign consent when requesting records. Either birth parent may sign the release. Guardians are required to show a court order giving them guardianship of said student. Any student who has reached the age of 18 years or can prove that he is living on his own can sign for his own records. Once a student turns 18 he must sign for his own records unless a guardian shows a guardianship court order.

Parole Officers – Parole officers must have consent to release records, signed by the parent or guardian.

MHMR – The consent to release records must be signed by the parent, guardian or adult student.

Texas Department of Assistive and Rehabilitative Services (DARS) – The consent to release records should be signed by the parent, guardian, surrogate or adult student. Return a copy of the letter requesting the records. Return information in the envelope/ mailing label provided by DARS. You will receive a second request if DARS does not receive records within 10 days of the first request.

Juvenile Court and Law Enforcement Authorities – Consent to release records must be signed by the parent, guardian, surrogate, or adult student.

Universities or colleges – The student who will be attending said college or university must sign the consent to release of information.

These are just a few of the sources for records requests. If you are in doubt as to how to answer any request for records, contact the Director of Special Education or the Director of Student Services.

Parent Requests to Review Audit Files

For records of students currently enrolled, the parent should be referred to the LSSP/Diagnostician who:

1. reviews the records with the parent by appointment (the parent must be accompanied at all times by special education staff when reviewing audit folders);
2. obtains the parent's signature on the access sheet; and
3. interprets and clarifies any questions.

For records of students who have not been enrolled for the past 3 years, the parent should be referred to the LSSP/Diagnostician. For inactive student files older than 3 years, refer the parent to the Director of Special Education.

Parent Requests Copy of Audit Folder

1. The parent, guardian, surrogate or adult student may request copies of part or all of the records.
2. Prior to receiving copies, the individual signs the Consent to Release or Request Confidential Information and pays a copying fee of \$0.10 (ten cents) per page. (*NOTE: Monies collected stays at the campus. The purpose of collecting the money is to offset the cost of reproduction.*)
3. Copies should be provided by the ARD/PEIMS Clerk to the parent as soon as possible and no later than 45 calendar days from the date the request for records is received.

Parent Requests to Amend Student Records

1. The parent, guardian, surrogate of a special education student or adult student may request to amend the records by sending a written request to the Director of Special Education. The written request

must specify the record to be amended and the reason for the request to amend the record. The Director of Special Education who will respond in writing within two weeks.

2. The parent of a special education student may provide a statement commenting upon information in the records and/or setting forth reasons for disagreeing with decisions by the district. This statement must be filed in the student's Audit folder.

Sharing Records with Local Campus Staff

1. The special education teacher, Special Ed/PEIMs Clerk, or Assessment Staff trains all staff annually on Confidentiality Procedures and documents staff participation. The Special Ed/PEIMs Clerk maintains the training logs for auditing purposes.
2. The Special Ed/PEIMs Clerk disseminates copies of the student's IEP to regular and special education staffs that are involved in the implementation of the services outlined on the IEP.
3. The Special Ed/PEIMs Clerk disseminates copies of each student's ARD/IEP Modifications page to the general education teacher for each subject designated on the form.
4. The Special Ed/PEIMs Clerk disseminates copies of each student's Behavior Intervention Plan (BIP) to campus staff who serve the student or who are involved in discipline of the student.
5. The Special Ed/PEIMs Clerk shall review the in-depth information in student's evaluation reports and share pertinent and/or confidential special education information with appropriate campus staff on a "need-to-know" basis in order to best serve the student.

Sharing Records with Law Enforcement Authorities

The district may report a crime committed by a special education student to appropriate law enforcement authorities. The district must ensure that copies of the student's special education and disciplinary records are transmitted for consideration by the appropriate authorities to which the crime is reported. **Parent permission is required** prior to release of special education information or records to law enforcement authorities.

Sharing Records/Information with Child Protective Services (CPS)

Staff may not disclose any confidential special education information in oral or written form to CPS investigators unless there is a subpoena. Such disclosure would be a violation of FERPA (Family Educational Rights Protection Act). For example, if a staff member suspects that a child is in danger and reports the concern to CPS, the TCS staff member must not disclose that the student in question is an identified special education student. The staff member's comments should deal only with the safety/health concerns that prompted the call. If, and when, the investigator sends a subpoena to the district, information about special education may be released at that time as approved by the Director of Special Education. Investigators questioning this procedure should be referred to the Director of Special Education or the Superintendent.

Preservation of Records Related to Litigation

Whenever litigation is reasonably anticipated, the law requires District staff to preserve all relevant records for the duration of any such litigation. Accordingly, staff must assure the preservation of information relating to disputes currently being litigated or that can be reasonably foreseen to involve litigation. The obligation to preserve records encompasses hard copies as well as electronically stored data. Electronically stored data includes all information from the District's computer systems and removable electronic media, such as email, word processing documents, spreadsheets, databases, calendars, phone logs, internet usage files, folders, back-up tapes, network access information, and information stored on laptops, CDs, flash drives, or external hard drives. For any documents, records, or other data in staff possession that relate to any matter that is currently being litigated or for which litigation is reasonably anticipated, it is imperative to suspend immediately any deletion, overwriting or any other possible destruction of electronic data.

The failure to preserve records relating to pending or anticipated litigation could result in severe penalties or sanctions against the District. Additionally, any District employee who improperly destroys or disposes of District records may be subject to personal penalties.

XII: BILINGUAL SPECIAL EDUCATION

TCS provides ESL and/or Bilingual instruction to qualified special education students. The admission, review and dismissal (ARD) committee working in conjunction with the language proficiency assessment committee (LPAC) to determine entry and exit criteria for students who are receiving special education services and identified as an emergent bilingual student.

Whenever ARD committee members and LPAC members meet to collaborate in the interest of the student, they should consider information regarding the cognitive and linguistic abilities as well as the affective needs of the student. These joint meetings may occur not only to facilitate a student's entry into and exit out of the respective programs but also to review progress, determine linguistic accommodations and discuss other issues related to the student's individualized education program (IEP).

The majority of these meetings will be informal discussions between key members of the ARD committee and key members of the LPAC. Recommendations from these collaborative efforts must be presented at ARD committee meetings to ensure that the appropriate considerations regarding second language acquisition in English are addressed in the development of the student's IEP. Decisions relating to services that impact second language acquisition must also be documented by the LPAC.

Language Proficiency Assessment Committee (LPAC) Membership

Each LPAC shall include:

1. An appropriately certified bilingual educator (for students served through bilingual education);
2. An appropriately certified English as a second language (ESL) educator (for students served through an ESL program);
3. A parent of the English learner participating in a bilingual or ESL program; and
4. A campus administrator.

TCS may add other trained members to the committee in any of the required categories. If TCS does not have an individual in one or more of the job classifications required, another professional staff member shall be designated to serve on the LPAC.

No parent serving on the LPAC shall be an employee of TCS.

All members of the LPAC, including parents, shall observe all laws and guidelines concerning student confidentiality. TCS will provide orientation and training for all members of the LPAC, including parents. *Education Code 29.063; 19 TAC 89.1220(a)-(f)*.

Advancement Considerations

Advancement considerations become necessary when the special education student is ready because of age or progress to move to another program. As a student approaches the point where it appears that second language acquisition support in English is no longer needed, key members of the ARD committee and key members of the LPAC should identify appropriate oral language, reading, and writing assessments and performance standards to verify that the student no longer needs second language acquisition support in English to address learning needs.

Recommendations are then considered during a formal ARD committee meeting and decisions are made regarding exit from LEP services. Decisions relating to exit from bilingual education or English as a second language (ESL) services must also be documented by the LPAC.

Process for Considering Special Exit Criteria from Bilingual/ESL Services

The exit criteria under TAC §89.1225(h) apply to the vast majority of **emergent bilingual students who receive special education services**. In rare cases, an emergent bilingual student receiving special education services may qualify to be exited using criteria permitted under TAC §89.1225(k), which give special consideration to an emergent bilingual student for

whom assessments and/or standards under TAC §89.1225(h) are not appropriate because of the nature of a student's particular disabling condition.

This document outlines the process to follow when considering whether a student qualifies to exit using the criteria authorized by TAC §89.1225(k).

