



# **Houston-Trinity County Shared Services Cooperative**

## **PROCEDURAL GUIDELINES**

**2023 - 2024**

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## **I. OPERATING GUIDELINES**

Enclosed in this manual are standard operating guidelines for the Houston Trinity County Shared Services Cooperative. Read it carefully and refer to it as needed throughout the school year.

Please sign and return the HTCSS Special Education Handbook Receipt to Crystal Tuner at [crystal\\_turner@grovetonisd.net](mailto:crystal_turner@grovetonisd.net).

**HOUSTON TRINITY COUNTY  
SHARED SERVICES COOPERATIVE**

**SPECIAL EDUCATION HANDBOOK RECEIPT**

Name: \_\_\_\_\_

District: \_\_\_\_\_

Campus: \_\_\_\_\_

I hereby acknowledge receipt of the HTCSS Special Education Handbook. I agree to read the handbook and abide by the policies and procedures defined or referenced in this document.

Employees have access to the handbook in electronic format. A complete copy will be emailed to your district employee email account and can also be downloaded on the HTCSS website.

The information in this handbook is subject to change. I understand that changes in Special Education Department policies may supersede, modify, or render obsolete the information summarized in the handbook. As the Special Education Department provides updated policy information, I accept responsibility for reading and abiding by the changes.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

***Please sign and date this receipt and send to Crystal Turner***

## II. HTCSS SCHOOL DISTRICTS, STAFF, & CONTACT INFORMATION

The HTCSS is comprised of 7 local school districts located in Houston and Trinity Counties: Apple Springs ISD, Centerville ISD, Grapeland ISD, Groveton ISD, Kennard ISD, Latexo ISD, and Lovelady ISD.

Attached you will find the district calendars for all seven districts.

### **HTCSS Contact Information:**

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**[www.thehtcss.org](http://www.thehtcss.org)**



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**Contracted Service Providers:**

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Kelly McKay      *Physical Therapist*

April Maxey Baker      *Orientation & Mobility*

Teri Burrous      *Certified Teacher of Visual the Impaired*

### **III. STARTING A NEW SCHOOL YEAR**

#### **A. Confidentiality**

The school districts maintain records of students requiring special education and related services. The districts maintain strict confidentiality of these student records and other personally identifiable information at collection, storage, disclosure, and destruction stages of handling. Parents and other appropriate persons are given proper and needed access to records. The districts establish and implement policy and procedures which ensure that records are classified, filed, and protected, kept confidential, reviewed, and when appropriate, destroyed according to the Individuals with Disabilities Education Act (IDEA), and the Family Educational Rights and Privacy Act (FERPA). Parents of students receiving special education and related services are notified annually of the availability of these policies and procedures.

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.

#### **Special Education Federal Regulation**

##### ***§ 300.614 Record of access.***

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the Act (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. (Authority: 20 U.S.C. 1412(a)(8); 1417(c))

## B. Getting Started

At the beginning of the school year, the Special Education Teacher is responsible for the following:

- Reviewing your campus student roster at the beginning of the school year to become familiar with each student's individual disability and their instructional arrangement
- Maintaining the students' campus IEP folders (documentation of goals, accommodations, IEP progress reports, etc.)
- Verifying that students' campus IEP folder has the most current ARD information to include:
  - Current IEP(s), state testing with accommodations and / or modifications, BIP, and schedule of services that matches the student's campus schedule
  - Ensuring all special education accommodations and modifications are provided to the appropriate personnel
- Notifying diagnostician of any discrepancies / problems in a timely manner so that corrections can be made accordingly
- Meeting with each of your special education student's general education teacher(s) to explain and provide them with a copy of their students' modifications / accommodations / BIPs (if applicable) at the beginning of the school year and checking in anytime an ARD committee makes any changes to the student's special education services.

At the beginning of the school year, the Special Education Clerk is responsible for the following:

- Reviewing assigned districts' caseload and ARD Due Dates
- Getting contact information for the following on each campus:
  - PEIMS Coordinator
  - Special Education Teachers (and assignments)
  - General Education Teachers (and student lists)
  - Administrator who will attend ARDs
  - CTE Attendee (if applicable)
  - Bell Schedule/Master Schedule
- Meeting with diagnostician/SLP to review caseload and campus contacts
- Coordinate with diagnostician to develop tentative ARD schedule for the year
- Distribute student schedule of services and accommodations to special education teachers

The Educational Diagnostician is responsible for the following:

- Developing a tentative ARD schedule for the school year
- Reviewing caseload ARD due dates and reevaluation due dates
- Reviewing any initial evaluations carried over from the previous school year
- Meeting with special education teachers to review student accommodations, schedule of services, and PLAAFP procedures

The Related Service Providers are responsible for the following:

- Reviewing caseload, schedule of services, and IEP Goals
- Coordinating with SLP (or other relevant personnel) to develop schedule for providing services
- Reviewing campus contacts (administrators, teachers, etc.)

### **C. IEP Progress Reports**

- Reporting progress on students' IEPs must be completed in the **progress report section on ESPED** at the end of each grading period. Review it to make sure the student is making progress both in his / her special education and general education classes. If the student is NOT showing adequate progress, a staffing is to be conducted.

- Special education teachers are responsible for reporting progress for academic and daily living skills goals (if applicable)
- Related service providers are responsible for reporting progress for related services goals

### **Failure ARDS**

- Special education teachers are responsible for reviewing special education student's general education report card every six weeks to verify the student is passing all of their classes. If the student has failed two consecutive grading periods in the same course, a failure ARD must be held to address the student's IEP to help the child achieve success.

## **III. ARD / IEP PROCEDURES AND GUIDANCE**

### **A. Determination of Eligibility / Disability Codes**

All school districts in the United States are required by law to identify, locate, and evaluate children with disabilities. Once this has occurred, school districts have a duty to evaluate whether the child is eligible for special education and then begin to develop an individualized education program for him / her. IDEA and the corresponding regulations define "children with disabilities" as those suffering from at least one of the following conditions:

- Intellectual Disability/ID/CODE 06
- Auditory Impairment/AI/CODE 03
- Speech or Language Impairment/SI/CODE 09
- Visual Impairment/VI/CODE 04
- Deaf-Blind/DB/CODE 05
- Emotional Disturbance/ED/CODE 07
- Orthopedic Impairment/OI/CODE 01
- Autism/AU/CODE 10
- Traumatic Brain Injury/TBI/CODE 13
- Specific Learning Disability/LD/CODE 08
- Other Health Impairment/OHI/CODE 02
- Non-Categorical Early Childhood/NEC/CODE 14
- Multiple Disabilities (must meet eligibility for 3 handicaps) CODE 99

These disabilities must have adverse effects on disabled children in order for the children to be eligible for special education and related services.

### **34 Code of Federal Regulations § 300.8 Child with a disability.**

#### **(a) General**

(1) Child with a disability means a child evaluated in accordance with §§ 300.304 through 300.311 as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

## **B. ARD Committee Meetings**

### Types of ARD Meetings:

- Annual ARD
  - Including initial ARD meetings
- Revision ARD
- IEP Amendment

### **Federal, State and Local Timeline Requirements for Annual ARD Meetings**

As per state and federal regulations, annual ARD meetings must be held at least once a year. A year is defined as 365 days. The ARD reviews the student’s IEP’s at least annually, to determine whether the goals for the student are being achieved. The ARD revises the IEP, as appropriate, to address:

- any lack of progress toward the annual goals and in the general curriculum;
- the results of any reevaluation
- information about the student provided to, or by, the parents;
- the students anticipated needs; and
- other matters

Parents must receive a **written notice of ARD** meeting at least five school days prior to the meeting.

- All annual ARDs must be held on or before the anniversary date of the previous years’ meeting

- In order to ensure compliance that timeline requirements are met, it is recommended that Annual ARD meetings be schedule at least one to two weeks prior to the anniversary date
- **ANYTHING BEYOND THESE DATES IS CONSIDERED OUT OF COMPLIANCE**
- To the extent possible, you are highly encouraged to consolidate reevaluation meetings and other ARD committee meetings for the child. In other words, try and have ONE annual (review) meeting per year only.

*Initial ARD Meetings:*

- The admission, review, and dismissal (ARD) committee must meet to develop an individualized education program (IEP) within 30 days of completing the FIE.

