

# Sheldon ISD

Every Child, Every Day



## Special Education

## Operating Guidelines

2023-2024

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## **Special Education Operating Guidelines Overview**

Local Education Agencies (LEA) are required to develop and implement policies, procedures and practices related to the provision of special education services to eligible students. Operating guidelines are the written guidelines developed locally which outline the implementation of these practices.

Furthermore, according to the requirements of IDEA (34 CFR 300.646(b) (1)), the State Education Agency must provide for review and, if appropriate, revision of the policies, procedures, and practices related to serving students with disabilities. This process is conducted through the Special Education Monitoring unit of the Division of Program Monitoring and Interventions at the Texas Education Agency.

To assist in meeting the above requirement, the following Operating Guidelines document was developed. This document provides a framework for LEAs to utilize as they outline local practices. Each section provides the legal requirements for the identified area. At the end of each section there is an opportunity for the district to insert specific information related to the implementation at the local level. The LEA Specific Information box allows for district teams to tailor each operating guideline to best meet the district needs.



## **Special Education Department Operating Procedures**

*The Sheldon Independent School District, an Equal Opportunity Educational Provider and Employer, does not discriminate based on race, color, religion, gender, sex, national origin, disability and/or age, military status, genetic information, or any other basis prohibited by law in educational programs or activities that it operates or in employment decisions. Additionally, the District does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made based on each applicant's job qualifications, experience, and abilities. Policies DAA, DIA*

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## DISCLAIMER

Sheldon Independent School District (“SISD” or the “District”) is subject to the rules and regulations contained in all Governing Documents. Governing Documents shall include federal and state law, Board policy (including the Student Code of Conduct), and this Special Education Operating Guidelines. In the event of any inconsistencies or conflict between the Governing Documents, the following order of precedence shall apply:

- Federal law
- State law
- Board policy (including the Student Code of Conduct)
- Special Education Operating Guidelines

The District reserves the right to modify provisions of the Special Education Operating Guidelines at any time when it deems necessary. While the Operating Guidelines may be adopted and revised throughout the year, the Special Education Operating Guidelines, including any updates thereto, is published on a yearly basis. Further, although these Guidelines may refer to rights established through law or District policy, the Guidelines do not create any additional rights for students and parents.

## PRIOR TO AN INITIAL REFERRAL TO SPECIAL EDUCATION

***34 CFR § 300.226, Early intervening services; TAC §89.1011(a), Full and Individual Initial Evaluation; TEC § Sec. 29.08, Compensatory, Intensive, and Accelerated Instruction.***

“Prior to a referral [to special education], students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial, compensatory; response to evidence -based intervention; and other academic or behavior support services.” If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. This referral for a full individual and initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. Sheldon ISD utilizes the Student Support Team (RTI) to consider all early intervening services provided, all evidence-based reading or other programs used, and any support services available to all students prior to referral for special education evaluation. The RTI Team documents interventions prior to the referral for special education evaluation.

### General Education Responsibilities

Sheldon ISD utilizes a Multi-Disciplinary Team Meeting approach (MDT) process. MDT encompasses support for the whole child, and considers academics, behavior, and social/emotional support. Sheldon ISD has created procedures and systems referred to Responsive Instruction, to encompass the Multi-Tiered System of Support (MTSS). When a student is having difficulty, this process is implemented to address the student's specific needs. The needs include academic, behavioral, emotional, speech, or social difficulties.

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## **Membership of the Response to Intervention (RtI) Team**

The campus administrator determines membership based on district guidelines. It is appropriate that special education personnel participate in the RTI process but should not be assigned primary responsibility for the RtI team process (i.e., RTI Chairperson).

## **Process for Students Exhibiting Visual and/or Auditory problems**

On occasion, the RtI Team may consult with an evaluation staff member (SLP/Diag/LSSP) for a student not identified as receiving special education services who is exhibiting visual or auditory deficits. If there is a suspected visual and/or Deaf/Hard of Hearing (D/HH) include in the referral packet any outside physician reports related to hearing and vision such as the audiological, otolaryngology, or Texas eye report.

## **Process for Students who are Exhibiting Behavior Problems**

Sheldon ISD has a variety of interventions for students not identified as receiving special education services who are exhibiting behavior problems. Campuses should consult the campus administrator for assistance with the RtI process. The districtwide behavior specialist may also be consulted as part of the Tier 3 intervention process.

## **Response to Intervention (RtI) or Multi- Disciplinary Team (MDT)**

An RTI or MDT process cannot be used to delay or deny the full and individual evaluation of a child suspected of having a disability under 34 CFR §300.8, whether the disability is suspected by school personnel or the child's parent. Nothing in Texas Education Code section 89.1011 prohibits school personnel or the child's parent from referring to a child suspected of having a disability for an initial evaluation prior to completion of the RTI or MDT process.

Additionally, whether or not the local educational agency (LEA) is implementing an RTI or MDT process, if a parent requests such an evaluation and the LEA does not suspect the child has a disability and therefore believes that an evaluation is not necessary, it must provide the parent with prior written notice under 34 CFR § 300.503 that it is refusing the parent's proposal of a full and individual evaluation. Under 34 CFR § 503(b), the written notice must include, among other things, an explanation of why the LEA refuses to conduct an initial evaluation and the information used as the basis to make that decision.



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The implementation of a RTI or MTSS process is not a reason to fail to respond to a parent's request for an initial evaluation. The LEA must either: (1) provide notice consistent with 34 CFR §§ 300.503-.504 and obtain informed, written consent consistent with 34 CFR § 300.9 before conducting the evaluation pursuant to 34 CFR § 300(a)(1); or (2) provide notice under 34 CFR § 300.504 that the LEA is refusing to conduct the evaluation. It would be inconsistent with the evaluation provisions for an LEA to wait until the completion of RTI or MTSS interventions before responding to the parent's request for an initial evaluation in one of those two ways.

## **Request for an Initial Evaluation Timeline**

If a parent/guardian makes a written request to a local educational agency's director of special education services or to a district administrative employee for an initial evaluation for special education services, the school must, not later than the 15th school day after the date the school receives the request, either give the parent : 1) prior written notice of its proposal to conduct an evaluation, a copy of the Notice of Procedural Safeguards, and the opportunity to give written consent for the evaluation; or 2) prior written notice of its refusal to evaluate your child and a copy of the Notice of Procedural Safeguards.

Please note that a request for a special education evaluation may be made verbally and does not need to be in writing. The District must still comply with all federal notice requirements and requirements for identifying, locating, and evaluating children who are suspected of being a child with a disability and in need of special education. *However, a verbal request does not require the district or charter school to respond within the 15-school-day timeline.*

## **LEGAL REFERENCE (Consent for Evaluation)**

### **34 Code of Federal Regulations § 300.300 Parental consent.**

#### **Parental consent for initial evaluation.**

*The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability must obtain informed consent from the parent of the child before conducting the evaluation.*

The Educational Diagnostician/LSSP, Counselor, Speech Pathologist, or other trained personnel will notify the parent of his/her rights by providing a copy of the TEA Document: *Explanation of Procedural Safeguards*, explaining designated sections and offering to answer any questions about it. The parent/guardian will also receive:

- The *Notice of Full and Individual Evaluation* (FIIE), an explanation of the notice including a description of the data used, the options considered, and the reasons rejected.
- A copy of the *Notice of Procedural Safeguards*.
- The *Parent's Guide to the Admission, Review, and Dismissal (ARD) Process*.
- *Receipt for Explanation of Procedural Safeguards of a Parent with a Child with Disabilities in School*, requiring a parent signature.
- *Consent for Full and Individual Evaluation* requiring a parent signature.

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SISD will make reasonable efforts to obtain informed consent. SISD will obtain informed consent from the parent before conducting an initial evaluation, which 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 for SISD to complete the initial evaluation.
- The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time; 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).