Step 1: Schedule Meeting to Evaluate Whether Student Potentially Qualifies for Exit

At or near the beginning of the school year, a meeting is to be scheduled between key admission, review, and dismissal (ARD) committee and language proficiency assessment committee (LPAC) members to discuss whether the student qualifies to exit using criteria under §TAC 89.1225(k).

- Through this process, a determination is made about the assessments and/or English language proficiency assessment standards to be used in the exiting process.
- This process applies **ONLY** when one or more assessments and/or English language proficiency assessment standards under TAC §89.1225(h) are not appropriate for the student in a particular language domain for reasons directly associated with the student's disability. In following this process, refer also to the document titled *Guidance Related to ARD Committee and LPAC Collaboration* found at <http://www.tea.state.tx.us/special.ed/guidance/ardlpac.html>.
- This process is to be used to address the needs of an individual student, not groups of students. Very few students qualify to exit using the TAC §89.1225(k) criteria.
- This process must be conducted by key admission, review, and dismissal (ARD) committee members (including a diagnostician when applicable) and key language proficiency assessment committee (LPAC) members who are familiar with the student's current progress and needs, including one or more teachers with in-depth knowledge of the student's second language acquisition and academic achievement.

Step 2: Discuss Evidence of Need for Use of §89.1225(k) Exit Criteria

At the meeting, the participants discuss the second language acquisition of the student within the context of the individual student's disability to consider whether the TAC §89.1225(k) exit criteria are warranted.

- Consideration must be IEP-based and must include documented evidence that, because of the nature of the student's disability, the student is not expected to be able to attain English language proficiency in one or more domains and no longer appears to benefit from second language acquisition support in English to address second language acquisition cognitive, linguistic, and affective needs (or is expected to reach that point during the school year).
- Evidence must include both historical formal and informal assessment data and direct teacher input. Ongoing informal assessment data may come from checklists, inventories, and other formative evaluations designed to identify the levels of academic functioning and English language proficiency of the student. The input of a diagnostician may be requested, as necessary, to help determine whether the TAC §89.1225(k) exit criteria are warranted. Direct teacher input should provide further insight into the student's classroom performance and needs, and should include, if applicable, documentation of response to intervention, anecdotal notes, and other evidence drawn from sources such as classroom-based observations and classroom activities.

Step 3: Specify Assessments and English Language Proficiency Test Standards

After reviewing the evidence and concluding that the student no longer benefits from second language acquisition support in English (or is expected to reach that point during the school year), the meeting participants review the assessment information in the IEP and make exit criteria recommendations based on the information below.

Caution should be exercised when considering exit of students in Grades 1-2. It may be premature in these grades to consider exit due to developmental factors related to emergent language and literacy. Additionally, in early grades it is often difficult to know the effect of the student's disability on long-term prospects for second language acquisition.

ACADEMIC CONTENT ASSESSMENTS OF READING AND WRITING IN GRADES 1-2

- Norm-referenced standardized achievement tests are not required for students in grades 1-2 eligible under TAC §89.1225(k).

ACADEMIC CONTENT ASSESSMENTS OF READING AND WRITING IN GRADES 3-12

- **Modification of performance standards on academic content assessments not permitted**
The Texas Education Agency has already modified student performance standards on TAKS through the development of TAKS–M and TAKS–Alt. Further modification of performance standards on academic content assessments is not permitted. **State-established standards must be used.**
- **Selection of appropriate academic content assessments**
Students considered for exit criteria under TAC §89.1225(k) should be those designated to take TAKS–M or TAKS–Alt as determined by the ARD committee in conjunction with the LPAC. If a rare situation occurs in which TAKS (Accommodated) or TAKS is considered to be the appropriate academic content assessment for a student who needs modified English language proficiency standards, consult the Education Service Center bilingual/ESL contacts for guidance. **Reminder: State-established standards must be used.**

ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS IN GRADES 1-12

- **Modification of English language proficiency assessment standards on a domain-by-domain basis**
Any modified standards must be supported by historical data and evidence that the student is not expected to be able to attain English language proficiency because of factors directly related to the student's disability and that the student no longer appears to benefit from second language acquisition support in English to address second language acquisition cognitive, linguistic, and affective needs (or is expected to reach that point during the school year).
- **Selection of appropriate English language proficiency assessments** -- **Listening:** TELPAS listening or other OLPT from state-approved list
-- **Speaking:** TELPAS speaking or other OLPT from state-approved list
-- **Reading:** TELPAS reading or other English language reading proficiency test from state-approved list
-- **Writing:** TELPAS writing or other English language writing proficiency test from state-approved list

Step 4: Prepare Documentation

Key members of the ARD committee and LPAC document the evidence, recommendation, assessments, and any modified English language proficiency test standards.

Step 5: Discuss Recommended Exit Criteria in Formal ARD Committee Meeting

Key members of the ARD committee and LPAC present the documentation at a formal ARD committee meeting.

- The meeting should take place as early in the current school year as possible or at the end of the year to be applied the next school year. The meeting must occur prior to the student's participation in the identified assessments.
- Based on discussion at the formal ARD committee meeting, the IEP is updated with documentation of the modified exit criteria if the committee as a whole determines that exit is anticipated.

Step 6: Determine and Document Whether Student Has Met Modified Exit Criteria

At the end of the year, the ARD committee, with key LPAC members, meets to review the assessment results and subjective teacher evaluation required under TAC §89.1225(h) to determine whether the student has met the modified exit criteria.

- The subjective teacher evaluation must reflect the status of the student following the administration of the assessments.
- This meeting is to be held at the end of the school year, as required by TAC Section 89.1220(g). This means that an additional ARD committee meeting is necessary for students whose annual ARD committee meeting is held at a different time.
- If the decision is made to exit the student based on the assessment results and subjective teacher evaluation, the ARD committee finalizes and documents the change in placement or program and delineates instructional services including the monitoring period for exited students. Furthermore, as required under TAC §89.1220(m)(7) relating to exit from bilingual education or ESL services, the LPAC also documents the exit decision in the student's permanent record file.

Please see also: <http://www.tea.state.tx.us/special.ed/guidance/ardlpac.html>.

Reviewing Continued Need for Bilingual Program

A student-by-student review must take place in the spring of each year to ensure a review of the student's continued need for the program. The special education teacher should review the following: oral language proficiency scores (current within one year), RPTE scores, DRA scores, and other test scores (TAKS, etc.). The ARD/LPAC committee will converse to review and plan the student's program for the following year.

XIII. Section 504

Child Find

As part of the on-going identification and referral process, TCS will make reasonable efforts to identify and locate every qualified disabled Student residing within TCS who is not receiving a public education. TCS shall inform the Parents or Guardians of these potentially eligible Students (who may be attending private or homeschools) of TCS's duties under §504. As part of the Child Find effort TCS shall annually publish the Child Find Notice in local newspapers, student handbooks, and/or place the Notice in locations likely to be seen by Parents of eligible Students (such as supermarkets, pediatrician's offices, etc.). Additionally, every teacher within TCS should have information regarding TCS's overall early intervention process, understand how to initiate a §504 Referral and know how to identify Students who should be referred.

Referral

TCS shall refer for an evaluation of any Student who, "because of handicap, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement" 34 CFR §104.35(a). Students with physical or mental impairments whose needs are addressed through early intervention, RtI, or health plans will not be excluded from consideration for possible Section 504 referral, even when current interventions, services or health plans successfully address their impairment-related needs. The Parent may also initiate a Section 504 referral.

When a §504 referral has been initiated, the Section 504 Referral Form [hereinafter, "Referral Form"] should be quickly forwarded to the Campus or District §504 Coordinator [hereinafter "Coordinator"]. The Referral Form is designed to be filled in by the person initiating the referral, but may be supplemented as necessary by the Coordinator, utilizing information from the Student's cumulative folder or other sources. From that basic information, the Coordinator will determine whether a §504 Evaluation is necessary. If no §504 Evaluation is required, the Coordinator shall forward the Notice of Parent Rights form (Form 6) to the Parents, with a note explaining why the Referral did not lead to a §504 Evaluation at this time.