Examples of when to hold a Revision ARD/IEP Amendment may include:

- Developing and implementing new IEP goals
- Transportation
- Change of Schedule of Services (without changing instructional arrangements)
- Add / Drop accommodations or modifications
- STAAR State Assessments
- FBA/BIP Development



## 1. INTRODUCTIONS CHECKLIST

- Who is chairing the ARD?
- Has everyone introduced themselves around the room?
- Will parent be taping the ARD? Will school be taping the ARD?
- Remind everyone that the minutes are being taken.
- Note for the record one of the following:
  - Parent received notice of ARD timely, agreed to attend and is present
  - Parent waived 5 days' notice requirement, agreed to attend and is present at the ARD
  - Parent was notified, could not attend, yet gave permission for the committee to convene. A copy of the ARD is being sent to the parent/guardian/adult student
  - Participated in the ARD via phone
  - Was notified in writing two (2) times yet did not respond. (List dates of ARD notices) With documentation of reasonable notice, the committee convened in the absence of the parent/guardian/adult student. A copy of the ARD is being sent to the parent/guardian/adult student along with a copy of the procedural safeguards.
  - **Parent brought an advocate/legal representative to the ARD.**

***\*\*\* If a parent brings an advocate/legal representative without notification, do not proceed with the ARD. Contact Brettney Anderson, HTCSS director***

## Agenda for the ARD Committee Meeting

1. Introductions
2. Statement of Confidentiality and Conduct
3. Purpose of the Meeting
4. Verify Demographic Information
5. Note Parent Questions/Concerns
6. Review Assessment Data
  - If an initial, address determination of a disability
7. Review Transition Assessment/Information (when applicable)
8. Review Previous IEP (Goals/Objectives)
9. Present PLAAFP Information
10. Present Purposed Annual Goals/Objectives
  - Accept or adjust goals/objectives
11. Determination of Participation in STAAR
12. Discuss Services to be Provided:
  - Accommodations and/or Modifications
  - Assistive Technology
  - STAAR/District Wide Assessments
  - Least Restrictive Environment
  - Schedule of Services
    - a. Including instructional day, ESY, and Transportation
  - Courses/Subjects/IEP Supports/Related Services
13. Determination of Placement
14. Read Assurances
15. Review Decisions
16. Signatures/Waive 5 Day Waiting Period

## **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. Persons participating in the ARD meeting will refrain from making any personal attacks on school staff, students, or parents. All participants are expected to speak in a courteous manner and in a conversational tone. This expectation must be followed in order to facilitate a safe and collaborative environment.

## **3. PURPOSE OF THE ARD COMMITTEE MEETING**

The ARD meeting is initiated and conducted for the purpose of determining eligibility, developing, reviewing, and revising the IEP, and designing and reviewing evaluations and reevaluating. The purpose of the ARD meeting includes, where appropriate, developing and reviewing functional behavior assessments, developing, reviewing and/or modifying behavioral intervention plans, conducting manifestation determinations, and making interim alternative educational placement decisions. Additionally, the ARD meets to consider transition service needs and/or transition services that might be necessary.

## **4. NOTICE OR ARD MEETING**

- ARD meetings must be set up at a mutually convenient time for the school and the parent.
- Written Notice of ARD meeting must be accompanied with a notice of procedural safeguards.
- Written Notice of ARD meeting must be received by the parent at least 5 school days prior to the scheduled ARD meeting. This time will allow the parents to make arrangements to attend.
- Always keep a copy of the ARD notice, as one must be turned in with the ARD paperwork.
- ARD meetings cannot be held without the parent being provided with a notice of an ARD meeting at least five school days prior to the meeting. The exception to this is when the parent waives their right to receive this notice within the required time frame. In this event, the parent must indicate in writing on the notice of ARD, that they are waiving their right to receive the notice five school days prior to the meeting. This should be the rule rather than the exception.

## **5. PARENTAL INVOLVEMENT IN THE ARD**

The district must take steps to ensure that one or both parents are present at each ARD meeting or are afforded the opportunity to participate at each ARD meeting with respect to decisions related to identification, evaluation, educational placement and the provision of FAPE. If neither parent can participate in a meeting at which a decision is made related to changing the IEP of their child, the district will use other methods to ensure parent participation (including individual or conference telephone calls).

If the district is unable to obtain parent participation in a placement decision, the district may make a placement decision. In this situation, the district would attempt to ensure parent involvement by arranging a meeting at a mutually agreed upon time and place. Records of phone calls made, or attempted, and results of those calls, copies of correspondence sent to parents and any responses received, and documentation of visits to parents' homes or places of employment and results of those visits are examples of methods that could be used by our district staff.

The district resumes that divorced parents have equal rights under state and federal law to participate in all aspects of their child's education, unless either or both parents do not have authority under applicable state law governing matters such as guardianship, separation, or divorce.

The district makes reasonable efforts to ensure that parents understand and are able to participate in any group discussions relating to the educational placement of their child. Such efforts would include arranging for an interpreter for parents with deafness or whose native language is other than English.

## **6. ARD MEETING WITHOUT PARENTS**

The following procedure is to help ensure parental participation at an ARD meeting:

- Provide at least two written notices at least five school days prior to the meeting; send a copy of the ARD notice with the student; follow up with a phone call.
- Always document on the ARD notice all of the methods utilized to convince the parent to attend the ARD meeting.
- If the parent has indicated to have the meeting without them, make sure that it is noted on the invitation as well as in the deliberations.
- If you do not hear back from the parent by the time of the ARD meeting, reschedule the meeting (if within timeframe).
- The meeting should be rescheduled by sending another written notice of ARD meeting, with the parent receiving the notice at least five school days prior to the meeting.
- The same procedures to ensure parental participating as stated above should be followed and documented.
- If after the second notice, the parent does not attend and we have documentation of our efforts and feel that the parent knows about the meeting, but is choosing not to participate, then we can feel secure in documenting our efforts to obtain parental

participation and then proceed with the meeting. This would also apply in situations of an initial referral in which the student has qualified for services, although parental consent is needed in order to initiate services.

- A viable option for obtaining parental participation should include participation via conference call or Zoom/Google Meets.

## **7. USE OF INTERPRETERS**

The district must take action to ensure that the parent understands the proceedings of the ARD committee meeting:

- Including arranging for an interpreter for parents with deafness; or
- Including whose native language is other than English

## **8. PROCEDURAL SAFEGUARDS**

A Guide to the Admission, Review, and Dismissal Process and the Notice of Procedural Safeguards shall be given to the parent or adult student at the time of initial referral to special education and documented.

At minimum, the parent or adult student will be given the Notice of Procedural Safeguards at least one time a year upon the following occurrences:

- initial referral or parent request for an evaluation
- at least annually;
- upon receipt of a written complaint from parent/guardian through TEA;
- upon receipt of request for due process;
- on the date on which the decision is made to remove a child from his or her educational placement because he or she has violated a code of student conduct and the removal constitutes a change in placement; or
- upon request by a parent.

**Parent/adult student must sign a receipt each time they are given a copy of A Guide to the Admission Review, and Dismissal Process and/or the Notice of Procedural Safeguards. If not in attendance, note that they copy will be sent home with the ARD document on the receipt.**

## **9. ARD COMMITTEE REQUIRED MEMBERS**

The ARD is comprised of a group of certified and/or licensed professionals, teachers, administrators and the parent(s) of the student, the student when appropriate, and other individuals having knowledge or special expertise regarding the student. Administration is represented by someone qualified to provide or supervise the provision of special education. This person will be principal or his/her designee.

Each ARD that (1) develops, reviews, and revises an IEP; (2) designs and conducts an initial evaluation or reevaluation; (3) determines eligibility; (4) conducts a manifestation determination; (5) develops a functional behavioral assessment; or (6) develops, reviews or modifies a behavioral intervention plan includes:

- The parents of the student with a disability
- At least one regular education teacher of the student (if the student is, or may be participating in the regular education environment);
- At least one special education teacher of the student, or if appropriate, at least one special education provider of the student;
- A representative of the district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum and about the availability of resources within the district;
- An individual (Diagnostician, LSSP, SLP) who can interpret the instructional implications of evaluation requests (who may be one of the previously listed team members other than the parent);
- If appropriate, the student; and
- Other individuals who have knowledge or special expertise regarding the student, including related services personnel (Dyslexia, OT, PT, Speech, LSSP, etc.)

### **Invite All Necessary Members of the ARD Committee**

The following are members of the ARD committee:

- Parent/Adult Student
- Representative of the Local Education Agency (Principal or Principal Designee)
- Representative of Regular Education Instruction
- Representative of Special Education Instruction
- Somone who can interpret the instructional implications of assessment
- LPAC representative (if the student is receiving ESL services)
- Career and Technology representative (if the student is 13 or older)
- An individual having any special knowledge or expertise regarding the child
- Any individual invited by the parent

\*\*\*Note: When a parent has invited (for example: an aunt, grandmother, friend, etc.), have the parent sign a Release of Confidentiality and note in the deliberations that the parent gave permission for the individual to attend\*\*\*

- Student of any age (particularly students ages 13 and up whose ARD committees are discussion the provision of transition services)
- Some individuals may serve dual roles on the ARD committee.
- It is important that **all required members are present and sign the ARD document**

## 10. ATTENDANCE AND EXCUSAL

In some instances, an ARD member may be excused from attending an ARD meeting or their attendance may not be necessary.

- A parent's consent to a team member's absence from an ARD meeting, whether because their attendance is not necessary or they have been excused and have submitted written input to the parent and ARD, must be given (pg. 46 under Notices)

## 11. INITIAL MEETING

The ARD committee must meet to develop an IEP within 30 days of a determination of eligibility.

As soon as possible following development of the IEP, the LEA must ensure that special education and related services are made available to the child in accordance with the child's IEP.

## 12. DETERMINATION OF ELIGIBILITY

Upon completion of the full and individual evaluation, the ARD committee must determine whether:

- 1) The child has a disability; and
- 2) Who, by reason thereof, needs special education and related services.

### **Evaluation Report and Documentation of Determination of Eligibility**

The parent must be provided a copy of the evaluation report and the documentation of determination of eligibility.