## When Consent is not Obtained, Despite Reasonable Efforts

If the child is a ward of the state and is not residing with child's Parent, SISD is not required to obtain informed consent from the parent if:

- Despite reasonable efforts to do so, SISD cannot discover the whereabouts of the parent of the child.
- The rights of the parents of the child have been terminated in accordance with state law; or
- If the parent has not attended the consent meeting, the parent will be provided the opportunity to sign consent for evaluation within 15 school days from the date of referral (at least three opportunities). These efforts may include phone calls, certified mail, and home visits. All attempts will be documented.

## Parent Refusal or Withdrawal of Consent

- If the parent refuses to provide consent for initial evaluation, the assessment professional should present the parent with the consent form giving the parent the opportunity to indicate on the form that they do not give consent for evaluation.
- If the parent withdraws consent in writing during the evaluation process, the assessment professional(s) discontinues assessment activities. However, 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).
- If the parent withdraws consent in writing after the evaluation is completed but before the written report or ARD is completed, the district MUST finish the report and schedule the ARD. The parents will have the opportunity to refuse services at the ARD meeting. If the parent refuses to attend the ARD, the district should still complete the process for the record, indicating parent refusal.
- A parent MAY NOT sign consent for partial assessment or limit the scope of the evaluation during the initial process (such as requesting speech only, no intellectual, etc.). The district has an obligation to perform a Full and Individual Evaluation investigating all the areas of suspected

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disability. If the parent disagrees with the scope of the evaluation, the parent may withdraw consent for evaluation.

## FULL AND INITIAL INDIVIDUAL EVALUATIONS

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Sheldon ISD's philosophy regarding full and individual evaluations is to ensure all students receive a comprehensive and integrated evaluation delineating the strengths and weaknesses of a student's profile. The analysis derived in these evaluations should inform instruction and ultimately determine whether the child is a child with a disability and specify the educational needs of a child.

### Procedures for Planning/Conducting a Full and Individual Evaluation (FIE):

Review all referral information/records

- Contact the parent/guardian to gather information regarding their main concern(s) regarding their child's academic, developmental, and functional performance, including any suspected disability to assist in planning the evaluation
- Gained informed consent from the parent
- Contact teacher(s) and inquire about concerns for the child to plan for the evaluation
- Observe the child in the classroom setting which may include a virtual classroom if the child is participating in synchronous instruction. (While not best practice during summer testing, the evaluator may use an observation during testing and/or a classroom observation from the referral packet. This procedure was utilized during the COVID 19 pandemic.)
- Use all data to determine what type of formal and informal assessments and other evaluation materials are required to appropriately evaluate the child

### Formatting Procedures for the FIE Template:

All areas of concern addressed in the referral must be noted on page one of the FIE under the subtitle "OTHER INFORMATION".

Throughout the body of the evaluation in the respective sections of the FIE, the areas of concern must be assessed through formal and/or informal data.

The conclusion of the FIE should clearly state and explain for each area/disability suspected if the student meets or does not meet special education eligibility.

The FIE must be completed within 45 instructional days, and within 30 calendar days for the initial ARD meeting. If the completion date of the FIE is not within the required initial evaluation timeline and the student is eligible for special education services, the initial ARD committee must discuss the need for compensatory services and document the decision within the deliberations of the ARD and schedule of services to include start and end date.

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## INITIAL REFERRAL

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### **34 CFR §300.301, Initial Evaluations; TEC §29.004 Full and Individual Initial Evaluation**

The initial evaluation and the resulting report must be completed no later than 45 school days from the day the school receives written consent. Additional information and special circumstances appear below:

- For purposes of these timelines, “School Day” does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term. The commissioner by rule may determine days during which year-round schools are recessed that are not considered school days for purposes of these timelines.
- If a student is absent from school during that 45 School-Day period for three or more days, that period must be extended by the number of School Days equal to the number of School Days during that period that the student was absent.
- For students under five years of age by September 1 of the school year who are not enrolled in public school and for students enrolled in a private or homeschool setting, the student’s initial special education evaluation must be completed no later than the 45th School Day following the date on which the school district receives written consent for the evaluation, signed by a student’s parent or legal guardian.
- If a school district receives written consent signed by a student’s parent or legal guardian for a full individual and initial evaluation of a student at least 35 but fewer than 45 School Days before the last instructional day of the school year, the evaluation must be completed, and the written report of the evaluation must be provided to the parent or legal guardian no later than June 30 of that year. The student’s admission, review, and dismissal committee shall meet no later than the 15th School Day of the following school year to consider the evaluation.
- If a school district receives written consent signed by a student’s parent or legal guardian less than 35 School Days before the last instructional day of the school year or if the district receives the written consent at least 35 but fewer than 45 School Days before the last instructional day of the school year but the student is absent from school during that period for three or more days, a written report of a full individual and initial evaluation shall be completed no later than the 45th school day following the date on which the school district receives written consent for the evaluation, signed by the student’s parent or legal guardian, except that the timeframe can be extended by the number of school days equal to the number of school days during that period that the student was absent.
- *Please note that a request for a special education evaluation may be made verbally and does not need to be in writing. Districts and charter schools must still comply with all federal prior written notice and procedural safeguard requirements and the requirements for identifying, locating, and evaluating children who are suspected of being a child with a disability and in need of special education. However, a verbal request does not require the district or charter school to respond within the 15-school-day timeline.*

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## **Procedures for Referring a Student Not Yet Identified as Receiving Special Education Services for a Full Individual and Initial Evaluation (FIIE)**

1. Upon the referral/request for evaluation by the Rtl committee, 504 committee, or parent/guardian, the appropriate general ed staff member will complete the Initial Referral packet.
2. The appropriate general ed staff member will gather the Vision/Hearing Screening, Home Language Survey, and any other supporting/relevant documents that are required and appropriate for the completion of the Full and Individual Evaluation.
3. The completed referral packet will be presented to the Initial Referral Committee every Wednesday by appointment. A decision will be determined by the committee whether the district will evaluate or refuse the evaluation request. The Coordinator for Evaluation will assign the folder to the initial evaluation team for completion.
4. The campus diagnostician will have two weeks, from the date of assignment, to obtain informed consent from the parent/guardian and notify all known applicable assessment professionals. The campus diagnostician will upload the signed consent form into Frontline.
5. Once an initial FIIE has been completed in its entirety in Frontline, the evaluator will notify the campus team, the SPED program specialist, and assessment coordinator to update the database indicating the FIIE is ready for review.
6. It is the initial team evaluator's responsibility to review the FIIE with the parent prior to the ARD. If the parent is unavailable to review the FIIE prior to the ARD, the Initial Evaluator must notify the campus and complete review of assessment via telephone.

\*If the evaluation renders an eligibility of AU, ED, or OHI for ADHD, the LSSP must attend the school staffing. It is the responsibility of the LSSP to collaborate with the special education case manager on developing the draft AU supplement, Behavior Intervention Plan, and Behavior/Social goals and objectives for the ARD.

\*\* If additional forms need to be generated or faxed, such as a physician form or consent to release information, the evaluator conducting the evaluation will complete this task.

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## RE-EVALUATION

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*34 CFR §300.301-300.306, 300.122; TAC § 89.1040, Eligibility Criteria.*

### Overall Principles

Every evaluation after the initial evaluation is considered a re-evaluation.

Note: If the student transfers from outside the state of Texas, and there is a need to conduct an Evaluation because the out of state evaluation is not appropriate and/or the eligibility condition does not match TEA's eligibility condition, then the new evaluation is considered an Initial Evaluation and must follow the 45-school day initial timeline.