Consent for Evaluation

If a §504 Evaluation is necessary, the Coordinator should send to the Parent Notice of Parent Rights under §504 [hereinafter, "Parent Rights"], together with a Notice and Consent for Initial Evaluation under §504 Form [hereinafter, "Notice and Consent"], and a Parent Input for Section 504 Evaluation Form [hereinafter, "Parent Input"]. If no parental consent is received for §504 Evaluation, the Coordinator should remind the Parent every semester (or at other intervals as determined by TCS) of TCS's continued desire to conduct an Evaluation under §504.

Evaluation

When the consent is received from the parent, the Coordinator should:

- a. Gather evaluation data and coordinate/direct the completion of the various Input Documents. The evaluation data consists of information from a variety of sources, including efforts and results of early intervention activities, aptitude and achievement testing, teacher recommendations, student's historical and current physical and mental condition (including data on conditions in remission and episodic conditions), social or cultural background, adaptive behavior, and mitigating measures; the Teacher Input form to be completed by one or more teachers, and the Parent Input form with information about the Student's activities/behaviors at home, and any other data the parent would like the Committee to consider. Should current special education data exist (an evaluation upon which a Student was either dismissed from special education or upon which a finding of no IDEA eligibility was made), that data should also be considered.
- b. Ensure that should formalized testing be considered by the §504 Committee as evaluation data, the tests:

1) Have been validated for the specific purpose for which they are used and are administered by trained personnel in accordance with the instructions provided by the tests' creators;

2) Include those tailored to assess specific areas of educational need and are not merely designed to provide a single intelligence quotient;

3) Are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the tests results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

c. Determine who will be in the group of knowledgeable people [hereinafter, the "§504 Committee" or "Committee"] (including persons with knowledge of the Child, the meaning of the evaluation data and the placement options).

d. Schedule a §504 Evaluation by the Committee.

e. Give the Parents notice of the time and place of the evaluation meeting, inviting the Parent to attend if that is TCS's policy. Written notice, while not required, is preferred, and can be accomplished utilizing the Notice of Section 504 Meeting form.

At the §504 Evaluation, the Committee should:

a. Draw upon information from a variety of sources, including, but not limited to, efforts and results of early intervention activities, aptitude and achievement testing, teacher recommendations, physical condition, social or cultural background, adaptive behavior and the Parent and Teacher/Administrator input forms;

b. Ensure that all information reviewed in the evaluation is documented and carefully considered, and that Section 504 decisions are made consistently with the Americans with Disabilities Act Amendments Act of 2008, including appropriate consideration of mitigating measure (as provided in paragraph 16 of these Operational Guidelines), recognition of changes made to major life activities, the appropriate consideration of impairments that are episodic or in remission, and Congressional declarations on the definition of substantial limitation.

c. Complete the Section 504 Evaluation form. If the Student is determined to be eligible [hereinafter, "eligible student"] and is determined to need accommodations, aids or services from the school, the Committee moves on to the Section 504 Student Services Plan [hereinafter, "Services Plan"] form to develop appropriate services and accommodations. If no eligibility is found, the Parents are so informed in writing.

d. Should the Parent refuse consent to the initial provision of Section 504 services by completing, signing, and returning Form 12 to the campus or district Section 504 Coordinator, the Services Plan should be appropriately annotated with the Parent's refusal to consent. Section 504 services detailed on the Services Plan will not be provided to the Student, but the completed Plan will serve as documentation of TCS's offer of FAPE to the Student.

At the conclusion of the Evaluation/Placement meeting, the Coordinator provides notice to the parent (Notice of Section 504 Evaluation Results form) of the 504 Committee's findings, and copies of the completed Evaluation form, the Services Plan (if eligible), and the Refusal of Consent Form (if appropriate).

Records

Section 504 records, including any evaluation data, shall be kept in a separate §504 folder under the control of the Coordinator, as part of the Student's cumulative folder, or in any other location determined to be appropriate by TCS or campus. Regardless of location, TCS will maintain the confidentiality of §504 records as required by the Family Educational Rights and Privacy Act (FERPA). Where §504 records are kept

separately from the cumulative folder, a reference to the records and their location will be placed in the cumulative folder to ensure that the campus with responsibility for the Student is aware of its §504 obligations to the eligible student and that personnel and third-party contractors who have a duty to implement the plan have access to necessary records including the plan itself.

Free Appropriate Public Education (FAPE)

No eligible Student may be excluded by TCS from receiving a public elementary or secondary education. When considering the educational placement for eligible students, the Committee will ensure that the services provided are:

- a. **Appropriate.** The §504 services are designed to meet the individual needs of the eligible Student as adequately as the needs of nondisabled students, and are based upon adherence to the regulatory procedures relating to educational setting, evaluation and placement, and procedural safeguards. The Committee may place an eligible Student in a program that TCS does not operate in order to satisfy this requirement, but in so doing, TCS remains responsible for ensuring that the requirements of §504 are met.
- b. **Free.** An eligible Student's educational program provided under §504 is provided without cost to the Parent of the eligible Student, regardless of where those services are provided or by whom. Should the Committee determine that placement in a program not operated by TCS is required for the eligible Student to receive FAPE, TCS shall ensure that adequate transportation is provided to and from the program at no greater cost than would be incurred by the eligible Student or his or her parents or guardians if the student were placed in the program operated by TCS. The only costs of educational services that may be assessed the eligible Student are those borne by nondisabled students and their Parents (such as tickets to athletic events, purchases of yearbooks, gym clothes, etc.). When TCS has made available a FAPE as required by §504, and the eligible Student or his or her Parents or Guardians choose to place the Student in a private school, TCS is not required to pay for the eligible Student's education in the private school.

Parental Rights to Refuse Consent & Revoke Consent for Section 504 Services

TCS recognizes the Parent's right to refuse consent for initial Section 504 Services as well as to revoke consent for continued Section 504 Services at any time. The Parent may exercise the right to refuse consent or revoke consent by completing, signing, and returning Form 12 to the campus or district §504 Coordinator. In the absence of a Form 12 written refusal or revocation, TCS will assume that the Parent consents to Section 504 Services. *See, for example, Tyler (TX) ISD, 56 IDELR 24 (OCR 2010)*(no parent signature required by the Section 504 regulations in order to implement a 504 Services Plan). Following either a refusal to consent or revocation of consent, the Parent may consent to §504 Services at any time (as long as the Student remains eligible for §504 Services) by contacting the §504 Coordinator to schedule a Section 504 meeting.

Least Restrictive Environment (LRE)

The Committee shall create a placement for the eligible Student that ensures the provision of educational services with persons who are not disabled to the maximum extent possible appropriate to the needs of the eligible Student. The Committee will presume that the regular classroom is the appropriate placement, unless it is demonstrated that the eligible Student's education in the regular classroom with the use of supplementary aids and services cannot be achieved satisfactorily. Should the Committee place an eligible student in a setting other than the regular classroom, it shall take into account the proximity of the alternative setting to the eligible Student's home.

Non-Academic Services & Extracurricular Activities

TCS shall ensure that the provision of nonacademic and extracurricular services and activities (such as meals, recess, counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipients, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the recipient and assistance in making available outside employment) are provided so that:

- a. Eligible Students are afforded an equal opportunity to participate in such service and activities.
- b. Eligible Students participate with nondisabled students to the maximum extent appropriate to the needs of the eligible Student.

Counseling

Should TCS provide personal, academic, or vocational counseling, guidance, or placement services to its students, those services shall be provided without discrimination on the basis of disability. TCS shall ensure that disabled students are not counseled toward more restrictive career objectives than are nondisabled students with similar interests and abilities.

Physical education and athletics

In providing physical education courses and athletics and similar programs and activities to any of its students, TCS will not discriminate on the basis of disability. Disabled students shall have equal opportunity to participate in TCS's physical education courses, as well as interscholastic, club, or intramural athletics operated or sponsored by TCS. TCS will offer disabled students physical education and athletic activities that are separate or different from those offered to nondisabled students only if separation or differentiation is consistent with the requirements of LRE and only if no qualified disabled student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

Accommodations to Extracurricular Athletics

In its December 2013 guidance letter on extracurricular athletics, OCR announced that decisions with respect to modifications, aids and services required for Section 504 students to participate in extracurricular athletics need not be determined in a Section 504 meeting or by a Section 504 Committee. Form 18 (Accommodations in Extracurricular Athletics) serves to describe the OCR-approved process, and to document the accommodations to be provided.