## 13. ANALYSIS OF DETERMINATE FACTORS

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

- Lack of appropriate instruction in reading, including in the essential components of reading instruction as defined in the Elementary and Secondary Education Act (ESEA) which means explicit and systematic instruction in:
  - Phonemic awareness;
  - Phonics
  - Vocabulary development
  - Reading fluency, including oral reading skills, and
  - Reading comprehension strategies;
- Lack of appropriate instruction in math; or
- Limited English proficiency

## 14. ANNUAL MEETING

The ARD committee must review the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals are being achieved.

The ARD committee must determine the child's placement at least annually.

The IEP must be in effect at the beginning of each school year for each child with a disability.

To the extent possible, the district/HTCSS must encourage the consolidation of reevaluation meetings for the child and other ARD committee meetings for the child.

## 15. DEVELOPING/REVISING THE IEP

### Developing the IEP

In developing each child's IEP, the ARD committee must consider:

- The strengths of the child;
- The concerns of the parents for enhancing the education of their child;
- The results of the initial evaluation of most recent evaluation of the child; and
- The academic, developmental, and functional needs of the child.

### Revising the IEP

The ARD committee must revise the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate;
- The results of any reevaluation;
- Information about the child provided to, or by the parents, in the Review of Existing Evaluation Data (REED);
- The child's anticipated needs;
- Other matters.

### IEP Amendment

Changes to an IEP may be made by the entire ARD committee at an ARD committee meeting, or by amending the IEP in accordance with the Amendment Without A Meeting guidelines.

To amend the IEP without an ARD meeting:

- The parent of the child with a disability and the local educational agency (LEA) must agree not to convene an ARD committee meeting for the purpose of making changes to the IEP; and
- The LEA must develop a written document to amend or modify the child's current IEP.



## 16. DEVELOPMENT OF THE PLAAFP

We must know where each student's present levels of academic achievement and functional performance is before we can determine where his or her needs are. We must also know where a student is before we can determine where we can reasonable expect him or her to be after a year of instruction.

### **A new PLAAFP must be written for every annual ARD.**

This is critical in order to develop an effective individualized educational program for a student. Without the PLAAFP, the IEP does not have any data showing the student's present performance, and thus cannot appropriately determine where the student's needs currently exist. The PLAAFP is the baseline for creating a high-quality IEP. It is a description of the student's strengths in relation to the standards. The PLAAFP is created using a variety of sources: evaluation, classroom data, accommodations and modifications, state assessment results, and parent information.

### ***Evaluation –***

We want our data, qualitative or quantitative, to assist us in thinking through our students' current needs. The present levels statement is an objective statement of all information relevant to the student's educational performance.

The information needs to be current and relevant.

Date sources may include but are not limited to: date from the Full and Individual Evaluation (FIE) report, performance on state assessments and benchmark data, results from universal screeners, Behavior Intervention Plan (BIP) data, norm or criterion referenced test results.

### ***Classroom Data –***

Another piece we need to look at in creating the PLAAFP is current information related to a student's classroom performance. This classroom data comes from a variety of sources including:

Report card information, performance on previous IEP goals, behavior data, learning style preferences, and classroom-based assessments.

### ***Accommodations and Modifications –***

Another important thing for ARD Committees/IEP Teams to consider is the accommodations and modifications that have been and/or are currently being provided for the student. It is important that the ARD Committee/IEP Team look at what is and what is not working for the student, and make a determination of what else may need to be tried in order to help the student be successful.

### ***Additional Supports –***

Information from related service providers, speech therapists, and other additional areas is important in order for the ARD Committee/IEP Team to make determination on the services provided.

See Attached PLAAFP Template

## **17. DEVELOPMENT OF ANNUAL GOALS**

### **IEP Goals –**

A statement of measurable annual goals, including academic and functional goals designed to...

- Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum
- And meet each of the student's other educational needs that result from the student's disability

**The special education teacher will present to the ARD committee proposed goals and objectives for the members to consider.** At the ARD meeting, the drafted goals and objectives will be edited and/or rewritten to reflect the committee members' concerns about the student's educational needs.

Annual goals are to be written in measurable and observable terms in the area of educational needs to determine educational priorities which the student may reasonably be expected to accomplish.

Annual goals are to be individualized to meet each student's needs.

Goals are to reflect TEKS Objectives, unless the ARD committee determines TEKS to be inappropriate.

Annual goals are statements that describe what a student with a disability can reasonably be expected to accomplish within a twelve-month period in the student's special education program. These goals are skills and/or knowledge that will be mastered, not an activity.

Measurable annual goals are statements that contain four critical components: timeframe, conditions, behavior, and criteria. A measurable goal includes the behavior or skill that can be measured at periodic intervals against a criterion of success. The following are the definition of the four components:

A. **Timeframe** identifies the amount of time in the goal period and is usually specified in the number of weeks or a certain date for completion

B. **Condition** specifies the manner in which progress toward the goal occurs. Conditions describe the specific resources that must be present for a student to reach the goal. The condition of the goal should relate to the behavior being measured. For example, a goal

related to reading comprehension may require the use of a graphic organizer. The graphic organizer is the condition.

C. **Behavior** clearly identifies the performance that is being monitored. It represents an action that can be directly observed and measured.

D. **Criterion** identifies how much, how often, or to what standard the behavior must occur in order to demonstrate that the goal has been achieved. The goal criterion specifies the amount of growth is expected.

**The following chart shows the flow of a written measurable goal.**

<b>Timeframe</b>	<b>Condition</b>	<b>Behavior</b>	<b>Criteria</b>
Within 36 instructional weeks	using decoding skills and oral practice within a 3 <sup>rd</sup> Grade passage	Joseph will read	70 words per minute with fewer than 10 errors
By the next annual ARD	given a 4 <sup>th</sup> grade story prompt and 30 minutes to write	Linda will write	a three paragraph essay using transition words in sentences and between paragraphs with 5 or fewer errors
From annual ARD to annual ARD	given mixed fraction problems using all operations	Jose will solve	85% of all assigned programs correctly

**\*\*\*It is important to avoid vague language in the IEP goals. They must include all four components, be clear and measurable\*\*\***

ESPED –

When writing goals in ESPED, for each goal your must indicate the following:

- Duration (from MM/DD/YYYY to MM/DD/YYYY)
- Language of Delivery
- Goal Focus Area (math, reading, counseling, OT, speech, etc.)
- Grade Level
- The Measurable Goal with All 4 Components
- Implementer (special education teacher, general education teacher, speech therapist, etc.)
- Methods of Evaluation
- How often periodic reports will be sent home (concurrent with grading periods).

### Short Term Objectives –

Short term objectives are required for students who have modified curriculum and/or take alternate assessments.

The number of objectives is to be kept within a reasonable and manageable number which the student may be expected to accomplish/master by the student's next annual review.

Objectives should be written in specific, measurable, and observable terms and should be comprised of incremental steps toward the annual goal of the IEP. Objectives should be written in incremental timelines (6 instructional weeks, 12 instructional weeks, 18 instructional weeks, etc.)

### Students Taking Alternate Assessment –

When writing IEP goals for students taking STAAR ALT 2, the teacher should utilize the STAAR ALTERNATE 2 TEKS Curriculum Framework and the Essence Statements provided within that framework.

Essence statements are summaries of each knowledge and skill statement that serve as the connection between the grade-level Texas Essential Knowledge and Skills (TEKS) and the online system. These statements are from the TEA framework for students who take the STAAR Alt 2 state assessment. They summarize the Texas Essential Knowledge and Skills (TEKS) statements and student expectations for each reporting category tested in STAAR.

[STAAR Alternate 2 Essence Statements | Texas Education Agency](#)

## **18. IEP PROGRESS REPORT**

All teachers and service providers are responsible for reporting to the parents on the progress that students are making toward meeting the annual goals. All IEP goals in ESPED must be updated at the end of each grading period and sent to the parents.

**Special Education teachers & related service providers will follow the following procedures:**

1. The review dates for documenting mastery of IEP objectives are at least every grading period unless otherwise determined by the ARD Committee.
2. Evaluate degree of mastery of each objective of the IEP. You will use the Methods of Evaluation.
3. When reviewing IEP goals, use these codes:
  - a) If mastered, write **C** for **complete**
  - b) If not mastered, and the teacher/service provider chooses to continue teaching the objective, write **I** for **in progress**

c) If not mastered, and the teacher/service provider feels the objective is inappropriate to continue teacher, writing **D** for **discontinued**

## **19. PARTICIPATION IN STATE/DISTRICT ASSESSMENTS**

The ARD committee determines which assessment and accommodations/accessibility features are appropriate for each student based upon his or her individual needs. In order to make this decision, ARD committees must be familiar with the state assessment options, accommodations, and accessibility features available to students. In addition, ARD committees must be aware of how their decisions impact a student's academic future. STAAR Online with accessibility features as well as STAAR Alternative 2 are assessments available for students receiving special education services.

In order to take an alternative assessment, students must meet all eligibility requirements as set by the state (See STAAR ALT 2 Participation Requirements, ESPED/ARD FORMS/63-64).