### Procedures for Re-Evaluation When No New Eligibility is Suspected

1. As part of the planning process for a re-evaluation, a REED meeting (review of existing evaluation data meeting) must be held to identify the appropriate areas of the re-evaluation.
2. The campus-based evaluator is responsible for the REED meeting (Diagnostician, LSSP, or SLP). The REED meeting can be held in a variety of different ways including face- to- face, phone call, or email. This meeting is not an ARD meeting unless requested by the parent. This meeting must include input from the campus diagnosticians, teachers, parents, and other staff members as appropriate.
3. The REED Meeting should be held no earlier than 60-75 days prior to the three-year re-evaluation due date.
4. If any formal testing is deemed necessary based on the REED documents, parental consent will be obtained and all components of the FIE template will be completed formally and/or informally. A FIE will be completed, compiling current and previous evaluation data into one comprehensive report.
5. The date of the report is the date it is completed. The eligibility report (if applicable) should have the same date. This date becomes the new FIE date.

### Procedures for Campus Re-Evaluations

(Campus diagnostician is not initially suspecting a different eligibility condition)

1. If while completing a re-evaluation at the campus level, the data indicates the need to evaluate a different eligibility condition (e.g., LD to ID; LD to OHI for ADHD, etc.), the campus diagnostician will evaluate for the suspected area of disability.
2. Once the FIE has been completed in its entirety in Frontline, the evaluator will notify the campus program specialist to schedule a review ARD.

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## **Procedures for Re-Evaluation for SI only when a second eligibility is suspected (this includes when Dyslexia is the second suspected condition)**

(Ex: student who is SI only and there is suspicion of a second eligibility)

1. The SLP, as the case manager, will collect all the necessary documentation needed from the Referral for FIE form (This is the same form used during the RtI team referral process) and complete the REED meeting to determine needed evaluations. The SLP will consult with the campus diagnostician.
2. The SLP will obtain informed consent from the parent.
3. After consent is obtained for an FIE, the SLP will upload any signed documents by the parent including consent to Frontline. Please note that if Dyslexia is suspected the Diagnostician will conduct the evaluation. The Dyslexia Specialist may be consulted but does not conduct the Dyslexia evaluation as the Re-Evaluation will include the appropriate tests to determine if the student has Dyslexia.
4. Once consent is obtained, the campus evaluation staff will conduct the evaluation.
5. Once the evaluation is completed, the campus diagnostician will staff with the parent and campus and contact the program specialist to schedule the ARD.
6. It is the evaluator's responsibility to review the FIE with the parent prior to the ARD.

## **Procedures for Re-Evaluation when multiple changes in eligibility are suspected**

(Ex: student who has had multiple changes in eligibility categories)

1. The campus diagnostician will collect all the necessary documentation needed from the Referral for FIE form (This is the same form used during the RTI team referral process) and REED documentation.
2. The campus diagnostician will obtain consent from the parent and upload all signed documents by the parent into Frontline.
3. Once the evaluation is completed, the campus diagnostician will staff with the parent and campus and contact the program specialist to schedule the ARD.
4. It is the evaluator's responsibility to review the FIE with the parent prior to the ARD.

## **Procedures for Re-Evaluation when the Special Education Student is a Transfer from another district**

*NOTE: An evaluation from another school district within the state of Texas is acceptable if the evaluation is current and appropriate. If the current evaluation is not accepted by SISD and a re-evaluation is needed, SISD has 30 school days from the date of verification to complete the re-evaluation and conduct the annual ARD 89.1050 (i)(1).*

1. Within the first five days of enrollment, a Transfer agreement must be completed by the campus program specialist for all students receiving special education services.
2. The campus program specialist will make their best attempt to obtain the student's FIE and most current ARD from the prior district. If the evaluation is not received at the campus no later than five calendar days from the date of enrollment, the campus program specialist will notify the campus evaluator. The campus evaluator will initiate the process for the Re-evaluation to be conducted by the campus staff and the lead evaluator will obtain consent for the FIE.

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- Please note all related service evaluations are required for related services to be implemented. If we are missing the related service evaluation the campus program specialist will notify the appropriate related service evaluator.
3. The campus evaluator will upload the necessary signed documents by the parents into Frontline and begin the re-evaluation.
  4. Upon completion of the evaluation, if the eligibility did not change, the campus evaluator can upload the FIE once it is complete and then staff and complete the annual ARD.
  5. Once the evaluation is archived, the campus evaluator will staff with the parent. Then notify the campus Program Specialist. The Program Specialist will schedule a staffing and ARD meeting. It is the evaluator's responsibility to review the FIE with the parent prior to the ARD.

*\* If for some reason the evaluation from the previous district is received after ten days, and the evaluation is current, the Campus Evaluator in collaboration with the appropriate Assessment Personnel can choose to accept that evaluation and not continue the additional evaluation.*

*\*\*If while completing the transfer agreement, the campus does have the evaluation from the student's previous district, but it does not meet district standards, then the Campus Evaluator will obtain consent and conduct the evaluation. \*\**

### **Procedures for Re-Evaluation when the Special Education Student is a Transfer from another State**

(Ex: student who enrolls in SISD from out of state without an FIE, or an FIE with an eligibility that is not TEA recognized or does not match a TEA eligibility area)

*NOTE: An evaluation from out of state is acceptable if the evaluation is current and meets all TEA disability condition requirements. If the current evaluation is not accepted by SISD and a re-evaluation is needed, SISD has 45 school days from the date of verification to complete the re-evaluation and 30 school days from the date of the report to conduct the annual ARD.*

1. The campus program specialist will make their best attempt to obtain the student's FIE and most current ARD from the prior district. If the evaluation is not received at the campus no later than ten calendar days from the date of enrollment, the campus program specialist will notify the campus diagnostician. The campus diagnostician will initiate the process for the Re-evaluation to be conducted by the campus staff and the lead evaluator will obtain consent for the FIE.
  - Please note all related service evaluations are required for related services to be implemented. If we are missing the related service evaluation the campus program specialist will notify the appropriate related service evaluator.
2. The Lead Evaluator will upload the necessary signed documents by the parents into Frontline and begin the re-evaluation.
3. Upon completion of the evaluation, if the eligibility did not change, the Lead Evaluator can archive the FIE once it is complete and then staff and complete the annual ARD.

Once the evaluation is archived, the campus diagnostician will staff with the parent. Then notify the campus Program Specialist. The Program Specialist will schedule a staffing and ARD meeting. It is the evaluator's responsibility to review the FIE with the parent prior to the ARD.

*\*If the evaluation renders an eligibility of AU, ED, or OHI for ADHD, the LSSP must attend the school staffing. It is the responsibility of the LSSP to complete the draft AU supplement, Behavior*



# I – Referrals & Evaluations

*Intervention Plan, and Behavior/Social goals and objectives for the ARD if these are recommended.*

*\*\* If for some reason the evaluation from the previous district is received after ten days and the evaluation is current and meets TEA guidelines, the campus diagnostician can choose to accept that evaluation and not continue the additional evaluation.*

## **Re-Evaluation Utilizing the REED Process (continuing eligibility)**

If a student has had two consistent evaluations and at the REED meeting, the parent and school staff agree no new formal testing is warranted, the REED can serve as the re-evaluation. In this scenario, consent does not need to be obtained.

In addition to two consecutive evaluations with no eligibility changes, the following must be considered:

1. The parents and school staff must agree no new evaluation is needed for programming, eligibility, or dismissal. If any concerns are identified beyond the current eligibility or that warranted additional information for programming, conduct formal testing, a REED should not be used.
2. Students must be progressing on state assessment, IEP Goals & Objectives (academic and behavior).
3. If the REED is utilized, the REED is completed within the ARD document and must be completed prior to the student's 3 Year Re-evaluation date.

## **Assistive Technology**

**34 CFR §§ 300.5, 300.6, 300.105(a), 300.324(a)(2)(v)**

The IDEA defines "assistive technology device" as "any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability." The term does not include a medical device that is surgically implanted or the replacement of such a device.