Comparable Facilities

If TCS operates a facility that is identifiable as being for disabled students, TCS will ensure that the facility and the services and activities provided there are comparable to the other facilities, services and activities of TCS.

Implementation of the Section 504 Services Plan

TCS or Campus §504 Coordinator should ensure that the Student's Services Plan is delivered to each teacher, campus administration, and any other employee or third-party contractor who has responsibility to implement the plan. Monitoring of Services Plan implementation should be accomplished through parent input, the teacher appraisal process, walkthroughs, and informal checks of the student's academic, behavioral, and social progress by the Coordinator and appropriate administrative personnel.

Re-Evaluation

At least every three years, the 504 Committee should meet to conduct a periodic re-evaluation of students on Section 504 Services Plans as well as those students who are eligible under Section 504 but not in need of a Section 504 Services Plan at this time. If the Committee completes the screening questions on Form 14 (Annual Review), and is satisfied that there are no significant changes in the student's impairments or the student's need for accommodations and services, it may complete the periodic re-evaluation using Form 14, as these screening answers have confirmed continued Section 504 eligibility and need for services. Should the Committee, following its completion of the Form 14 screening questions determine that there are significant changes to the student's impairments or need for services, it should conduct the periodic re-evaluation of these changes using Form 10 instead of Form 14.

Re-evaluation should also occur prior to any significant change of placement and whenever necessary to ensure the continued provision of FAPE. It is also TCS's practice to conduct annual reviews when no periodic re-evaluation is required. Form 14 is appropriate for each of these purposes if the screening questions are answered in the affirmative. Prior to a re-evaluation, TCS will provide the parents with notice of the time and place of the re-evaluation meeting, inviting the parent to attend if that is TCS's policy. Written notice, while not

required, is preferred, and can be accomplished utilizing the Notice of Section 504 Meeting form. If the Student remains eligible and in need of a Services Plan, the Committee should focus on the Student's changing needs due to the effects of different classroom subject matter, school demands and other factors. Should the Committee determine that the Student is no longer eligible, the Committee should dismiss the Student from 504. The Parent shall be given notice of the results of the re-evaluation.

Discipline

The following disciplinary provisions apply to students who are in receipt of a Section 504 Services Plan, together with students who are eligible under Section 504 as students with a physical or mental impairment that substantially limits one or more major life activities, but who are not in need of a Section 504 Services Plan at this time (either because the impairment is in remission or because the students have no need for a Service Plan due to the positive effects of mitigating measures currently in place). Should TCS initiate a disciplinary removal of the eligible Student from his educational placement for a term of more than ten consecutive school days, the §504 Committee must first conduct an evaluation, which includes manifestation determination using Form 15, and provide the Parent with another copy of the Notice of Rights (Form 6). Prior to the evaluation, the Coordinator shall give the Parents notice of the time and place of the evaluation meeting, inviting the Parent to attend if that is TCS's policy.

Written notice, while not required, is preferred, and can be accomplished utilizing the Notice of Section 504 Meeting form. The Committee's evaluation should determine: (1) was the conduct in question caused by, or directly and substantially related to the student's disabilities; and (2) was the conduct in question the direct result of the school's failure to implement the student's §504 plan? If a link is found, a disciplinary removal of longer than ten consecutive school days cannot occur.

Removals for less than ten days can be effected without §504 Committee approval, subject to the "pattern of exclusion" rule. A series of short removals (including teacher removals under §37.002 of the Texas Education Code) over the course of the school year that exceeds ten total days may constitute a pattern of exclusion that triggers applicable procedural safeguards (a manifestation determination evaluation and a right to due process), and requires the school to provide the Parent with another copy of the Notice of Rights (Form 6). The Committee will meet to conduct an evaluation prior to the tenth cumulative day of removals during a school year, to determine: (1) was the conduct in question caused by, or directly and substantially related to the Student's disabilities and (2) was the conduct in question the direct result of the school's failure to implement the Student's 504 plan? Prior to the evaluation, the Coordinator shall give the Parents notice of the time and place of the evaluation meeting, inviting the Parent to attend if that is TCS's policy. Written notice, while not required, is preferred, and can be accomplished utilizing the Notice of Section 504 Meeting form. If at the evaluation meeting a link is determined, the disciplinary removal cannot occur.

An eligible Student who currently is engaging in the illegal use of drugs or in the use of alcohol may be removed from his educational placement for a drug or alcohol offense to the same extent that such disciplinary action is taken against nondisabled students. Further, no §504 Evaluation is required prior to the removal and no §504 due process hearing is available.

Interaction with Special Education

Each student evaluated for special education who does not qualify, as well as each student who is dismissed from special education, shall be considered for possible referral for a Section 504 evaluation on a case-by-case basis. If at any time the §504 Committee determines that the disabled Student needs special education or related aids and services in order to receive educational benefit, a special education referral should be initiated. With respect to students who are no longer served by special education due to parents' revocation of consent for continued special education services, the school will offer a Section 504 evaluation. The school should make reasonable efforts to explain to the parents the §504 process and potential protections in these situations. Should the parents refuse consent for a §504 evaluation, the school will document such refusal.

Interaction with Texas Dyslexia Law

In accordance with applicable law and the State Board of Education's Revised Dyslexia Handbook (2021 Update), TCS must first initiate a referral and evaluation pursuant to the IDEA.

Interaction with regular education Early Intervention efforts

In an effort to meet the needs of students as early as possible, and to reduce the misidentification of students in both Section 504 and special education, TCS uses an early intervention process, referred to as SIT. This simple, campus-based process is designed to assist students struggling for any number of reasons (family issues, lack of motivation, poverty, etc) and in any number of ways (academically, socially, behaviorally) by providing, appropriate to the student's needs, differentiated instruction, as well as additional regular education intervention programs, services and opportunities that may vary from campus to campus.

Data from these efforts is shared with the parent, and will become part of any Section 504 or special education evaluation. These efforts are available to all students, including students with disabilities. Should regular education, together with these early intervention efforts be insufficient to meet the needs of the struggling student, or there are grounds to suspect that the student has a physical or mental impairment, TCS should consider seeking parental consent for an evaluation under Section 504 or special education, as appropriate to the student. Further, students with physical or mental impairments whose needs are addressed through early intervention, Rtl, or health plans will not be excluded from consideration for possible Section 504 referral, even when current interventions, services or health plans successfully address their impairment-related needs.

Mitigating Measures and Development of Section 504 Plans

Pursuant to the ADA, the determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. Section 504 Services plans, however, shall not be developed unless needed, at the time, in order for the student to have his needs met as adequately as those of nondisabled students. Should need develop, the Section 504 Committee shall develop an appropriate Services Plan. Further, students with physical or mental impairments whose needs are addressed through early intervention, Rtl, or health plans will not be excluded from consideration for possible Section 504 referral, even when current interventions, services or health plans successfully address their impairment-related needs.

Procedural Protections

The following protections apply regardless of whether the eligible Student currently receives a Section 504 Services Plan. TCS will ensure that a system of procedural safeguards is in place with respect to actions regarding the identification, evaluation, and educational placement of disabled students. The system shall include notice, an opportunity for the Parent or Guardian of the disabled Student to examine relevant records, an impartial hearing with opportunity for participation by the Student's Parent or Guardian and representation by counsel, and a review procedure. The impartial hearing is governed by TCS's Procedures for §504 Due Process Hearings. Should the Parent disagree with the identification, evaluation, or placement decision of a §504 Committee or the decision of a §504 hearing officer, the Parent may seek relief in state or federal court as allowed by law and /or access the review procedure.