### **Documentation of Supplemental Aides and Accommodations –**

The IEP documentation should connect the supplemental aides and accommodations that a student uses to his/her present levels of academic achievement and functional performance (PLAAFP). The IEP documentation should be specific enough that district personnel understands what a student needs in order to be successful.

## **20. DOCUMENTATION FOR ENGLISH LANGUAGE PROFICIENT STUDENTS**

If a student is receiving special education services in addition to bilingual/English Language Learning services, it is important that an LPAC representative attend the ARD meeting.

It is also important that progress in language programs, TELPAS scores, and other pertinent information be documented in the IEP.

For **EXIT PROCEDURES AND CRITERIA for SPED/EL students**, refer to the FLOWCHART OF PROCESS FOR EXITING LIMITED ENGLISH PROFICIENT (LEP) STUDENTS RECEIVING SPECIAL EDUCATION SERVICES FROM BILINGUAL/ESL PROGRAMS FOUND AT:

<https://tea.texas.gov/academics/special-student-populations/english-learner-support/2017-2018-process-for-considering-exit-of-sped-lep5-31-16.pdf>

## **21. SCHEDULE OF SERVICES**

Schedule of services for the current school year and tentative schedule for the upcoming school year should be outlined in the ARD document.

The schedule of services as reflected on the schedule page may not necessarily reflect the actual schedule of services the student is receiving due to changes in the master schedule. Electives are also subject to change; however, the program will not be affected.

If the student's special education program is affected and the services are not longer accurately reflected in the ARD document, an ARD will need to be scheduled to revise the schedule of services.

## **22. ACCOMMODATIONS & MODIFICATIONS**

Special Education personnel in conjunction with the diagnostician and special education clerk must, in a timely manner, provide pertinent sections of a student's IEP to regular education teachers, to include a copy of needed accommodations/modifications and a copy of a behavioral intervention plan (should one be in the IEP). In addition, the special education teacher is responsible for coordinating with regular education teachers to ensure that regular education teachers are aware of what the recommended accommodations/modifications are and understands how to implement them. Please stress to the regular education teachers that they have legal and ethical obligations to provide accommodations/modifications as recommended by the ARD committee. It is important that the regular education teachers have proof of accommodations/modifications that can be documented on weekly lesson plans, or on assignments themselves. For instance, if a particular test was read orally to the student, the regular education teacher can simply write on the test itself, Test Was Orally Administered. In addition, on a homework assignment, the teacher can write, Provided Extra Time for Completion, at the top of the assignment.

## **23. ASSISTIVE TECHNOLOGY**

The ARD committee must consider whether the student needs assistive technology devices (ATDs).

The term "assistive technology device" means 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 functional capabilities of the child with a disability.

The term "assistive technology device" does not include a medical device that is surgically implanted, or the replacement of such device.

The ARD committee must consider whether the child needs assistive technology services.

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

- The evaluation of the child, including a functional evaluation of the child in the child's customary environment;
- Purchasing, leasing, or otherwise providing for the acquisition of ATDs by the child;
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing ATDs;
- Coordinating and using other therapies, interventions, or services with ATDs, such as those associated with existing education and rehabilitation plans and programs;
- Training or technical assistance for the child, or, where appropriate, the family of the child; and
- Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of the child.

***Use the Assistive Technology Supplement to document the devices the student is utilizing.***

## **24. SUPPLEMENTARY AIDES AND SERVICES**

The ARD committee must determine needed supplementary aides and services to be provided to the child, or on behalf of the child.

The term "supplementary aides and services" means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable the child with a disability to be educated with nondisabled children to the maximum extent appropriate.

## **25. RELATED SERVICES – FREQUENCY & DURATION**

### **RELATED SERVICES –**

The ARD committee must determine needed related services.

The term "related services" means transportation, and such developmental, corrective, and other supportive services as may be required to assist the child with a disability to benefit from special education.

***Examples of Related Services*** include, but are not limited to:

Audiology  
 Counseling Services  
 Medical Services  
 Occupational Therapy  
 Orientation and Mobility Services  
 Parent Counseling and Training  
 Physical Therapy

Psychological Services  
 School Health Services  
 Transportation

**Procedures for Documenting the Frequency, Location and Duration of Related Services –**

The Individuals with Disabilities Act (IDEA) requires that the Individualized Education Program (IEP) for a student receiving related services contain a statement of the “anticipated frequency, location, and duration of those services”

The amount of time to be committed to each of the various services to be provided must be appropriate to the specific service, and clearly stated in the IEP in a manner that can be understood by all involved in the development and implementation of the IEP. (Federal Register, Vol. 71 No 156 P. 46667)

<b><i>Frequency</i></b>	<b><i>Duration</i></b>	<b><i>Location</i></b>
How often will the service be provided (daily, weekly)? If a service is provided less than daily or weekly then the conditions for the provision of the service must be clearly specified within the ARD	How long will the service be provided? The beginning and ending dates must be specified. How long will each session be (15 minutes, 30 minutes)? If a term (1 class period) is used in the IEP to define duration of service, the term must be defined in the IEP (example: 1 class period = 50 minutes)	Where will the service be provided?

**Please remember to invite all related service providers to the ARD committee meeting. PLAAFP information and proposed goals for all related services must be submitted prior to the meeting.**

**26. REQUESTING RELATED SERVICES**

As part of the evaluation process (initial FIE or re-evaluation), the evaluations should be comprehensive enough to point out the need for a related service. In addition, during the student’s annual ARD meeting, the need for related services will always be considered. In the event that a student’s annual review has occurred and at that time the evaluation data did not point out a need for related services, but then later there should be a change in the student’s functioning that might point out the need for a related service, the student’s regular and or special education teacher should contact the campus diagnostician. If necessary, an ARD meeting will be convened and a recommendation for an evaluation to determine the need for a related service will be made. At that point, notice and consent for assessment will be obtained from the parent and or adult student. Teachers, administrators, and parents may be asked to complete additional referral information. Upon completion of the evaluation, an ARD committee



will be convened in order to review the results of the evaluation and consider eligibility for related services.

## **27. PROGRAM MODIFICATIONS & PERSONNEL SUPPORT**

The ARD committee must determine needed program modifications or supports for school personnel that will be provided to the child to enable the child to:

- Advance appropriately toward attaining the annual goals;
- Be involved in and make progress in the general education curriculum, and be afforded an equal opportunity to participate in extracurricular and other nonacademic activities including, to the maximum extent appropriate, in nonacademic settings and services such as:
  - Meals;
  - Recess periods;
  - Counseling services;
  - Athletics;
  - Transportation;
  - Health Services;
  - Recreational activities;
  - Special interest groups or clubs sponsored by the LEA;
  - Referrals to other agencies that provide assistance to individuals with disabilities;
  - Employment of children, including both employment by the LEA and assistance in making outside employment available; and
- Be educated and participate with other children with disabilities and nondisabled children.

## **28. ASSURANCES**

The representative of the Local Education Agency must read the assurance.

## **29. REACHING CLOSURE AND CONSENSUS**

### ***Reaching Closure –***

The ARD committee documentation must include:

- The date of the meeting;
- The names, positions, and signatures of the members participating in each meeting; and
- Agreement or disagreement indicated by the Parent/Adult Student and LEA representative

### **Reaching Consensus –**

A decision of the committee concerning required elements of the IEP must be made by mutual agreement of the required members if possible.

- Make sure parents (and/or eligible student) have signed any other forms – examples: consents, authorization for medical billing, SHARS, etc.
- As parent if they would like to waive the 5-day waiting period and have them sign.
- Check if consensus was reached with parent. If not a 10 day recess must be offered and the parent must be provided with a copy of procedural safeguards.
- Make sure everyone signed the signature page.
- Have parent sign or indicate that he or she agrees by phone if they agree to waive the 5 day waiting period to implement the new IEP.

### **C. Extended School Year Services**

ESY is an individualized instructional program for eligible students with disabilities that is provided beyond the regular school year. The needs for ESY services must be determined on an individual basis by the admission, review, and dismissal (ARD) committee. The individualized education program (IEP) developed for ESY must include goals and objectives.

The need for ESY services must be documented from formal and/or informal evaluations provided by the district or the parents. If a student requires a significant amount of time to recoup acquired critical skills, then the ARD committee should discuss whether the student needs extended educational and/or related services during school breaks. If the loss of acquired critical skills would be particularly severe or substitution, or if such loss results, or reasonably may be expected to result in immediate physical harm to the student or to others, ESY services may be justified without consideration of the period of time for recoupment of such skills.

The LEA must ensure that extended school year services are available as necessary to provide a free appropriate public education in order to maintain identified critical skills for those students in need of these services.

In order for a child to receive ESY services, an ESY supplement must be completed at an ARD meeting. If the child qualifies for ESY, an IEP must be developed for ESY services. (Including any related services, if needed.)

### **D. Parental Refusal for Consent or Withdrawal of Consent**

If a parent (or adult student) revokes consent for special education services, that revocation is not retroactive. Therefore, it does not negate any action that has occurred after consent was given and before consent was revoked. The diagnostician will complete the **Notice of Revocation of Consent for Services** and provide the parent with a **Ready Willing and Able Letter** along with a **copy of the procedural safeguards**.