"Assistive technology service" means "any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device."

The ARD Committee must "consider whether the child needs [AT] devices and services" as part of the program development process. The IDEA requires each public agency to ensure that AT devices and services are made available to each child with a disability if required as part of the child's special education, related services, or supplementary aids and services.

*Although the need for Assistive Technology (AT) must be considered for every student within the Full Individual Evaluation and during every ARD/IEP meeting, this does not mean that the Assistive Technology Team needs to be involved in a formal evaluation for every student in Special Education.*

Sheldon ISD has categorized Assistive Technology into three levels: Level One – No Tech/Low Tech;

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Level Two – Mid Tech; and, Level Three – High Tech.

Decisions regarding the need for assistive technology devices and services are made based on a student's ability to access the curriculum and/or the student's IEP goals and objectives. The ARD committee determines the student's curriculum tasks and then considers whether assistive technology devices and/or services are *required* for the student to accomplish those tasks.

## **Level One – No Tech/Low Tech Recommendations**

The FIE may recommend low-tech assistive technology. In addition, ARD Committee members may recommend Low Tech AT. Recommendations at this level may include equipment and/or services that are basic in nature, require very little training in terms of use, and are inexpensive and readily available, or easily accessible within the classroom and school environment. This Low-Tech devices/equipment should be coded as "Assistive Technology" in the PLAAFP section of the Frontline System and should be documented within the AT Supplement, accommodations, goals and objectives, and/or supplementary aids and services in the ARD document. All documentation, justification, and implementation are provided on a campus level and little or no training/support is required from the Assistive Technology staff. Examples of Low-Tech strategies/devices include: visual schedules, picture communication systems, manual communication boards, single message voice output devices (such as a Big Mack), sequenced messaging devices (such as a Step-by-Step), use of classroom computer, accessibility features built into the Windows operating system on campus computers, and spell checkers.

## **Level Two - Mid Tech Recommendations**

Mid Tech recommendations are generally considered by campus specialists such as Speech/Language Pathologists, Occupational Therapists, Physical Therapists, Vision Specialists, Campus Based Evaluation teams, and classroom teachers in collaboration with the Program Specialist for Assistive Technology. These specialized AT recommendations can be included within the FIE. Based on a student's PLAAFP and curricular expectations, campus specialists identify the needs of the student and consult with members of the Assistive Technology team for assistance when making recommendations. In addition, the Mid Tech AT must be documented appropriately in the ARD paperwork if the AT is required for a FAPE. The Mid Tech recommendation is coded as "Assistive Technology" in the PLAAFP section of the Frontline System and should be documented within the AT Supplement, accommodations, goals, and objectives, and/or supplementary aids and services in the ARD document. AT is documented and maintained on a campus level as it relates to that area of service. The Mid-Tech level Assistive Technology equipment/materials may require more maintenance, more training, and may have more technical or electronic components/features than Low Tech. Mid- Tech level devices/equipment may require a trial period of use and recommendations are based upon this trial. Devices/equipment may be available from the AT specialist. If the equipment is not currently available in the district, it may need to be ordered. When the ARD Committee has determined that mid-level Assistive Technology is necessary for student use, a member of the campus will notify the Program Specialist for Assistive Technology. Equipment will be checked out or ordered in the student's name. Examples of Mid Tech devices include: a portable word processor (such as an AlphaSmart), static display voice output communication device (such as a Go Talk 20+™), and word prediction software (such as Co-Writer™)

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## Level Three – High Tech Recommendations

Recommendations for High Tech equipment must be addressed within the Full Individual Evaluation. These recommendations should be supported by campus data collected based upon trials, interventions, and previous strategies documented and considered. However, there are no prerequisites for the consideration or provision of assistive technology. The FIE requires the collaboration of a multidisciplinary team which consists of the Assistive Technology Specialist, teachers, campus staff, parents/caretakers, campus based SLP, Related Service specialists, and other people/specialists that work with this student as deemed necessary. A member of the AT team must be involved in the evaluation process if High Tech AT is being considered. The items considered “High Tech” are often expensive for purchase, not readily accessible, highly technical, and require specialized training and knowledge of the equipment/devices. Assistive Technology at this level is provided, documented, and tracked by the Assistive Technology Specialist. Examples of High-Tech devices include dynamic display voice output devices (such as the Accent 1000) laptop computers with specialized software programs, Eye gaze communication systems, and portable tablets (such as an iPad).

## Evaluation Process for Level Three Assistive Technology Equipment/Devices

1. If the team has determined that low- tech and mid-tech options are not appropriate, the Assistive Technology Specialist must be contacted to (a) become a member of the Full Individual team or (b) if AT is the only evaluation being conducted, then the AT evaluation will be a standalone AT evaluation.
2. The following forms need to be completed and sent to the Assistive Technology Specialist.  
All required forms are included in the appendix.
  - a. Teacher Information
  - b. Parent Consent uploaded into NextGen SPM (if the AT evaluation is a standalone evaluation)
  - c. Parent Questionnaire
3. Based on the information received, additional forms will be sent to key campus-based staff members.

**\*\*Note – Do not document Assistive Technology by brand or specific product name. Instead, give a general description of equipment/material type. For questions about how to document equipment in the ARD, contact the Speech and Related Services Coordinator.**

<b>Do Not List Product/Brand Name of AT tools such as:</b>	<b>Do List the Generic Description of AT tools such as:</b>
AlphaSmart™, NEO™, DANA™, Fusion™	Portable word processor
Intellikeys™	Alternate Keyboard

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PECS™ (Picture Exchange Communication System)	Picture Symbol/Icon Exchange System for Communication, Manual Communication Board with _____ locations
Big Mack™, iTalk2™, SuperTalker™ (1-8 locations), Communication Builder™ (1-16 locations), Go Talk 4+™, Go Talk 9+™, Go Talk 20+™, Go Talk 32+™	Static Display Voice Output Communication Aid with _____ locations.
SpringBoard™, Vantage Lite™, Dynavox V-Max™, Accent 1000, iPad with LAMP Words for Life, iPad with Touch Chat HD	Dynamic Display Voice Output Communication Aid with _____ locations.

### ***Deaf or Hard of Hearing***

***34 CFR §300.8(c)(3), 34 CFR §300.8(c)(5)***

#### **Initial Referrals**

When a student has a hearing loss, the student is referred for an initial evaluation for special education; there are several evaluation components that must be addressed.

#### **Otological (Otolaryngology) (Part A) Evaluation**

The otological assessment must indicate a serious hearing loss even after corrective medical treatment or use of amplification. The report must be signed by an Otolaryngologist (ENT doctor) or a licensed medical doctor with documentation that an Otolaryngologist is not reasonably available. The diagnostician will send the otological report form to the Otolaryngologist. The diagnostician should follow up with frequent calls to ensure that the completed form, including date and doctor's signature, is returned in a timely manner.

#### **Audiological (Part B) Evaluation**

The audiological assessment describes the type of hearing loss, with and without amplification, as well as the implications of the hearing loss for the student's hearing in a variety of circumstances. A licensed Audiologist must sign the report. The campus diagnostician will send the audiological report form to the Audiologist. The campus-based evaluator should follow up with frequent calls to ensure that the completed form, including date and Audiologist's signature, is returned in a timely manner.

The evaluation data must include a description of the implications of the hearing loss for the student's hearing in a variety of circumstances with or without recommended amplification.

#### **Use of Sheldon ISD Medical Consultants for Otolaryngologist or Audiologists**

If the parent is unable to financially access an Audiologist or Otolaryngologist, Sheldon ISD is required to contract with an outside vendor for this portion of the evaluation and the evaluation will be completed at no cost to the parent. If the contracted Audiologist or Otolaryngologist is required, the campus diagnostician must email or call in the request to the Coordinator of Evaluation. The following

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information must be submitted: Student Name, DOB, Parent Name, Campus, Type of Evaluation needed (Audiological and/or Otological). The coordinator will contact the campus diagnostician when the contract is executed and the parent may be notified to schedule the appointment.