Upon request, TCS's §504 Coordinator shall provide a review procedure to ensure that the Section 504 due process hearing was properly conducted pursuant to the requirements of the §504 procedural safeguards and TCS's §504 due process hearing procedures. The Parent has 30 calendar days from the date that the due process hearing officer issues a decision to request a review. The request should be in writing, and should include a brief description of the basis of the request. The request for review is made directly to TCS's §504 Coordinator. Within 15 days of the receipt of a request for review, TCS's §504 Coordinator shall issue a decision in writing. The decision should be based on a review of the written request, the hearing officer's decision, TCS's Procedures for §504 Due Process Hearings, any additional information provided by the Parent, and any additional information deemed relevant by the §504 Coordinator.

Any person eligible to file a grievance with respect to TCS's §504 obligations may file a grievance through TCS's local grievance process. Information on the grievance process can be obtained from TCS's §504 Coordinator.

Parent Language

If TCS determines that the dominant language of the parent is Spanish, TCS will ensure effective notice in Spanish and services necessary to provide the Parent an opportunity for effective participation in the §504 process. If TCS determines that the dominant language of the Parent is not English or Spanish, TCS will make a good faith effort to accomplish notice and provide an opportunity for effective parent participation in the §504 process through other means.

Duty to Not Discriminate

TCS shall ensure that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any District program or activity. These protections apply regardless of whether the eligible Student currently receives a Section 504 Services Plan.

Retaliation prohibited

No District officer, employee, or contractor shall retaliate against any person because of his or her exercise of rights under Section 504.

Disability-based harassment

TCS will promptly investigate all claims of disability-based harassment, take prompt and effective action to end the harassment and prevent it from recurring, and, as appropriate, remedy the effects of the harassment on the student. Where evidence of disability-based harassment is found pursuant to an investigation, and TCS believes that the harassment has adversely impacted upon the ability of a disabled Student to have equal access to TCS's programs or activities, or the disabled Student's entitlement to a free, appropriate public education, a §504 Committee meeting will be called to consider the impact of the harassment and determine whether changes to the Student's Services Plan are required.

TCS's Section 504 Coordinator will periodically review disability harassment claims to determine whether additional changes, action or training is needed at the campus or District level. The Coordinator will provide training to District employees as appropriate to foster understanding of disability harassment policies, and compliance with harassment procedures. The Coordinator will also make reasonable efforts to publicize TCS's policies and procedures with respect to disability harassment so that students, faculty and staff, as well as parents recognize harassment, and know how to report incidents of harassment.

Timelines

Unless otherwise specified in these operational guidelines or Section 504 Hearing Procedures, the Section 504 duties and responsibilities of TCS will be completed within a reasonable time. Per OCR guidance, the reasonable time requirement is satisfied by TCS's compliance with analogous state IDEA timelines.

Notice of Parent Rights Under Section 504

A copy of the Notice of Rights (Form 6) should be provided to the Parent, and the provision of the Notice of Rights documented: (1) at the time consent for initial evaluation for Section 504 is sought; (2) if the school

declines a parental request for §504 evaluation; (3) at any time after the Notice of Rights Form is revised; (4) when the student reaches the age of majority (notice to the adult student); (5) when the Committee meets to conduct a manifestation determination; (6) when a Parent request for a Section 504 Meeting is refused by the school; and (7) at any time upon Parent request. When the notice is provided outside of an evaluation meeting, the campus should document the delivery of rights to the Parent or adult student (e.g., a note in the student's file or a Parent contact log).

XIII: GLOSSARY OF SPECIAL EDUCATION ACRONYMS

AAR	Academic Achievement Record
ABA	Applied Behavior Analysis
ACF	Administration for Children and Families
ACP	Alternative Certification Program
ADA	Americans with Disabilities Act or Average Daily Attendance (depends on context)
ADD	Attention Deficit Disorder or Administration on Developmental Disabilities (depends on context)
ADHD	Attention Deficit Hyperactivity Disorder
ADL	Activities of Daily Living
ADVANCE	Assess, Decide, Visit, Apply, Now for College Education
AE	Age Equivalent
AEIS	Academic Excellence Indicator System
AEP	Alternative Education Program
AFL	Account for Learning
AI	Auditory Impairment (formerly AH)
AIM	Analyze, Improve, Measure (part of CAP)
AIP	Accelerated Instruction Plan
AP	Advanced Placement
APA	American Psychological Association
APE	Adapted Physical Education
APO	Annual Performance Objectives
APR	Annual Performance Report
ARD	Admission, Review and Dismissal (committee)
ASAP	Absent Student Assistance Program
ASF	Available School Fund
ASHA	American Speech, Language and Hearing Association
ASL	American Sign Language
AT	Assistive Technology
ATT	Assistive Technology Team
AU	Autism or Academically Unacceptable (depends on context)
AWP	Academic Watch Status
AYP	Adequate Yearly Progress
BE	Bilingual Education
BIP	Behavior Intervention Plan
BOY	Beginning of Year
BS	Behavior Specialist
CADRE	Consortium for Appropriate Dispute Resolution in Special Education
CAI	Computer Assisted Instruction
CAP	Comprehensive Analysis Process
CATE	Career and Technology Education
CBA	Curriculum-Based Assessment
CBE	Credit by Examination
CBL	Community-Based Learning
CBVI	Community-Based Vocational Instruction
CEHI	Compensatory Education Home Instruction
CEI	Cost of Education Index
CFR	Code of Federal Regulations
CHIP	Children's Health Insurance Program
CIFMS	Continuous Improvement and Focused Monitoring System
CIMP	Continuous Improvement Monitoring Process
CIP	Campus Improvement Plan or Continuous Improvement Plan (depends on context)
CIPA	Children's Internet Protection Act
CIT	Campus Improvement Team or Campus Intervention Team (depends on context)
CLASS	Community Living Assistance and Support Services

CLDE	Culturally and Linguistically Diverse Students with Exceptionalities
CMC	Content Mastery Center
COMS	Certified Orientation and Mobility Specialist
COTA	Certified Occupational Therapy Assistant
CPC	Community Partners for Children or Campus PEIMS Coordinator (depends on context)
CPI	Crisis Prevention Institute
CPS	Child Protective Services
CRI	College Readiness Initiative
CSESER	Comprehensive Special Education Self-Evaluation Review
CSHCN	Children with Special Health Care Needs
CSR	Confidential Student Report
CTE	Career and Technology Education
CTED	Career and Technology Education for the Disabled
CTD	Coalition of Texans with Disabilities
CTLT	Campus Technology Leadership Team
DAC	District Advisory Council or Dyslexia Advisory Council (depends on context)
DACT	Disability Assistance of Central Texas
DADS	Texas Department of Aging and Disability Services
DAHSP	Distinguished Achievement High School Program
DAP	Distinguished Academic Program
DARS	Texas Department of Assistive and Rehabilitative Services
DB	Deaf-Blindness
DBMD	Deaf/Blind with Multiple Disabilities
DD	Developmentally Disabled or Dually Diagnosed (depends on context)
DDDM	Data-Driven Decision Making
DE	Department of Education
DELTA	Diversified Education through Leadership, Technology and Academics
DFPS	Texas Department of Family and Protective Services
DIAG	Educational Diagnosticians
DIP	District Improvement Plan
DNR	Do Not Resuscitate
DPRS	Department of Protective and Regulatory Services (formerly CPS)
DRA	Diagnostic Reading Assessment
DSHS	Texas Department of State Health Services
DVM	Data Validation Monitoring
ECE	Early Childhood Education
ECI	Early Childhood Intervention
ED	Emotional Disturbance or Economically Disadvantaged (depends on context)
EDEN	Education Data Exchange Network
EDGAR	Education Department General Administrative Regulations
EIS	Early Intervening Services
EOC	End-of-Course (examination)
EL	English Learner
ELA	English Language Arts
ELEVAR	English Learners and Educators Versed in Academic Rigor
ELL	English Language Learner
ELOA	Early Learning Opportunities Act
EMAT	Educational Materials and Textbooks
EOC	End of Course
EOY	End of Year
ERIC	Educational Resources Information Center
ESC	Education Service Center
ESEA	Elementary and Secondary Education Act
ESL	English as a Second Language
ESOL	English for Speakers of Other Languages
ESY	Extended School Year