If a parent (or adult student) refuses or withdraws consent in the case of an initial evaluation or reevaluation, ask the parent to *provide written refusal or revocation of the consent* and complete an **Consent for Evaluation form indicating they do not give consent**. Also, note this on the consolidation of important dates page in ESPED.

## **E. Determination of Placement (LRE)**

The district ensures that, to the maximum extent appropriate, students with disabilities are educated with students who are nondisabled. The ARD committee assures that removal of students with disabilities from the regular 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.

## **F. Factors for Consideration**

The ARD committee must determine whether education in the regular classroom, with the use of supplementary aids and services, can be achieved satisfactorily by considering the following factors:

- Whether the LEA provided supplementary aids and services;
- Whether the LEA modified the regular education program:
  - A child with a disability may not be removed from education in age-appropriate regular classroom solely because of needed modifications in the general education curriculum
- Whether the efforts to modify and supplement regular education were sufficient
  - The LEA need not provide every conceivable supplementary aid or service to assist the child;
  - The IDEA does not require regular education instructors to devote all or most of their time to on disabled child or to modify the regular education program beyond recognition
- Whether the child will receive an educational benefit from regular education (including nonacademic benefit);
- The child's overall educational experience in the mainstreamed environment, balancing the benefits of regular and special education for the individual child:
  - For example, a child may be able to absorb only a minimal amount of the regular education program, but may benefit enormously from the language models that his or her nondisabled peers provide (in such a case, the benefit that the child receives from mainstreaming may tip the balance in favor of mainstreaming); and
- The effects the disabled child's presence has on the regular classroom, and thus, on the education that the other children are receiving.

If the ARD committee determines that education in the regular classroom cannot be achieved satisfactorily, then the ARD committee must determine whether the child has been mainstreamed to the maximum extent appropriate:

- The IDEA and its regulations do not contemplate an all-or-nothing educational system in which disabled children attend either regular or special education;
- The IDEA and its regulations require LEAs to offer a continuum of services; and
- The LEA must take intermediate steps where appropriate, such as placing the child in regular education for some academic classes only, or providing interaction with nondisabled children during lunch and recess.

In selecting the LRE, the ARD committee must consider any potential harmful effect:

- On the child; or
- On the quality of services that the child needs.

### ***PLACEMENT DETERMINATION***

The ARD committee must determine the child's placement.

The ARD committee's placement decision must be based on the child's IEP in compliance with the SUPPLEMENTARY guidelines.

The ARD committee must provide an explanation of the extent, if any, to which the child will participate with nondisabled children:

- In the regular class;
- In the general curriculum; and
- In the extracurricular and other nonacademic activities.

The ARD committee must determine the appropriate length of school day:

- Children with disabilities must have available an instructional day commensurate with that of children without disabilities.

In determining the educational placement of a student with a disability, the district ensures that the placement decision is made in conformity with the LRE provisions of IDEA. The placement decision is made by the ARD committee.

- The placement of each student with a disability is determined, at least annually, based upon his/her IEP. Unless the IEP requires some other arrangement, students are educated in the school they would attend if they did not have a disability. Students are educate as close to their home as possible. In selecting the least restrictive environment, a consideration is given to any potential harmful effect on the quality of services the student needs. Each IEP includes an explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities, and a justification for removal from regular education. A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum. Each student requiring special education and related services is educated in the school that he or she would attend if he or she did not require special education and related services, unless the IEP requires another placement.

## **G. Instructional Arrangements**

The district ensures that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

The ARD committee must specify the appropriate instructional arrangements/setting:

- Speech Only (no instructional setting) – 00
- Homebound – 01
- Hospital Class – 02
- Vocational Adjustment Class/Program – 08
- Mainstream – 40
- Resource Room/Services less than 21% (1-76 min) - 41
- Resource Room/Services at least 21% & less than 50% (77-179 min) - 42
- Self-Contained M/M Regular Campus at least 50% & no more than 60% (180-216 min) – 43
- Self-Contained M/M Regular Campus more than 60% (217+ min) – 44
- Residential Non-Public School Program – 50

## **H. Continuum of Alternative Placements**

The district provides a continuum of alternative placements to meet the needs of students with disabilities who require special education and related services. These alternative placements are available to the extent necessary in order to implement the IEP. This continuum of placements includes instruction in regular classes, special classes, special schools, an home instruction. In addition, supplementary services (such as resource room, inclusion, or itinerant instruction) are provided in conjunction with regular class placement.

## **I. Homebound Instruction**

Placement involving Special Education Handbook instruction is provided when recommended by the ARD. One or more of the following conditions must apply:

- A physician certifies in writing that the student is unable to attend school for medical reasons and states the expected date that the student will be able to return to the school program;
- The student has a handicap so severe that it prevents the student from learning in a school setting or the student's presence in school endangers the health, safety, or welfare of the student or others.

**Homebound instruction is provided when a student's condition causes an absence of at least four weeks duration. The four weeks do not have to be consecutive.**

## J. Protocol for Students Who Have Been Dismissed from Special Education

Special education students that are dismissed from the program will be monitored by the special education teacher for one year from the dismissal date.

## K. Amendments to the IEP

After the annual ARD meeting, changes to the IEP may be made either:

- By the entire ARD committee; or
- By amending the IEP rather than redrafting the entire IEP.

Eligibility determinations, changes of placement, and manifestation determination reviews may not be conducted through an amendment without a meeting process.

### Amendment Process

To amend the IEP without an ARD committee meeting:

- The parent of a child with a disability and the LEA must agree not to convene an ARD committee meeting for the purpose of making changes to the IEP; and
- The LEA must develop a written document to amend or modify the child's current IEP.

If the IEP is amended without an ARD committee meeting, the ARD committee must be informed of those changes.

### Revised IEP

In making changes to a child's IEP after the annual ARD meeting for a school year, the district and parent of a child with a disability may agree not to convene an ARD committee meeting to make those changes through the use of the Amendment to the ARD form. Other members of the ARD committee shall be informed of the changes made to the IEP. The parent will be provided with a revised copy of the IEP with the amendments incorporated.

Examples of when to use/not use the Amendment to the ARD form:

- The Amendment to ARD form is **not to be used** in instances where ARD meetings must be held, such as, but not limited to the following instances:
  - Manifestation ARD meetings;
  - Schedule changes that will result in changing the student's instructional arrangement;
  - Review of formal evaluation such as psychological evaluations, FIEs, etc.;
  - Conducting evaluation reviews (REEDs);
  - Matters dealing with least restrictive environment issues; or
  - Initiating or making changes to a related service

- Instances in which IEPs can be changed through the amendment process might include:
  - Change to a behavior intervention plan;
  - Adding of modifications/accommodations;
  - Adding accommodations to STAAR

## L. ARD WHAT IF'S

### Parent leaves the ARD...

- Say the following to the parent:
  - “We invite you to stay and participate in the ARD process. Even if you leave this meeting, the ARD committee will continue until we conclude this ARD and have developed an Individual Education Plan for your child...”

### Parent does not agree...

- Ask the parent what he or she does not agree with and go back over the section that they do not agree with and try to reach a consensus. Note in the minutes any disagreement by the parent.

### Parent does not agree and refuses to check agreed...

- Say the following to the parent:
  - “Because you the parent have not agreed, the ARD committee will be in recess for a for a period of time not to exceed 10 school days. During the recess, the members shall consider alternatives and/or gather additional data to enable the committee to reach mutual agreement. The committee will reconvene at \_\_\_\_\_ (give date, time, and location). At that time, the ARD committee will discuss the issues again to see if a consensus can be reached. This meeting is in RECESS until we reconvene on: \_\_\_\_\_.”
- Make sure time, date, and location when you will reconvene are in the deliberations.
- Make sure that you send them a written 5 day notice for the date when the ARD will reconvene.
- If the parent fails to show up on the agreed upon date/time as indicated in the ARD and Written Notice of ARD, the ARD meeting proceeds as scheduled.

**Note: Do not check any “agreement” boxes prior to the ARD meeting. Please do not check any boxes for the parent and do not highlight or mark where the parent is to sign or check. SHOW the parent where to check and where to sign.**

### At the 10 day ARD...

- Begin with introductions:
  - “We are reconvening the ARD held on \_\_\_\_\_ because of the district’s recommendation at the ARD. By law, we are required to reconvene and give the

parents an opportunity to reconsider. We are here today to discuss the disagreements.”

- Read the Statement of Confidentiality
- Give the parents a copy of the Procedural Safeguards
- Present additional assessment/information
  - “Does the parent or any staff member have any new assessment date or information for the committee to review?”
- Go through the AGREEMENTS
  - Assessment
  - Eligibility
  - Transition (if applicable)
  - IEP Goals
  - Placement
  - STAAR Assessment
  - BIP (if applicable)
  - Accommodations/Modifications
  - Schedule of Services
- Review DISAGREEMENTS
  - (any from the list above)
- Review ARD/IEP recommendations
- Ask for signatures...
  - “Are you still choosing to disagree?”
  - “You, as a parent, have a right to disagree with the plan proposed by the district. After careful review and discussion, the district feels that the plan recommended will provide FAPE for the child. You have a right to disagree; however the school district will implement this plan pursuant to IDEA.”
    - In this event, complete Prior Written Notice and provide a copy to the parent along with a copy of the Procedural Safeguards

## **M. Parent Copy of the Child’s IEP**

The LEA must give the parent a copy of the child’s IEP at no cost.