## Use of RDSPD Audiologist and RDSPD Medical Consultant for Otolaryngologist Evaluation

If a Deaf or Hard of Hearing student (D/HH) student receives direct RDSPD services (itinerant or site based) and the parent is unable to financially access an Audiologist or Otolaryngologist, Humble ISD SSA (Shared Service Agreement) will conduct the audiological portion of the evaluation utilizing the RDSPD Audiologist. The RDSPD is required to contract with an outside vendor for the portion of the otological evaluation and the evaluation will be completed at no cost to the parent.

## Transportation to the Audiologist or Otolaryngologist

If a contracted vendor is utilized as part of the Full Individual Evaluation process and the parent is not able to access transportation to the vendor's office, the Coordinator for Evaluation will schedule transportation for the family. Transportation Services must be notified to assist the parent with transportation arrangements at no cost to the parent.

## Communication Language (Part C) Evaluation

TEC §30.083(a)(6)

This portion of the evaluation describes the language and communication ability and the method of communication that will meet the individual needs of the student. The student’s ability to communicate through a variety of modes of communication such as listening (aural), speech (oral), sign language, speech reading, and fingerspelling are addressed. Each area in the Skill Levels of Specific Communication Competencies should be addressed. If the area is not applicable, it should be noted as “not applicable due to ...”. Information for the Speech, Audition, Oral Language, Written Language, and Functional Communication Ability areas should be obtained from the Full Individual Evaluation, including standardized and functional assessment, and classroom teacher and parent input. If NO areas of weakness are noted, this may result in no educational need for the eligibility of D/HH or for direct D/HH services. This evaluation is completed by the speech-language pathologist with assistance from the deaf educator, upon request. The Disability Report-Auditory Impairment (DHH) (Part C)-Communication Assessment is located in the Frontline, however can be embedded as part of the report in the evaluation in the communication section of the FIE. All components of the communication assessments must be addressed in the report.

Evaluation	Evaluation Specialist	Person Responsible	Report Form
Full Individual Evaluation	Diagnostician/ LSSP	Diagnostician/ LSSP	Full Individual Evaluation
Otological	ENT or Otolaryngologist	Diagnostician/ LSSP	D/HH Part A
Audiological	Audiologist	Diagnostician/ LSSP	D/HH Part B
Communication	SLP & Deaf Educator	SLP	D/HH Part C (full

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			Individual Evaluation)
Speech-Language	Speech-Language Pathologist	SLP	Full Individual Evaluation

### Humble ISD SSA (RDSPD) Referral For D/HH

If an evaluation is being completed and eligibility of Deaf or Hard of Hearing (D/HH) is being considered, the initial evaluation team should contact the RDSPD office to have an RDSPD representative assigned to participate with the evaluation team. The RDSPD representative will collaborate and support the evaluation team to review all student information, complete observations, and functional assessments related to hearing loss, and provide a written summary to the evaluation specialist to be included in the FIE. If the eligibility of D/HH is recommended, an RDSPD representative must be present at ARD meetings.

If an evaluation is completed and an RDSPD representative was not included in the evaluation process, contact the RDSPD Coordinator and Coordinator for Evaluation to determine if additional information is needed.

### Re-Evaluation Recommendations for D/HH

As part of the planning process for a re-evaluation for a student who is D/HH, a REED meeting (Review of Existing Evaluation Data) must be held to determine the scope of the re-evaluation. The teacher of the deaf/hard of hearing assigned to work with or monitor the student should be included. The following guidelines should be referenced during the REED meeting:

- Young children through 8<sup>th</sup> grade—for each re-evaluation a complete audiological, otological, and communication assessment (Part A, B, and C) should be strongly considered. An aided audiogram provides valuable information as to how a student accesses information in the classroom. Otological (part A) re-evaluation may not be recommended if the evaluations show no evidence of medical changes.
- High School student re-evaluation—if hearing has remained consistent and there are no significant academic changes, the audiological, otological, and communication assessment (part A, B and C) are not required. Communication Assessment (part C) may be recommended if there have been changes to or questions concerning the student's mode of communication. The parents may have updated audiological information from routine visits for hearing aid or cochlear implant maintenance that can be shared with the assessment team upon request. If updated audiological information is not received, it is recommended.
- Change in services- if service providers feel a service is no longer needed, a REED meeting should be held to discuss which portions of the evaluation may be needed to discontinue the service.
- Suspected change in hearing ability- if a service provider or teacher suspects a change in the student's hearing ability or speech production, a conference/ REED meeting should be held to determine if new evaluation/services are needed. A parent conversation may reveal new information from the student's private audiologist that may also provide helpful information

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for service providers.

## **Procedures to follow if a student refuses to wear amplification/listening device or the student is not wearing a listening device.**

If a student refuses to wear his/her amplification/listening device, talk to the student and contact the parent to discuss the issue. If a resolution is not found, an ARD should be held, including the parent, to discuss the issue, develop interventions and support to make sure the aids/listening devices are being used.

- If behavior is causing the student to not wear the amplification/listening device, the LSSP should be consulted and a Functional Behavior Assessment (FBA) and Behavior goals and objectives and a Behavior Intervention Plan (BIP) may be warranted.
- If the student is not wearing the hearing aids/listening device for other reasons such as a lost or broken device, talk to the student and contact the parent to discuss the issue. If a resolution is not found, an ARD should be held, including the parent, to discuss the issue, discuss supports that may be available to assist the parent with the broken device. The ARD should also consider alternatives for the student to have access to information, such as an assistive listening device with headphones, written or picture communication, etc.

If the student is not making adequate progress, document why the student is not making progress (e.g., student does not wear a listening device; therefore, is not hearing the sounds/oral directions correctly). The classroom teacher should keep a daily log documenting the use of amplification.

While personal care items such as hearing aids and cochlear implants or other listening devices are not provided by the district, the district can give recommendations for possible resources. Contact the campus nurse or campus social worker representative first. If additional support is needed, contact the Coordinator for Humble ISD RDSPD.

## **Assistive Listening Device (ALD)**

- An Assistive Listening Device (ALD) such as an FM unit may be recommended by an Audiologist. An ALD is equipment that increases the functionality of a hearing aid or cochlear implant by helping the student separate the teacher's voice from background noise. When the school district provides an ALD, it should be documented on the Assistive Technology page of the student's ARD paperwork and daily documentation kept by the student's teacher, if a student identified as receiving special education services is **not** receiving direct weekly services from a RDSPD Teacher, contact the Speech and Related Services Coordinator for Assistive Technology to assist with determining the need for an ALD.
- If a student identified as receiving special education services **does** receive direct, weekly RDSPD services, contact the RDSPD Teacher for the provision of an ALD.
- If the student is not identified with a Special Education eligibility and receives 504 services due to hearing loss, and an ALD has been recommended, the ALD is provided through the 504 committee.
- Assistive Technology Device (ATD) does not include a medical device that is surgically implanted, or the replacement of such a device.

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## Frequently Asked Questions

### Referrals

**1. *When should the district/ECL agency refer a student for consideration of the eligibility of Deaf or Hard of Hearing (D/HH)?***

When a certified audiologist has determined the student has a significant hearing loss.