ETC	Educator Technology Competencies
ExCET	Examination for the Certification of Educators in Texas
EYS	Extended Year Services
FAFSA	Free Application for Federal Student Aid
FAPE	Free and Appropriate Public Education
FBA	Functional Behavior Assessment
FASST	Family and School Support Team
FERPA	Family Educational Rights of Privacy Act
FFY	Federal Fiscal Year
FIE	Full and Individual Evaluation
FIRST	Families, Information, Resource, Support and Training
FOIA	Freedom of Information Act
FREE	Federal Resources for Educational Excellence
FSP	Foundation School Program
FTE	Full-Time Equivalent
FTF	First Things First
FVE	Functional Vocational Evaluation or Functional Vision Evaluation (depends on context)
GE	Grade Equivalent
GPA	Grade Point Average or Gold Performance Acknowledgement (depends on context)
GPC	Grade Placement Committee
GPR	Grade Point Ratio
G/T	Gifted/Talented
HCF	High Cost Funds
HCS	Home and Community Services
HECB	Texas Higher Education Coordination Board
HELP	Homeless Education and Learning Project
HERC	Higher Education Readiness Component
HHSC	Texas Health and Human Services Commission
HIPP	Health Insurance Premium Payment reimbursement program
HIPPA	Health Insurance Portability and Privacy Act
HLS	Home Language Survey
HR	Human Resources
HSEP	High School Equivalency Program
HSTE	Health Science Technology Education
IACP	Individual Academic/Career Plan
IADL	Instructional Activities of Daily Living
IAES	Interim Alternative Educational Setting
IB	International Baccalaureate
ICFMR	Intermediate Care Facility for the Mentally Retarded
ICR	Initial Compliance Review
IDEA	Individual with Disabilities Education Act
IDEIA	Individual with Disabilities Education Improvement Act (2004)
IEE	Independent Educational Evaluation
IEP	Individualized Education Program
IFAS	Integrated Finance and Accounting System
IFSP	Individual Family Service Plan (outline of ECI services for birth-2, similar to IEP)
IGS	Integrated Grading Scale
IHCP	Individual Health Care Plan
IHS	International High School
IHT	In-Home Training
IPP	Individual Program Plan (for MR residing in state facility, similar to IEP)
IQ	Intelligence Quotient
ISO	International Organization for Standardization
ISS	In-School Suspension
IT	Information Technology
ITP	Individual Transition Plan

JJAEP	Juvenile Justice Alternative Education Program
KPI	Key Performance Indicator
L1	Primary Language
L2	Secondary Language
LAT	Linguistically Accommodated Testing
LD	Learning Disability
LDAA	Locally Developed Alternative Assessment
LEA	Local Education Agency
LEP	Limited English Proficient
LMA	Learning Media Assessment
LMC	Learning Media Center
LOTE	Languages Other Than English
LPAC	Language Proficiency Assessment Committee
LPAS	Language Proficiency Assessment System
LRE	Least Restrictive Environment
LS	Life Skills
LSSP	Licensed Specialist in School Psychology
MD	Multiple Disabilities or Manifestation Determination (depends on context)
MDCP	Medically Dependent Children's Program
MDR	Manifestation Determination Review
MHMR	Mental Health – Mental Retardation
MIS	Management Information Systems
MOU	Memorandum of Understanding
MR	Mental Retardation
MTR	Music Therapist – Registered
NAMI	National Association for Mental Illness
NAPT	Norm-Referenced Assessment Program of Texas
NASBE	National Association of State Boards of Education
NASDSE	National Association of State Directors of Special Education
NASP	National Association of School Psychologists
NBCT	National Board Certified Teacher
NBPTS	National Board of Professional Teaching Standards
NCCRES	National Center for Culturally Responsive Educational Systems
NCEA	National Center for Education Accountability
NCEC	Non-Categorical Early Childhood
NCES	National Center for Education Statistics
NCHS	National Center for Health Statistics
NCLB	No Child Left Behind
NCSEAM	National Center for Special Education Accountability Monitoring
NCUEA	National Council of Urban Education Associations
NDPC	National Dropout Prevention Centers
NEA	National Education Association
NECTAC	National Early Childhood Technical Assistance Center
NEPT	National Educational Technology Plan
NHS	National Honor Society
NICHCY	National Dissemination Center for Children with Disabilities
NIDRR	National Institute on Disability and Rehabilitation Research
NIH	National Institute of Health
NMSQT	National Merit Scholars Qualifying Test
NOD	National Organization on Disability
NORD	National Organization for Rare Disorders
NSF	National Science Foundation
NSLP	National School Lunch Program
NSPRA	National School Public Relations Association
NSS	Network Systems and Support
O&M	Orientation and Mobility

OCR	Office of Civil Rights
OEYP	Optional Extended Year Program
OHI	Other Health Impairment
OI	Orthopedic Impairment
OJT	On-the-Job Training
OPCR	Office of Planning and Community Relations
OSEP	Office of Special Education Programs
OSERS	Office of Special Education and Rehabilitative Services
OSS	Out-of-School Suspension
OT	Occupational Therapy
OTA	Occupational Therapist Assistant
PAIR	Protection and Advocacy of Individual Rights
PBM	Performance Based Monitoring
PBMAS	Performance Based Monitoring and Analysis System
PBS	Positive Behavior Supports
PCPEI	Policy Committee on Public Education Information
PD	Professional Development
PDAS	Professional Development and Appraisal System
PDD	Pervasive Developmental Disorders
PEG	Public Education Grant
PEIMS	Public Education Information Management System
PEP	Personal Education Plan
PET	PID Enrollment Tracking
PFAI	Physical Fitness Assessment Initiative
PGP	Personal Graduation Plan
PIA	Public Information Act
PK	Pre-Kindergarten
PLAAFP	Present Levels of Academic Achievement and Functional Performance
PLC	Professional Learning Community
PMI	Performance Monitoring and Interventions
PPCD	Preschool Program for Children with Disabilities
PPCD-B	Bilingual Preschool Program for Children with Disabilities
PSA	Public Service Announcement
PSAT	Preliminary Scholastic Achievement Test
PSF	Permanent School Fund
PT	Physical Therapy
PTA	Parent Teacher Association
PTR	Pupil-Teacher Ratio
PTSA	Parent Teacher Student Association
PWN	Prior Written Notice
QMRP	Qualified Mental Retardation Professional
QMS	Quality Management System
RDSPD	Regional Day School Program for the Deaf
RFI	Request for Information
RFP	Request for Proposals
RFQ	Request for Qualifications
RHSP	Recommended High School Program
RI	Required Improvement
RISE	Rigor in Spanish and English
RN	Registered Nurse
ROPES	Reality Oriented Physical Experiential Session
RPTE II	Reading Proficiency Tests in English II (replaced RPTE)
RSA	Rehabilitation Services Administration
RTI	Response to Intervention
SACS	Southern Association of Colleges and Schools
SAMA	Satori Alternatives for Managing Aggression

SAP	Student Assistance Program
SAT	Scholastic Aptitude Test
SBDM	Site-Based Decision-Making
SBEC	State Board for Educator Certification
SBOE	State Board of Education
SBP	School Breakfast Program
SBS	Social Behavior Skills
SC	Self-Contained
SCE	State Compensatory Education
SCECD	State Center for Early Childhood Development
SCS	Social Communication Skills
SDAA II	State-Developed Alternative Assessment
SDFSC	Safe and Drug-Free Schools and Communities
SEA	State Education Agency
eSped	eSped
eSped	Standard Error of Measurement
SEMS	Special Education Management System
SES	Socio-Economic Status or Supplemental Education Services (depends on context)
SIT	Student Intervention Team
SFY	State Fiscal Year
SHARS	School Health and Related Services
SHS	School Health Services
SI	Speech Impairment
SIP	School Improvement Plan or School Information Partnership (depends on context)
SIRC	School Improvement Resource Center
SIS	Student Information System
SL	Skill Level
SLD	Specific Learning Disability
SLO	Student Learning Objective
SLP	Speech and Language Pathologist
SLS	Speech and Language Services
SMART	Science, Math, and Reading Tutorials or Specific, Measurable, Attainable, Realistic, Timely
SOC	System of Care
SOP	Summary of Performance or Standard Operating Procedure (depends on context)
SPP	State Performance Plan
SRC	School Report Cards
SRCS	School Readiness Certification System
SREB	Southern Regional Education Board
SRN	School Redesign Network
SSA	Social Security Administration
SSDI	Supplemental Security Disability Income
SSI	Supplemental Security Income or Student Success Initiative (depends on context)
STAAR	State of Texas Assessments of Academic Readiness
STAR	School Technology and Readiness
STEM	Science, Technology, Engineering and Math
STEPS	Statewide Texas Educational Progress Study SwD Students with Disabilities
SWOT	Strengths, Weaknesses, Opportunities and Threats
TA	Teacher Assistant
TAAS	Texas Assessment of Academic Skills
TAC	Texas Administrative Code
TAHPERD	Texas Association for Health, Physical Education, Recreation and Dance
TAKS	Texas Assessment of Knowledge and Skills
TAKS-A	Texas Assessment of Knowledge and Skills – Accommodated
TAKS-Alt	Texas Assessment of Knowledge and Skills – Alternative
TAKS-M	Texas Assessment of Knowledge and Skills – Modified