If the child’s parent is unable to speak English:

- The district must
  - Provide the parent with a written or audio taped copy of the child’s IEP translated into Spanish if Spanish is the parent’s native language; or
  - 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 child’s IEP translated into the parent’s native language.



## **N. Prior Written Notice**

The district must provide prior written notice to the parent or adult student before it:

- 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 refuse to initiate or change the provision of a FAPE to the child;
- Ceases the provision of special education and related services due to the parent's revocation of consent for services; or
- Implements an IEP with which the parent or adult student disagrees

The district must invite the parents and adult student to participate as members of the ARD committee by providing prior written notice.

The district must provide prior written notice regardless of whether the parent agreed to the change or request the change.

### ***Timeline and Manner***

The district must provide the parents prior written notice at least five school days (unless the parent agrees otherwise) before the district proposes to (or refuses to) initiate change the identification, evaluation, or educational placement of the child with a disability or the provision of FAPE to the child.

If the prior written notice is in response to a parent's revocation of consent of services, the district must provide prior written notice before ceasing the provision of special education and related services to the child.

If the prior written notice is of an ARD committee meeting, the district must notify the parents early enough to ensure that the parents will have an opportunity to attend (see Parent Participation guidelines)

The district must provide prior written notice in language understandable to the public and in the native language of the parents or other mode of communication used by the parents, unless it is clearly not feasible to do so.

### ***Required Content***

The district must include in its prior written notice:

- An explanation of why the LEA proposes or refuses to take the action;
- A description of each evaluation procedure, assessment, record, or report the LEA used as a basis for the proposed or refused action;
- A description of other options that the ARD committee considered and the reasons why those options were rejected;
- A description of other factors that are relevant to the LEA's proposal or refusal;
- Sources for parents to contact to obtain assistance in understanding the provisions of the IDEA, Part B;

- A statement that the parents have protection under the procedural safeguards of IDEA Part B; and
- The means by which a copy of a description of the procedural safeguards can be obtained if the prior written notice is not an initial referral for evaluation.

***Additional Content Requirements for Proposal to Evaluate***

If the LEA is proposing to conduct an evaluation, it must also include in the prior written notice a description of an evaluation procedure it proposes to conduct.

***Additional Content Requirements for Proposal to Convene an ARD Committee Meeting***

If the district is proposing to convene an ARD committee meeting, it must also include as part of the prior written notice:

- The purpose, time, and location of the meeting;
- Who will attend the meeting;
- Information relating to the ARD committee membership of other individuals who have knowledge or special expertise about the child; and
- Information relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial ARD committee meeting for the child previously served under IDEA Part C.

***Additional Content Requirements When the ARD Committee Will Consider Transitional Services***

Beginning not later than the first IEP to be in effect when the child turns 14, or younger if determined appropriate by the ARD committee, the prior written notice of an ARD meeting must also:

- Indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the child;
- Indicate that the LEA will invite the child; and
- Identify any other agency that will be invited to send a representative if representative from another agency (see Consent for Disclosure of Confidential Information guidelines).

**V. SECONDARY EDUCATION TRANSITION AND GRADUATION**

**A. Transition Services**

Beginning not later than the first IEP to be in effect when a child is 14 or younger, if deemed appropriate by the ARD committee, and updated annually thereafter, the IEP must include appropriate measurable postsecondary goals. These goals must be based upon age-appropriate transition assessments related to training, education, employment and where appropriate, independent living skills and the identification of the transition services (including courses of study) needed to assist the child in reaching those goals.

Transition services are a coordinated set of activities for a student with a disability that are designed to be results-oriented process, focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including:

- Post secondary education;
- Vocational education;
- Integrated employment (including supported employment);
- Continuing and adult education
- Adult services [e.g., DARS]
- Independent living; and/or
- Community participation

Transition services, written as goals and objectives in the IEP, are based on the individual needs of each child, taking into account the child's strengths are written in the present tense (ex. The student will...), are preferences and interests and include activities in the areas of:

- Instruction and related services;
- Community experiences;
- The development of employment and other post-school adult living objectives; and
- If appropriate, the acquisition of daily living skills and provision of a functional vocational evaluation.

When a child's eligibility for special education and related services is ending due to graduation from secondary school with a regular diploma, or due to exceeding the age of eligibility, the district will provide the student with a summary of his or her academic achievement and functional performance, which will include recommendations on how to assist the student in meeting his or her postsecondary goals. This information is included in the Summary of Performance and is required under IDEA.

When appropriate, and with the consent of the parent or eligible student, the district will invite to the ARD meeting a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

## **B. Development of Post Secondary Goals**

The ARD committee must develop appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to:

- Training;
- Education;
- Employment; and
- Where appropriate, independent living skills.

The ARD committee must determine transition services, including courses of study, needed to assist the child in reaching those postsecondary goals.

## **C. Transfer of Rights at Age of Majority**

Beginning not later than one year before the child reaches the age of 18, the ARD committee must provide a statement that the child has been informed of the child's rights under the Individuals with Disabilities Act, if any, that will transfer to the child reaching the age of 18.

When the child reaches the age of 18, the LEA must comply with the Adult Student guidelines.

## **D. Summary of Performance**

### ***Federal and State Requirements***

- A summary of performance is required for:
  - A child who meets the criteria for graduation is graduating; or
  - A child whose eligibility for special education and related services terminates due to exceeding age eligibility

### ***Considerations***

- The summary of performance must consider, as appropriate:
  - The views of the parent;
  - The views of the child; and
  - Written recommendations from adult service agencies on who to assist the child in meeting postsecondary goals.

## **Elements of Summary of Performance**

The LEA must provide the child with a summary of performance that contains:

- A summary of the child's academic achievement;
- A summary of the child's functional performance; and
- Recommendations on how to assist the child in meeting the child's postsecondary goals.
- 

## **E. Graduation**

Graduation from high school with a regular high school diploma under these guidelines:

- Requires compliance with the Summary of Performance guidelines; and
- Constitutes a change of placement requiring compliance with Prior Written Notice guidelines

## **F. Foundations or Distinguished Achievement High School Programs**

The child receiving special education services may graduate and be awarded a regular high school diploma if:

- The child satisfactorily completes the state's or LEA's, whichever is greater, required standards in the TEKS and credit requirements for graduation under the Foundations or Distinguished Achievement High School Programs applicable to child in general education; and
- The child performs satisfactory on the required state assessments

### ***Physical Education***

A student unable to participate in physical activity due to disability or illness may substitute an academic elective credit (ELA, Math, Science, or Social Studies), per ARD committee determination.

### ***Language Other Than English (LOTE)***

- After successful completion of one credit, if the student is unlikely to be able to complete the second credit, the ARD committee can determine that the student may substitute the second LOTE for:
  - Special Topics in Language and Culture;
  - World History Studies or World Geography Studies (for a student who is not required to complete both by the local district);
  - Another credit from LOTE; or
  - Computer programming languages.
- If it is determined by the ARD committee that the student is unable to complete both LOTE courses due to disability, the committee can determine that the student may substitute both LOTE requirements for a combination of two credits in:
  - English Language Arts
  - Mathematics
  - Science
  - Social Studies

### ***State Assessment Requirements***

Students are required to pass five end-of-course (EOC) exams to earn a diploma from a Texas public high school. Those five exams are given when a student takes **English I and II, Biology, Algebra I, and U.S. History**. The ARD committee can review performance on the EOC exams and determine if the performance of a student receiving special education services is satisfactory.

If a student is not successful on the EOC exams, note in the ARD document whether or not the student's performance was determined to be satisfactory by the ARD committee.

## VI. PROCEDURES FOR TRANSFER STUDENTS

1. Upon enrollment, the campus/district designee is responsible for notifying the campus/district diagnostician of an incoming special education or suspected special education transfer student and completing the **Transfer Agreement** (if appropriate information is currently available)
2. Once enrollment is verified, contact the previous district to request special education records (if the previous LEA uses ESPED, and ESPED request can be completed online).
3. TRES information should also be completed within 10 days of enrollment. This will assist in verification of special education status.

### ***Transmittal of Records (TRES)***

The FERPA does not require the child's new and previous LEAs to obtain parental consent before requesting or sending the child's special education records if the disclosure is conducted in accordance with the When Consent is Not Required to Disclose Information guidelines.

To facilitate the transition of a child with a disability:

- The district must take reasonable steps to promptly obtain the child's record from the previous LEA in which the child was enrolled, including:
  - The IEP and supporting documents; and
  - Any other records relating to the provision of special education or related services to the child;
- The previous LEA in which the child was enrolled must take reasonable steps to
  - Promptly respond to such requests from the district by furnishing the district with a copy of the child's records, including the child's special education records.

Once enrollment for a student with a disability is confirmed, the district/campus designee will complete the **Transfer Agreement** and notify the district/campus diagnostician of the transfer.

### ***Pending Evaluations***

The LEA must ensure that assessments of children with disabilities who transfer from one LEA to another LEA must be coordinated, as necessary and expeditiously as possible, to ensure prompt completion of full evaluations.