**2. *What is the process for making a referral for the consideration of eligibility of Deaf or Hard of Hearing (D/HH) for school age students, 3-21-year-olds?***

- Once a certified audiologist has determined a student to have a significant hearing loss and the district determines a referral for special education services is needed, a Full Individual Evaluation should be requested by the district.
- The RDSPD representative will collaborate with the assessment team to review all student information, complete observations and functional assessment related to hearing loss, and provide a written summary to be included in the FIE.
- If the eligibility for D/HH is recommended, an RDSPD representative must be present at ARD meetings.  
If an evaluation is completed and an RDSPD representative was not included in the evaluation process, contact the RDSPD Coordinator and Coordinator for Assessment to determine if additional information is needed.

**3. *What is the process for making a referral for the consideration of parent-infant services from the RDSPD for a birth-2-year-old?***

- Once a certified audiologist has determined a child to have a hearing loss, the student is referred to an ECL agency, or referred to the RDSPD if already receiving ECL services. An otological evaluation should be obtained and information sent to the Special Education Department Clerk/Secretary (phone 281-727-2000).
- The RDSPD Parent Infant Advisor will send a “Referral for D/HH Services” form outlining any information that is needed.
- The Special Education Evaluation Coordinator or Parent Infant Advisor will review the data and an RDSPD teacher will complete a Communication Assessment if hearing loss is confirmed.
- If D/HH services are recommended, services must be added at an Individual Family Service Plan (IFSP) meeting with the RDSPD representative present, and the student must be registered in SISD or home district that the child resides in.



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**4. *When should the district NOT refer a student for consideration of the eligibility for D/HH?***

When a certified audiologist has determined the student has a significant hearing loss that is conductive in nature. If the loss is conductive, the student should be treated medically. Following medical treatment, the student should have a follow-up hearing test to document the current hearing status. The student's hearing may have returned to normal.

**5. *What if the conductive loss cannot be treated medically? Or will medical treatment be on-going or delayed indefinitely?***

A referral for evaluation or ECI services should be made for students who have a conductive loss that is untreatable medically or for whom such treatment will be delayed indefinitely.

**6. *Who should the district/ECI agency contact regarding the status of D/HH assessment?***

Special Education Clerk/secretary, at 281-727-2000. Parents should contact their neighborhood school/district or ECI agency.

**7. *When should a referral to Texas State School for the Deaf (TSD) in Austin be made?***

If the ARD/IEP committee determines the school district cannot provide a free and appropriate public education (FAPE) for the student in question. TSD is always an option for the parent to pursue. Parents should be informed at every annual ARD/IEP meeting that TSD is not being recommended by the district, but it is an option in the state of Texas for students who are deaf or hard of hearing and use ASL as their mode of communication.

## Assessment

**8. *What assessment is needed to determine the eligibility of Deaf and Hard of Hearing?***

- An otological evaluation to be completed by an Otolaryngologist (Ear, Nose, and Throat Physician). This assessment must be completed on the district form to make sure that all required information is provided.
- An audiological assessment (unaided and aided) to be completed by a certified Audiologist. (A hearing screening by a school nurse is inadequate.) This assessment is recommended to be completed on the district form to make sure that all required information is provided. Implications of hearing loss are required on the audiological evaluation.
- A speech and language assessment including a communication assessment to be completed by the Speech-Language Pathologist. A certified teacher of the deaf may assist with the communication assessment for school age students or assist in completing the communication assessment for birth to two-year-olds.

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- A Full Individual Evaluation, including cognitive, functional, and academic information to be completed by an Educational Diagnostician or LSSP. Data must be reviewed to determine if the student's educational performance is adversely affected by the loss of hearing.

**9. *What if the student is not currently being served by the Speech-Language Pathologist?***

The district Speech-Language Pathologist should still complete the speech and language assessment and communication assessment. The communication assessment may also be completed in conjunction with a certified teacher of the deaf. The receptive and expressive language and listening information is very important information to be included in the FIE.

**10. *Can a Diagnostician/LSSP or Speech-Language Pathologist test a student who is not wearing amplification?***

Yes, if the student has never worn amplification before or has not used amplification for a significant amount of time.

## Eligibility

**11. *What information is needed to determine the eligibility of Deaf and Hard of Hearing?***

- All items listed in #8 above.
- Grades and state or local assessment information.
- Previous ARD/IEP documentation, as appropriate to the situation.

**12. *Can a student be determined to meet the guidelines for the eligibility of a Deaf and Hard of Hearing (D/HH) and learning disabled (LD)?***

- No, if the learning disability is in language development. It is typically very difficult to determine that a language disorder is unrelated to hearing loss.
- Yes, if the learning disability can be shown to be unrelated to the hearing loss such as with a learning disability in math calculation but not math reasoning.

**13. *When should a student be determined to meet the guidelines for the eligibility of deaf blind (DB)?***

- If the student meets the guidelines for the eligibility criteria for Deaf and Hard of Hearing (D/HH) and visual impairment (VI);
- If the student meets the guidelines for the eligibility criteria visual impairment (VI) and has a suspected hearing loss that cannot be demonstrated conclusively, but a certified speech-language pathologist indicates there is no speech at an age when speech would normally be expected;

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- If the student has documented hearing and visual losses that, if considered individually, may not meet the requirements for D/HH or VI, but the combination of such losses adversely affects that student's educational performance; or
- If the student has a documented medical diagnosis of a progressive medical condition that will result in concomitant hearing and visual losses that without special education intervention will adversely affect the student's educational performance.

### ***14. When does a student meet the guidelines for the eligibility of Deaf and Hard of Hearing (D/HH)?***

- When the loss of hearing, whether permanent or fluctuating, is so severe that it adversely affects educational performance but is not included in the definition of deafness. This is the federal definition for "hearing impairment."
- When the loss of hearing is so severe that the student is impaired in processing linguistic information through hearing with or without amplification and the impairment adversely affects educational performance. This is the federal definition for "deafness."
- When the documented hearing loss creates an educational need for special education and related services.

### ***15. When does a student meet the guidelines for membership in the RDSPD?***

When a student who is eligible as D/HH has an educational need for services from a teacher of the deaf on a weekly (itinerant) or daily (site location) basis.

### ***16. Can a student be determined to meet the guidelines for the eligibility for Deaf and Hard of Hearing (D/HH) and not be a member of the RDSPD?***

Yes. In this case, the documented hearing loss creates an educational need for special education and related services and the needs of the student can be met by the local campus and district.

### ***17. Can a student have hearing loss or deafness and not be in special education?***

Yes. If there is no educational need for special education and/or related services, the student may not be referred to special education. If a student has been in special education and no longer exhibits an educational need for services, he/she can be dismissed from special education and/or the D/HH eligibility may be removed. The Full Individual Evaluation must support the removal of the D/HH eligibility. The student continues to have a hearing loss and may receive accommodations through 504 services.

### ***18. Can a student who is dismissed from special education still receive services through the Texas Offices of Deaf and Hard of Hearing Services upon graduation?***

Yes, if the requirement for their services are met.

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## ***Early Childhood Intervention (ECI)***

ECI is a coordinated system of services available in every county within Texas for children birth to age three with disabilities or delays. ECI is funded through the federal Individuals with Disabilities Education Act (IDEA, Part C), P.L. 105-17 and through state appropriations. ECI supports families to help children reach potential through developmental services. ECI contracts with local agencies and organizations through a funding application process.

The local ECI programs must identify, locate, and screen or evaluate all infants and toddlers, birth through two years of age, who have or are suspected of having developmental delays. ECI must notify the local educational agency (LEA), for the area in which the child resides, that the child will shortly reach the age of eligibility for preschool services for children with disabilities (which is three years old). By the child's second birthday, ECI programs must notify the appropriate LEA child find personnel of the child's birth date. The notification must be written and include the following information: child's name; parent(s) or guardian(s) name; address; telephone listing; and date of enrollment in ECI.

The child find system must include procedures for use by primary referral sources for referring a child to the appropriate ECI program for evaluation and re-evaluation. Once the local ECI program receives a referral, it shall appoint a service coordinator as soon as possible.