TASA	Texas Association of School Administrators
TASB	Texas Association of School Boards
TASP	Texas Academic Skills Program
TASSP	Texas Association of Secondary School Principals
TAT	Technical Assistance Team
TBEC	Texas Business and Education Coalition
TBI	Traumatic Brain Injured
TBSI	Texas Behavior Support Initiative
TCASE	Texas Council for Administrators of Special Education
TCB	Texas Commission for the Blind
TCDD	Texas Council for Developmental Disabilities
TCIP	Texas Continuous Improvement Process
TCTA	Texas Classroom Teachers Association
TDAD	Texas Department of Aging and Disability Services
TDARS	Texas Department of Assistive and Rehabilitative Services
TDMHMR	Texas Department of Mental Health – Mental Retardation
TDSHS	Texas Department of State Health Services
TEA	Texas Education Agency
TEAMS	Total Education Administrative Management Solution
TEC	Texas Education Code
TED	Texas Education Directory
TEEG	Texas Educator Excellence Grant
TEEM	Texas Early Education Model Demonstration Projects
TEKS	Texas Essential Knowledge and Skills
TELPAS	Texas English Language Proficiency Assessment System
TELOP	Texas English Language Proficiency Observation Protocol
TEXES	Texas Examinations of Educator Standards
TexMAT	Texas Examination for Master Teachers
TGI	Texas Growth Index
THEO	Texas Homeless Education Office
THHSC	Texas Health and Human Services Commission
TIP	Total Immersion Program
TLCF	Technology Literacy Challenge Fund
TOP	Texas Observation Protocols
TOPT	Texas Oral Proficiency Test
TPRI	Texas Primary Reading Inventory
TQM	Total Quality Management
TRACS	Texas Review and Comment System
TRC	Texas Rehabilitation Commission
TREx	Texas Records Exchange
TSBVI	Texas School for the Blind and Visually Impaired
TSD	Texas School for the Deaf
TSDC	Texas State Data Center
TSHA	Texas Speech Hearing Language Association
TSPR	Texas School Performance Review
TSPRA	Texas School Public Relations Association
TSSC	Texas School Safety Center
TUDA	Trial Urban District Assessment
TxBESS	Texas Beginning Educator Support System
TxSSC	Texas School Safety Center
TYC	Texas Youth Commission
UIL	University Interscholastic League
USC	United States Code
USDE	United States Department of Education
VAC	Vocational Adjustment Coordinator or Vocational Adjustment Class (depends on context)
VI	Visual Impairment

VICTORY	Volunteers in Communities Tutoring Our Responsible Youth
VR	Vocational Rehabilitation
WADA	Weighted Average Daily Attendance
WBL	Work-Based Learning
WEB	Where Everybody Belongs
WIC	Women, Infants and Children
WNL	Within Normal Limits
WOW	Working Out Wellness
YFAC	Youth and Family Assessment Center
YRE	Year-Round Education

XIV: MISCELLANEOUS INFORMATION

State Assessments (STAAR, STAAR-Modified, STAAR-Alternate, TAKS, TAKS-Accommodated, TAKS-Modified, TAKS-Alt.)

- ❑ Check to make sure that students who failed parts of the STAAR/TAKS are enrolled in STAAR/TAKS remediation activities.
- ❑ Maintain benchmark data for ARD committee testing decision making.
- ❑ Locate and file in special education audit folder results of participation in State assessment program from previous school year.
- ❑ Review student performance on state assessments, schedule ARD meeting to consider remediation or accelerated instruction if need indicated.

Transition Planning (Secondary Schools)/Career-Based Assessment

- ❑ Review timelines for transition services for new students and identify any students who do not have transition addressed in their IEP. Remember all special education students must have transition services in place by the age of 14 in the state of Texas.
- ❑ Identify students who will turn 17 years of age during the school year and ensure that the Transfer of Rights procedures are carried out.
- ❑ Identify high school students who will have completed four years of high school.

Data Collection Throughout the School Year

- ❑ Collect visual quantitative data on student performance on IEP goals regularly, and review at least once every grading period.
- ❑ Progress reports MUST be completed every grading period in eSped with written comments.

ESY

- ❑ Address annually for every student. For students attending ESY, complete all steps of ESY process.
- ❑ During first or second week of school, check for regression over the summer on IEP goals and objectives.
- ❑ If there has been regression on goals and objectives, check for recoupment 6 to 8 weeks into the school year. Document and maintain information for the next annual ARD meeting that considers the need for ESY.
- ❑ Have Special Education Teachers file ESY Progress Reports in Teacher Folder.
- ❑ Collect and maintain regression recoupment data for ESY purposes:
 - beginning of school year
 - 6-8 weeks into school year
 - prior to extended breaks from school
 - following extended breaks from school.
- ❑ Important: Check and follow ESY timeline.

Surrogate Parents

- ❑ Identify any student needing a surrogate parent. Follow procedures in Operating Guidelines.
- ❑ Recruit and training surrogates

Spanish (Other Language) Speaking Parents

- ❑ Identify any student with parents who do not speak English. Set up process for interpreting notices/meetings.

Activities for Long Term Special Education Teacher Substitutes

- ❑ Get a list of all students assigned to you for lesson planning, implementation and data collection.
- ❑ Make sure you have the special education folder for each student. If you do not have a folder, request the folder from your designated central office secretary.
- ❑ Locate the current IEP for each student.

- ❑ Check to see that the actual schedule matches the IEP, if the assignment begins during the initial weeks of school. IEPs must be implemented beginning on the first day of school.
- ❑ Review each IEP and list of service providers for each student (including teachers, counselor, speech therapist, OT/PT, APE, administrators, special area teachers, etc.).
- ❑ Collaborate with the department head or contact teacher to complete previously listed activities and the following:
 - Schedule ARD meetings and monitor completion of required assessments.
 - Identify how progress will be measured for both goals/objectives and general education curriculum.
 - Identify what supporting data each person will collect and maintain.
 - Identify how information will be shared with parent.
- ❑ Collaborate with department or contact teacher to develop lesson plans for any direct instruction you will be providing based on general education curriculum and individual goals/objectives. Note that substitutes can give input at ARD meetings, but must not be the special education representative who signs or makes decisions.

Compensatory Services

Definition of Compensatory Services

- According to the Texas Education Agency (TEA), compensatory services are future services to be provided to a student to make up or compensate for a local education agency's failure to provide the student with appropriate services or FAPE in the past.
- In an article entitled *Special Ed Law 101- Part III* Compensatory Education, compensatory education may be awarded as a remedy for denial of FAPE to the student.

Definition of FAPE

- FAPE, under IDEA, is defined as special education and related services that: (1) are provided at public expense, under public supervision and direction, and without charge; (2) meet state standards, including IDEA requirements; (3) include an appropriate preschool, elementary school, or secondary school education; and (4) are provided in accordance with an appropriately developed IEP." 34 CFR 300.17.

In *Endrew F.*, the Supreme Court explained that an IEP must be reasonably calculated to enable a child to make progress appropriate in light of the student's circumstances.