If a child enrolls in the district after the 45 school day timeframe for an initial evaluation of the child has begun and before the determination of the child's previous LEA as to whether the child is a child with a disability, the 45 school day evaluation procedures timeframe does not apply to the new LEA if:

- The district is making sufficient progress to ensure a prompt completion of the evaluation;
- The parent and the district agree to a specific time when the evaluation will be completed; and

- The initial evaluation is completed no later than the 45<sup>th</sup> school day following the date on which the district receives consent for initial evaluation.

### ***IEP FOR A CHILD WITH A DISABILITY WHO TRANSFERS WITHIN THE STATE***

With regard to the status of a child, the district must verify that the child:

- Is a child with a disability;
- Had an IEP in effect in the previous LEA.

With regard to interim services to the child, the district, in consultation with the parents, must:

- Provide the child with FAPE including services comparable to those described in the IEP from the previous LEA (outlined in the **Transfer Agreement**)

With regard to the IEP of the child, the district must:

- Within 30 school days from the date the child is verified as being a child eligible for special education services either:
  - Adopt the IEP from the previous LEA; or
  - Develop, adopt, and implement a new IEP that is consistent with the ARD committee guidelines.

### ***IEP FOR A CHILD WITH A DISABILITY WHO TRANSFERS FROM OUTSIDE THE STATE***

With regard to the status of a child, the district must verify that the child:

- Is a child with a disability;
- Had an IEP in effect in the previous LEA.

With regard to interim services to the child, the district, in consultation with the parents, must:

- Provide the child with FAPE including services comparable to those described in the IEP from the previous LEA (outlined in the **Transfer Agreement**)

With regard to the IEP of the child, the district must:

- Within 30 school days from the date the child is verified as being a child eligible for special education services either:
  - Adopt the IEP from the previous LEA; or
  - Develop, adopt, and implement a new IEP that is consistent with the ARD committee guidelines.

If evaluation information is *not adequate and/or does not meet state requirements/regulations*, the district will:

- Document information regarding previous programming and placement;
- During the 30-day period, gather information about the students and review records received from the previous school district;
- Determine if a reevaluation is necessary to determine eligibility

## **VII. BEHAVIOR MANAGEMENT**

### **A. Discipline**

For all students requiring special education services, the campus code of conduct applies, unless modifications are set forth by the ARD committee. A set of specific procedural requirements must be followed in the event a student a student requiring special education services engages in a behavior that requires a disciplinary action.

#### **Change of Placement/Removals of 10 Days or More**

Each student served by the Special Education Program must be monitored for any removals totaling 10 days or more. As per Federal Regulations, a manifestation determination must be conducted within 10 days of the decision to change the placement of the student.

### **B. Removals**

#### ***REMOVALS FOR LESS THAN 10 CUMULATIVE DAYS***

The district is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days are less in that school year, if it provides services to a child without disabilities who is similarly removed.

#### ***REMOVALS FOR MORE THAN 10 CUMULATIVE DAYS THAT ARE NOT A CHANGE OF PLACEMENT***

The LEA must conduct a change of placement analysis and comply with the Change of Placement guidelines.

After a child with a disability has been removed from his or her current placement for 10 school days within the same school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement:

- School personnel, in consultation with the child's teachers, determine the extent to which services are needed for FAPE:
  - To enable the child to continue to participate in the general education curriculum, although in another setting;
  - To enable the child to progress toward meeting the goals set out in the child's IEP.

#### ***REMOVALS FOR MORE THAN 10 CUMULATIVE DAYS THAT ARE A CHANGE OF PLACEMENT***

The LEA must comply with the Manifestation Determination guidelines.

When behavior is not a manifestation of the child's disability, or when a child with a disability is removed from the child's current placement due to special circumstances, the ARD committee must determine:

- Educational services for a FAPE which may be provided in an alternative setting:



- To enable to child to continue to participate in the general education curriculum, although in another setting; and/or
- To enable the child to progress toward meeting the goals set out in the child's IEP;
- As appropriate, a functional behavior assessment;
- Behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not occur; and
- The alternate setting

### **C. Crisis Prevention and Intervention (CPI)**

A core team of personnel on each campus must be trained in the use of restraint.

### **D. Confinement**

The child with a disability, who receives special education services must not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.

This section does not prevent the child's locked, unattended, confinement in an emergency situation while awaiting the arrival of law enforcement if:

- The child posses a weapon; and
- The confinement is necessary to prevent the child from causing bodily harm to the child or another person

### **E. Student Restraint**

Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the child and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the child of basic human necessities. "Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of the student's body.

**The Restraint Documentation Forms (including the Incident Report Restraint or Time-Out form) in ESPED must be submitted to the campus/district diagnostician. The diagnostician and special education clerk submit the information the PEIMS Clerk and the restraint is entered into the PEIMS database and submitted to TEA for accountability.**

The following documentation requirements must be met in a case in which restraint is used by school employees, volunteers, or independent contractors:

- On the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint;
- On the day restraint is utilized, a good faith effort must be made to verbally notify the parent(s) regarding the use of restraint;
- Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint;
- Written documentation regarding the use of restraint must be placed in the student special education folder in a timely manner so the information is available to the ARD committee when it considers the impact of the student's behavior on the student's learning and/or the creation or revision of a Behavior Intervention Plan (BIP); and
- Written notification to the parent(s) and documentation to the student's special education folder must include the Name of the student; name of the staff member(s) administering the restraint; Date and time (beginning and end) of the restraint; location of the restraint; nature of the restraint; a description of the activity in which the student was engaged immediately preceding the use of restraint; the behavior that prompted the restraint; the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and information documenting parent contact and notification

**Personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 school days following the use of restraint.**

## **VIII. PROCEDURES FOR INDEPENDENT EDUCATIONAL EVALUATION (IEE)**

### ***PARENT REQUEST FOR AN INDEPENDENT EDUCATIONAL EVALUATION (IEE)***

The district provides parents, upon request for an independent educational evaluation (IEE), information about where an independent evaluation may be obtained and the criteria applicable for independent educational evaluations.

Parents may requested an independent educational evaluation if the parent disagrees with an evaluation that was completed or obtained by the district.

If the parent obtains an independent educational evaluation, whether at district or private expense, the district in any decision made with respect to provision of FAPE to the student will consider the results of the evaluation.

## **VIX. CHILD FIND OVERVIEW**

In accordance with federal regulations, the district assumes responsibility for the location, identification, and evaluation of all children from birth through age 21 that require special education and related services. All children who are suspected of having a disability and who are in need of special education are part of the child find process.

## **AGE RANGES FOR ELIGIBILITY**

The LEA must ensure that FAPE is made available to all eligible children with disabilities ages three through twenty-one.

The LEA must ensure that a FAPE is made available from birth to children with visual or auditory impairments.

## **TRANSITION FROM PART C EARLY CHILDHOOD INTERVENTION (ECI) TO PART B PRESCHOOL PROGRAMS**

The school district is responsible for providing an evaluation but is not responsible for the provision of a FAPE for eligible children until the child is age 3 unless the child has a visual or auditory impairment. Children with visual or auditory impairments are provided FAPE from birth.

**The written report for the Full and Individual Initial Evaluation is completed no later than 45 school days after the parent or guardian's written consent is received.**

- **Child is placed and services begin upon the child's 3<sup>rd</sup> birthday. If a child's birthday occurs during the summer, the child's ARD committee must determine the date when services will begin.**
- **Initial ARD committee meeting is held within 30 calendar days following completion of the written FIE report or sooner if the date of the child's 3<sup>rd</sup> birthday is eminent.**

## **X. NONCATEGORICAL EARLY CHILDHOOD**

A child between the ages of three through five may be described as eligibility for special education services based on Noncategorical Early Childhood criteria are met.

Prior to a child turning five, a reevaluation must be conducted to determine eligibility for special education services.

## **XI. CONSENTS**

### **CONSENT FOR INITIAL EVALUATION**

The LEA proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability must comply with the Prior Written Notice guidelines.

The LEA must obtain informed consent from the parent before conducting an initial evaluation.

### **ACTIONS THAT DO NOT CONSTITUTE EVALUATION**

The following actions do not constitute evaluation:

- Screening to determine strategies for curriculum implementation;
- Conducting a REED as part of an initial evaluation or a reevaluation; and
- Administering a test or other evaluation that is administered to all children

## ***ELEMENTS OF CONSENT FOR INITIAL EVALUATION***

The “informed consent” that the LEA must obtain to conduct an initial evaluation means:

- The parent has been fully informed of all information relevant to the initial evaluation in his or her native language or other mode of communication;
- The consent describes the initial evaluation;
- The consent lists the records (if any) that will be released and to whom;
- The parent understands and agrees in writing to the LEA carrying out the initial evaluation;
- The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime; and
- The parent understands that if the parent revokes consent, 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).

Parent consent for initial evaluation does not constitute Consent for Services.