If a parent or other referral source contacts a Sheldon ISD campus or other staff member requesting services for a child under the age of three, the staff member should document contact and notify the Coordinator for Evaluation and The Coordinator of Speech & Related Services, located at the Ney Administration Building. Sheldon ISD has two working days to document and notify the local ECI Agency.

## ***Dyslexia (Updated due to TEA Corrective Action Plan Guidance)***

On January 11, 2018, the U.S. Department of Education Office of Special Education Programs (OSEP) released a final monitoring report in which it found that the Texas Education Agency (TEA) failed to comply with certain requirements in the Individuals with Disabilities Education Act (IDEA). OSEP specifically noted that some children in Texas who were suspected of having a disability and needing special education and related services under the IDEA were not referred for an evaluation under the IDEA. These students were instead evaluated and provided services under Section 504 of the Rehabilitation Act of 1973 (Section 504). Similarly, OSEP identified that some students receiving services under Section 504 who were suspected of needing special education services were either not referred for evaluation or not referred in a timely manner. These scenarios appeared to be particularly common when the suspected or identified disability was dyslexia or a related disorder

On June 6, 2018, the Texas Education Agency released a *To the Administrator Addressed* correspondence regarding the Provision of Services for Students with Dyslexia and Related Disorders. TEA's intent was to provide clarification regarding the provision of services for students with dyslexia and related disorders. TEA noted the importance of school districts recognizing that dyslexia and related disorders are considered specific learning disabilities under the IDEA and are included within the Child

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Find mandate. The guidance stated that school districts have an obligation to refer any student who is suspected of having a disability and needing special education services for an evaluation under the IDEA.

The State Board of Education (SBOE) on November 16, 2018, gave final approval to updates to *The Dyslexia Handbook—2018 Update: Procedures Concerning Dyslexia and Related Disorders* (Dyslexia Handbook). The updates address recent legislative changes and clarify processes regarding identification and services for students, including students with dysgraphia. *The Dyslexia Handbook (2018)* as approved by the State Board of Education <https://tea.texas.gov/academics/dyslexia/>

The handbook contains guidelines for school districts to follow as they identify and provide services for students with dyslexia. In addition, information regarding the state's dyslexia statutes and their relation to various federal laws is included.

Sheldon ISD has developed procedures to address the provision of services for students with dyslexia and related disorders which are indicated in the Procedures for Identification section below.

## Evaluation Procedures

In compliance with §504 and IDEA 2004, test instruments and other evaluation materials used in all SISD Dyslexia Evaluations will meet appropriate evaluation criteria. The SISD evaluation process under Special Education or 504 will follow TEA's guidelines and include specific data measuring academic skills and cognitive process typically associated with the presence of Dyslexia as referenced below:

## Academic Skills

SISD will administer measures that are related to the student's educational needs. Difficulties in the areas of letter knowledge, word decoding, and fluency (rate, accuracy, and prosody) may be evident depending upon the student's age and stage of reading development. In addition, many students with dyslexia may have difficulty with reading comprehension and written composition.

### Academic Skills to be tested:

- Letter knowledge (name and associated sound) as appropriate
- Reading words in isolation
- Decoding unfamiliar words accurately
- Reading fluency (both rate and accuracy are assessed)
- Reading comprehension
- Spelling

## Cognitive Processes

Difficulties in phonological and phonemic awareness are typically seen in students with dyslexia and impact a student's ability to learn letters and the sounds associated with letters, learn the alphabetic principle, decode words, and spell accurately. Rapid naming skills may or may not be weak, but if deficient, they are often associated with difficulties in automatically naming letters, reading words

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fluently, and reading connected text at an appropriate rate. Memory for letter patterns, letter sequences, and the letters in whole words (orthographic processing) may be selectively impaired or may coexist with phonological processing weaknesses. Finally, various language processes, such as morpheme and syntax awareness, memory and retrieval of verbal labels, and the ability to formulate ideas into grammatical sentences, may also be factors affecting reading.

## **Cognitive Processes to be tested:**

- Phonological / phonemic awareness
- Rapid naming of symbols or objects
- Orthography (if academic skills are indicative of potential orthographic difficulties)

## **Possible Additional Areas**

Based on the student's academic difficulties and characteristics and/or language acquisition, additional areas related to vocabulary, listening comprehension, oral language proficiency, written expression, and other cognitive abilities may need to be assessed to provide a more comprehensive evaluation.

## **Procedures for Identification of a Student suspected of having Dyslexia or Parent Request for Dyslexia**

Student not identified as receiving special education services and/or student receiving 504 services is referred for a Dyslexia evaluation

- School personnel will collect data, and the administrator will prepare the referral folder and notify the Special Education Clerk to schedule a Referral meeting.
- In the Referral Meeting, the Coordinator for Evaluation and Coordinator of Speech and Related Services will be present to review the file. Remember, the district only has 15 school days for the Informed Consent meeting with the parent, so there needs to be increased collaboration on the referral process. After the referral process, the Campus Diagnostician will schedule a meeting with the parent to obtain consent. The Educational Diagnostician will inform the parent that this revised procedure is in response to the TEA corrective action plan.
- If consent is for IDEA, then the Campus Diagnostician will notify the Special Education Clerk who updates the initial evaluation database.
- The Coordinator of Evaluation and Coordinator of Speech and Related Services will assign out the evaluation. The assignment will be documented on the Evaluation Request screen under the Notices application in Frontline.
- In the interim until the FIE is completed, additional data including the 504 plans (if applicable) regarding the student's response to the intervention(s) should be provided to the Evaluator.

## **Parent denies a Full Individual Evaluation under Special Education/IDEA**

- The Campus Diagnostician will schedule a consent meeting with the parent. The parent can indicate no on the consent and request a 504 dyslexia evaluation after refusing the IDEA assessment. The diagnostician will document parent refusal in the parent contact log,

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complete the Notice of Evaluation, complete the SISD Ready/Willing/Able letter, and Evaluation Consent form documenting the parent’s denial in allowing the school district to conduct the Initial Full Individual Evaluation under IDEA/Special Education.

- Documentation will then be given to the parent, uploaded in Frontline for documentation, and emailed to the Coordinator of Evaluation and the Records Clerk for documentation in the district database.
- The At-Risk Interventionist will notify through email the Director of Intervention that the parent has denied a Full and Individual Evaluation.

**Commented [1]:** The parent can request a 504 dyslexia evaluation if they refuse IDEA assessment.

**Commented [2R1]:** Please reread this paragraph and let me know if I captured your idea correctly.

## Frequently Asked Questions

### 1. *What if the parent refuses to attend the informed consent meeting under IDEA, how is that documented?*

The Educational Diagnostician will still update the contact log and send a certified letter home.

### 2. *Can a student receive intervention from the At-Risk Interventionist during the initial FIE process until it is completed?*

Yes, utilizing classroom data, the campus staff can provide an intervention to address phonics/reading. The data collection obtained from intervention will be beneficial not only to inform ongoing intervention, but the student’s response to the interventions also assist the evaluators during the FIE process.

### 3. *Can the At-Risk Interventionist assist in the FIE process?*

Yes, the At-Risk Interventionist can assist in the FIE process. The At-Risk Interventionist may be or previously have worked with the student and can provide data to inform the FIE (i.e., data points, work samples, observations)

### 4. *Is a screening for Dyslexia required before a referral for an FIE?*

Although TEA requires universal screenings for all students in grades K (end of year screener) and grade 1 (January) as part of the early identification process, an individual screening or consultation is not required prior to parent or staff member requesting an evaluation.

### 5. *Is it considered best practices with regard to the least restrictive environment to assess for speech first, come back and consider dyslexia testing, and then, if needed, come back and assess for a learning disability?*

No, the team must consider all of the data collected and look at the student’s current learning profile in order to determine the type of evaluation the student needs to assess all areas of concern.