The Relationship of FAPE to Compensatory Services

- A *denial* of FAPE should be the basis for compensatory services.
- Alleged denial of FAPE should be documented. Compensatory services awarded should be guided by documentation or burden of proof.

How Compensatory Services Are Determined and Authorized

Determination of Compensatory Services

The Supreme Court decided (*Schaffer v. Weast*, November 14, 2005) that the burden of proof rests with the parent/party who challenges the IEP. More specifically, when a student's IEP is challenged, under the *Individuals with Disabilities Education Act* (IDEA), the burden of persuasion is the responsibility of the parent/party challenging its inadequacy of implementation.

Authorization of Compensatory Services

Compensatory services should be provided on an individual basis. They are designed to make up for the amount of services that have not been adequately provided to the individual student, based on evidentiary documentation provided by the parent/party or TCS. The Special Education Director or designee may make a written offering of compensatory services to the parent/guardian when it is determined the services have not been

adequately provided based on the evidentiary documentation. Compensatory services may also be addressed and offered by an ARD committee, but should be done in coordination with the Director of Special Education (who has been granted authorization) to ensure availability of resources being committed in the meeting.

Determination of Length of Compensatory Services

- Based on information cited by TEA, the awarding of compensatory services must be reasonably calculated to bring the student to the position the student would have been in if the appropriate services had been provided in the first place.
- The length or amount of a student's compensatory services award should be determined by the ARD Committee with the participation of the Director of Special Education. It is critical that an individual at that level attend ARDs that focus on compensatory services.

ARD Committee and Compensatory Services

Compensatory services may be addressed in an ARD to include the following areas:

- Identification of alleged area(s) of denial of FAPE
- Duration of compensatory services
- Location of compensatory services
- Material and equipment to be used
- Progress monitoring procedure
- Individuals who are to receive progress reports at the end of compensatory services

IEP Progress Reports

IEP progress reports are the method used by TCS for communicating to the parents how the student is progressing on current IEP goals and objectives.

These reports are to be sent, or given to the parent at a conference at each regular reporting period set by TCS. The IEP progress report is **in addition to** TCS's regular report card, **not instead of** the regular report card. Progress reports must include comments that provide more detailed information on student progress.

Send a SEM generated progress report to the parent. At the annual ARD meeting, the parent is provided a final progress report and a copy is attached to the annual ARD meeting document for the audit file.

The progress reporting period begins at the same time that the current annual IEP date begins. The progress report will also reflect any progress on goals and objectives achieved during Extended School Year (ESY) services. A copy will be mailed to the parent/surrogate at the end of ESY services.

If goals and objectives are added or rewritten prior to an annual review, they become part of the existing progress report.

Providing Copy of Progress Report in Parent's Native Language

Every effort should be made to translate the goals and objectives into the language spoken by the parents so that parents can be informed of their child's progress in the achievement of the IEP goals and objectives. The Special Education department provides progress reports in Spanish.

If the child's parent is unable to speak English, TCS **must** provide the parent with a written or audio taped copy of the child's individualized education program (IEP) translated into the parent's native language if the parent's language is Spanish. For other languages, TCS must make a good faith effort to provide the parent with a written or audio taped copy of the child's individualized education program (IEP) and their child's progress in the achievement of the IEP goals and objectives.

Reporting of Child Abuse or Child Neglect

Child abuse and neglect are against the law in Texas, and so is failure to report it. If you suspect a child has been abused or mistreated, you are required to report it to the Texas Department of Family and Protective Services or to a law enforcement agency.

As a professional (including, but not limited to, teachers, nurses, counselors, day-care employees) you are required to make a report within 48 hours of the time you suspect the child has been, or may have been abused or neglected.

A professional may not delegate to or rely on another person to make the report for him or her. Additionally, the employee's supervisor cannot require the employee to inform him or her first before making a report under this Section.

Who Do You Make Your Report To?

- Department of Family & Protective Services (DFPS) if the alleged or suspected abuse involves a person responsible for the care, custody or welfare of the child. This can be done by phone: 1-800-252-5400 or online at <https://www.txabusehotline.org>
- The state agency that operates, licenses, certifies or registers the facility in which the alleged abuse or neglect occurred.
- Law enforcement may and should be contacted for other types of report, e.g. sexual assault or indecency with a child committed by a stranger. Call 9-1-1 in any emergency. For non-emergencies, please contact TCS Police at 414-1703.

What is Abuse?

Abuse is mental, emotional, physical, or sexual injury to a child, or failure to prevent such injury to a child.

What is Neglect?

Neglect includes (1) failure to provide a child with food, clothing, shelter and/or medical care; and/or (2) leaving a child in a situation where the child is at risk of harm.

Are these reports confidential?

Child abuse reports and the identity of the person reporting are confidential by law and only disclosed in accordance with federal or state law, court order or to a law enforcement officer for purposes of conducting a criminal investigation of the report.

Is there immunity for reporting?

Persons making good faith reports or assisting in such investigations or trials are immune from civil and criminal liability, but failing to report when required to do so is a Class B misdemeanor under state law. Persons making bad faith reports or maliciously reporting are not immune from civil or criminal liability and may be subject to a Class A misdemeanor under state law.

Board Policies govern the protocol followed by campus administration when law enforcement officers or case investigators come to the campus to interview students in such matters.

The Report of Child Abuse or Neglect form is in our online library and should be used in documenting any calls you make in accordance with Family Code 261.101-104.

XV: WEB RESOURCES

Interventions

<http://www.interventioncentral.org/>

Legal Framework

<http://framework.esc18.net/>

Region XIII Educational Service Center

<http://www.esc13.net/>

Special Education Electronic Document System (eSped)

<https://access.austinisd.org/SEM/SEMLogin.cgi>

TEA - State Assessments

<http://www.tea.state.tx.us/student.assessment/>

TEA - Special Education

<http://www.tea.state.tx.us/special.ed/>

U.S. Department of Education – Office of Special Education Programs

<http://www.ed.gov/about/offices/list/osers/osep/index.html?src=mr>

TEA - Highly Qualified Teachers

<http://www.tea.state.tx.us/nclb/hqteachers.html>

TEA - Student Assessment

<http://www.tea.state.tx.us/student.assessment/>

IDEA '04 Side-by-Side

http://framework.esc18.net/SBS_April_2008.pdf

IDEA information

<http://www.ideapartnership.org/>

TEA - Bilingual Education

<http://www.tea.state.tx.us/index2.aspx?id=4098>

Learning Disability/Response to Intervention

<http://nrclid.org/>

Dispute Resolution

<http://www.directionservice.org/cadre/index.cfm>

IDEA '04 General

<http://www..cec.sped.org/Content/NavigationMenu/PolicyAdvocacy/DEAResources/default.htm>

Directory of Community Resources

<http://disabilityresources.tamu.edu>

XVI: SPECIAL EDUCATION SURVEILLANCE

TCS will, upon receipt of a written request authorized by TCS policy and state law, provide equipment, including a video camera, to the school or schools specified in the request for the purpose of promoting student safety in certain self-contained classrooms and other special education settings.

A school or campus that receives equipment due to a video surveillance request shall place, operate, and maintain one or more video cameras in self-contained classrooms and other special education settings in which a majority of the students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day.

TCS may not:

1. allow regular or continual monitoring of video recorded under these provisions; or
2. use video recorded under this policy for routine teacher evaluation or monitoring or for any purpose other than the promotion of student safety.

For more information, please see TCS Policy PG-6.29 (Video Surveillance Procedures).

Attachments

Principal Waiver

Student's Name: _____ Grade: _____

Parent/Surrogate Name: _____ Date Contacted: _____

Referral of students for a full and individual initial evaluation for possible special education services shall be a part of the district's overall, general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to scientific, research-based intervention; and other academic or behavioral support services. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full and individual initial evaluation. (§89.1011) If one or more of the obvious need conditions exists, Section I of Operating Guidelines, the campus principal may waive the SIT requirement and begin a special education referral.

Describe the concern: _____

Information from Teachers: _____

Interventions: _____

Rationale for Waiver

Document the rationale why interventions are inappropriate for this student: _____

Principal's Signature _____

Date _____