## ***INFORMATION AND CONSENT FOR CERTAIN PSYCHOLOGICAL EXAMINATIONS OR TESTS***

Before obtaining the parent’s consent for the administration of any psychological examination or test to the child that is included as part of the evaluation of the child’s need for special education, the LEA must provide to the child’s parent the name and type of examination or test, and an explanation of how the examination or test will be used to develop an appropriate IEP for the child:

- If the LEA determines that an additional examination or test is required for the evaluation of a child’s need for special education after obtaining consent of a child’s need or special education after obtaining consent from the child’s parent, the LEA must provide the required information to the child’s parent regarding the additional examination or test and its use, and must obtain additional consent for the examination or test:

## ***WHEN DESPITE REASONABLE EFFORTS, CONSENT IS NOT OBTAINED FOR THE INITIAL EVALUATION***

The LEA must make reasonable efforts to obtain informed consent for an initial evaluation.

If the parent fails to respond or refuses to consent to an initial evaluation:

- The LEA may, but is not required to, pursue the initial evaluation of the child by using the Procedural Safeguards (including the mediation or the due process procedures) in order to obtain agreement or a ruling that the evaluation may be conducted; and
- The LEA does not violate its obligation under Child Find Duty and Evaluation Procedures, if it declines to pursue the evaluation.

## **XII. FULL AND INDIVIDUAL EVALUATION**

### **A. Review of Existing Evaluation Data (REED)**

The REED must be conducted by the ARD members and other qualified professionals as appropriate.

The ARD committee members must review existing evaluation data on the child, including:

- Evaluations and information provided by the parents of the child;
- Current classroom-based, local, or state assessments, and classroom-based observations; and
- Observations by teachers and related services providers.

On the basis of that review, and input from the child's parents, the ARD committee members must identify what additional data, if any, are needed to determine:

- Whether the child is a child with a disability, and the educational needs of the child, or, in case of a reevaluation of a child, whether the child continues to have such a disability and the education needs of the child;
- Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services;
- The present levels of academic achievement and related developmental needs of the child; and
- Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.

The district must administer such assessments and other evaluation measures as may be needed to produce the data identified by the REED according to the Evaluation Procedures section of this document;

- The LEA must comply with the Prior Written Notice section as appropriate; and
- The LEA must comply with the Consent sections, as appropriate.

#### ***REQUIREMENTS IF ADDITIONAL DATA ARE NOT NEEDED***

If no additional data are needed to determine whether the child continues to be a child with a disability and to determine if the child's educational needs, the LEA must notify the child's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.

## **REEVALUATIONS**

The district must ensure that a reevaluation of each child with a disability is conducted:

- If the LEA determines the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
- If a reevaluation is requested by the child's parents or teacher; and
- Before determining that the child is no longer a child with a disability.

A reevaluation is not required (but a Summary of Performance is required) before the termination of a child's eligibility due to:

- Graduation from secondary school with a regular diploma, or
- Exceeding the age eligibility for a FAPE under state law.

A reevaluation must occur:

- Not more frequently than once a year, unless the parent and the LEA agree otherwise; and
- At least once every 3 years, unless the parent and the LEA agree that a reevaluation is unnecessary.

The screening of a child by a teacher or specialist to determine appropriate instructional strategies for curriculum implantation is not considered to be an evaluation for eligibility for special education and related services.

## **B. Evaluation Procedures**

### ***FEDERAL AND STATE REQUIREMENTS***

- The LEA must comply with the Review of Existing Evaluation Data section
- The LEA must comply with the Prior Written Notice Section
- The LEA must comply with the Consent section

### ***GROUP OF QUALIFIED PROFESSIONALS***

The group that collects or reviews evaluation data must include, but is not limited to the following members:

- A license specialist in school psychology;
- An educational diagnostician;
- Other appropriate 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 as specified in applicable specific eligibility category framework(s) of Full and Individual Evaluation.

## ***EVALUATION PROCEDURES***

In conducting the evaluation, the LEA must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent that may assist in determining:

- Whether the child is a child with a disability; and
- The content of the child's individualized education program, and progress in the general education curriculum, or, for preschool children, to participate in appropriate activities.

In conducting the evaluation, the district must:

- Not use any single measure or assessment as the sole criteria for determining whether the child is a child with a disability or determining an appropriate educational program for the child; and
- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

The district must ensure that:

- Assessments and other evaluation materials used to assess a child used this framework:
  - Are selected and administered so as not to be discriminatory on a racial, cultural or sexual basis
  - Are provided and administered:
    - In the child's native language or other mode of communication; and
    - In the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer;
  - Are used for the purposes for which the assessment or measures are valid and reliable;
  - Are administered by trained and knowledgeable personnel; and
  - Are administered in accordance with any instructions provided by the producer of such assessment;
- Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;
- Assessment and instruments are selected and administered so as to best ensure that the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those are the skills the test purports to measure);
- The child is assessed in all areas of suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
- For a child with limited English proficiency, the LEA differentiates between language proficiency and disability;

- The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified; and
- Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child must be provided.

### **C. INITIAL EVALUATIONS**

The district must conduct an initial Full and Individual Evaluation before the initial provision of special education and related services to a child with a disability.

The initial evaluation must consist of procedures to determine:

- Whether a child is a child with a disability; and
- The education needs of such child.

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 Students section.

### **D. REFERRAL FOR FULL AND INDIVIDUAL EVALUATION**

Upon request for an initial full and individual evaluation from the parent or by campus referral, if the district intends to evaluate, the district designee must:

- Provide the parent with a copy of the procedural safeguards; and
- The notice of evaluation (included in the referral packet)

The district designee must also distribute the elements of the referral packet to the appropriate personnel.

Once the referral packet is complete, the district designee will compile the referral packet and check that everything is completed on the referral packet checklist.

The referral packet, and all parts, will then be turned into the campus/district diagnostician or special education clerk. Once the referral packet is reviewed and all elements are complete and present, consent for the evaluation form the parent will be obtained.



### **XIII. PARENT/FOSTER PARENT/SURROGATE PARENTS**

#### ***IDENTIFICATION OF PARENT***

The term “parent” means:

- A biological or adoptive parent of a child;
- A foster parent of a child who meets the requirements set forth below;
- A guardian (but not the state if the child is a ward of the state);
- 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; or
- An individual assigned to be a surrogate parent.

#### ***REQUIREMENTS FOR FOSTER PARENT TO SERVE AS PARENT***

In accordance with state law, a foster parent may serve as a parent of a child with a disability if the following criteria are met;

The conditions are as follows:

1. The Department of Protective and Regulatory Services is appointed as the temporary or permanent managing conservator of the child;
2. The child has been placed with the foster parent for at least 60 days;
3. The foster parents agree to participate in making educational decisions on the child’s behalf;
4. The foster parent has no interests that conflict with the child’s interests.
5. The foster parent agrees to complete a training program for surrogate parents that complies with the training program.

#### ***APPOINTMENT OF A SURROGATE PARENT***

The district must make reasonable efforts to appoint a surrogate parent not more than 30 days after there is a determination that the child needs a surrogate parent unless, alternatively, the judge overseeing the child’s care appoints a surrogate. Unless appointed by the judge overseeing the child’s care, the LEA must appoint a surrogate parent whenever:

- The parents of the child are not known;
- The LEA cannot, after reasonable efforts, locate the parents;
- The child is a ward of the state; or
- The child is an unaccompanied homeless youth.

## **XIV. TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY**

When a child with a disability reaches 18 years old (except for a child who has been determined to be incompetent under state law):

- All rights under the IDEA transfer from the parent to the adult student;
  - Except that the LEA must provide any notice required under the IDEA to both the adult student and the parents; and
- All rights under FERPA transfer from the parent to the adult student;
  - Except that consent is not required to disclose information to the parent of an adult student if the student is a dependent student, or another when the consent is not required to disclose information exception applies.

### ***NOTIFICATION OF THE TRANSFER OF RIGHTS***

No later than one year prior to the student turning 18, the LEA must provide the student with a written notification of the transfer of rights that will occur on his or her 18<sup>th</sup> birthday.

Upon the student turning 18, the LEA must notify the adult student and the parents of the transfer of rights including a statement:

- That parental rights have transferred to the adult student; and
- Of contact information for the parties to use in obtaining additional information

## **XV. SHARS**

### ***SHARS (SCHOOL HEALTH AND RELATED SERVICES)***

For students with disabilities covered under the Medicaid program, the law allows for school districts to obtain reimbursement for some services listed in a student's individual education plan. Districts choosing to use Medicaid benefits to receive reimbursement for special education services must first obtain written parental consent to do so. The Medicaid Consent form is to be utilized for obtaining written parental consent. Written Annual Notification should be provided annually to parents once consent has been received.

Billable Services include:

- Physical Therapy
- Occupational Therapy
- Speech Therapy
- Assessments by a LSSP
- Counseling
- Orientation and Mobility
- Personal Care Services
- Nursing / Medical Services
- Special Education Transportation

1. Any of the services mentioned above that are being provided must be in the student's IEP
2. A current Special Transportation supplement must be in the current IEP
3. A current Personal Care Supplement must be in the current IEP
4. Parental Medicaid Consent must be on file in the special education folder

## **XVI. PRIVATE NURSING SERVICES**

If a child has a private duty nurse assigned to him or her, the nurse can accompany the child to the school. Contact your campus/district diagnostician and make sure the appropriate Private Duty Forms are completed (Private Duty Nursing forms can be obtained by contacting the HTCSS office).

## **XVII. ADDITIONAL FORMS AND RESOURCES**