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## **6. What additional evaluations must be administered for EL students?**

Oral language proficiency should be evaluated. If the student has received instruction in English and Spanish, then all testing needs to be completed in both languages.

## **7. If a student is speech impaired (or other disability categories other than LD) and Dyslexic, does the student need an IEP (goals/objectives for reading)?**

No. The ARD committee should document that the student has been identified with Dyslexia. Since there are instructional implications as well as accommodations on the state assessment program for students with dyslexia, the identification should be addressed in the ARD deliberations.

## **8. If a student is receiving special education services for a learning disability in reading and is also determined to have Dyslexia, does the student need an IEP (goals/objectives for reading)?**

Yes. The components of reading instruction required for students with dyslexia/LD in Reading must be addressed in the IEP (goals/objectives):

- Phonemic awareness instruction (detect, segment, blending, manipulating sounds)  
Graphophonemic knowledge (phonics) – words that carry meaning are made of sounds and the sounds are written with letters in the correct order
- Language structure instruction that encompasses morphology, semantics, syntax, and pragmatics
- Linguistic Instruction – proficient and fluency with patterns of language so words and sentences carry their meanings
- Strategy-Oriented Instruction – strategies for decoding, encoding, word recognition, fluency, and comprehension.

## **9. If a student qualifies for special education with a Specific Learning Disability with a condition of Dyslexia (reading disability) but the committee determines that the Dyslexia program in the general education setting is the best program for the student, who writes the goals and objectives?**

The special education teacher will complete the goals and objectives in Frontline with collaboration from the At-Risk Interventionist. The Special Education teacher will continue to consult with an At-Risk Interventionist to gather information to report progress on IEPs. The Special Education teacher is responsible for updating the student's IEPs.

## **10. Can a student receive direct services from dyslexia and special education?**



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Yes. The appropriate teachers including the At-Risk Interventionist for a student who is receiving reading instruction through both special education and general education dyslexia should coordinate the services offered to this student. This collaboration model should include all teachers, both general education and specialized teachers, who teach reading (including reading in the content area) to ensure generalization of the methodology identified as the reading intervention. The ARD committee will need to determine the most appropriate environment for the student to receive the instruction.

### **11. Who collects intervention data if the child is already identified as Special Education?**

If the student is already receiving special education services, the special education service provider will hold a staffing to develop a plan for interventions and an ARD should be held to discuss the student's lack of progress in the area of reading or writing and discuss a plan for interventions. *RTI data is not required prior to conducting a Re-evaluation.* The special education services provider is responsible for gathering the data on the student's response to interventions.

### **Limited English Proficient (LEP) – Culturally and Linguistically Diverse (CLD) Students for Specific Learning Disability, Intellectual Disability, and Other Health Impairment**

The following information is a guideline for evaluating CLD students for Specific Learning Disability and/or Intellectual Disability and/or Other Health Impairment Evaluation. Determination of the evaluation battery is to be done on an *individualized* basis.

#### **Goal of the Evaluation Process**

To determine the level of academic skills and eligibility for CLD students in order to show benefit from the educational process.

#### **Definitions**

1. Culturally and Linguistically Diverse Students: Students with language, cultural, and dialectal differences. Students who vary in languages and modality of communication (i.e. regional dialects, augmentative communication, language differences) and whose culture varies from the mainstream of the community.
2. Native language: The term "native language," when used with respect to an individual who is limited English proficient, means the language normally used by the individual or, in the case of a child, the language normally used by the parents of the child.
3. Specific Learning Disability: Is a disability that affects the child's ability to learn. Exposure to two languages is not the cause of the disability.

#### **Full Individual and Initial Evaluation**

The evaluation shall be conducted using procedures that are appropriate for the student's most

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proficient method of communication when possible.

## **Determination of Eligibility**

Additional Requirements (in Evaluation, Eligibility Determination section)

Evaluations and other evaluation materials used to assess a child under this section:

- (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
- (ii) Are provided and administered in the language and 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 provide or administer.

## **Special Rule for Eligibility Determination**

In making a determination of eligibility, a child shall not be determined to be a child with a disability if the determinant factor for such determination is Limited English proficiency:

- **Monolingual Language Learner:** A student who uses one language for communication purposes.
- **Simultaneous Bilingual Language Learner:** A student who uses two or more languages for functional purposes before the age of three.
- **Sequential Bilingual Language Learner:** A student who used one language for functional purposes before the age of three and after the age of three was introduced to a second language as a means of communication.

**Dynamic Evaluation:** Dynamic evaluation refers to a method involving a process of testing, teaching, and retesting a skill that was not demonstrated correctly in the evaluation process in order to measure the student's modifiability. If he/she learns the skill with minimal difficulty and minimal assistance from the teacher/clinician, a disorder in that particular area is questionable.

**Basic Interpersonal Communication Skills (BICS):** This is face-to-face communication in daily discourse situations such as the student's level of conversation skills. (Cummins, 1984) Cummins suggests that it may take one to two years for an individual to become proficient in a language at the BICS level.

**Cognitive/Academic Language Proficiency (CALP):** This is the language proficiency used in the development of literacy skills or language needed to perform in the academic areas within the classroom. (Cummins, 1984) Cummins suggests that it may take 5 to 7 years for an individual to become proficient in a language at the CALP level. Poor academic performance may reflect limited English proficiency rather than cognitive/ linguistic deficits.

## **Evaluation of Specific Learning Disability, Intellectual Disability, and Other Health Impairment**

A comprehensive history of response to intervention and the Profile of Language Dominance and

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Proficiency sheet should be completed on each child during the RTI process.

Monolingual Language Learners: Evaluation should be conducted in their home/native language if possible.

Simultaneous or Sequential Bilingual Language Learners will be tested first in English and then in their second language if possible as needed.

Generally, students in Spanish (bilingual) classes will need a Spanish evaluation if the majority of their instructional language is in Spanish. Students in English classes and identified as LEP will need to be evaluated in Spanish and English. Students in English classes and not identified as LEP, generally will need to be evaluated in English. If an EL student appears to be dominant in English and no longer proficient in Spanish, the evaluation staff may have an interpreter have a conversation with the student in Spanish. If the student does not appear to comprehend Spanish, testing in English may be warranted.

## Procedures for CLD Evaluations

Languages other than Spanish: Bilingual evaluations for languages other than Spanish are to be conducted with the assistance of an interpreter, if determined to be needed. To schedule the interpreter, call or email the appropriate person to secure the interpreter, with the date, time, campus, and language needed for the evaluation. Please allow a two-week notice prior to the date you wish to do the evaluation.

\*\*\* If a translator / interpreter is used for the administration of a test, remember the test is not normed in this fashion and may alter the validity of the results of the test administered --- use extreme caution when using interpreters. In addition, when using an interpreter, consideration should be made regarding the reporting of standard REEDs. \*\*\*

## Spanish Re-evaluation

The campus diagnostician facilitates the REED meeting. English testing that is needed should be completed by the campus diagnostician or LSSP. If Spanish testing is needed, contact the Assessment Coordinator and a bilingual evaluator will be assigned to the case. The bilingual evaluator's role will be to complete testing in areas that require Spanish and the bilingual evaluator will be responsible for writing up those respective sections. The campus diagnostician will write the majority of the report and the campus evaluation staff will work in collaboration with the bilingual evaluation staff to determine conclusions and recommendations.

The campus diagnostician is responsible for taking the lead on the collaborative FIE.

## Procedures for Evaluations Conducted Using Alternate Forms of Communication

Any accommodations that are used during the evaluation process should be reported in the Full

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Individual Evaluation (i.e. accepted signed responses, utilized an augmentative communication device to respond). Criterion referenced scores may be used.

## ***Limited English Proficient (LEP) – Culturally and Linguistically Diverse Students Speech Evaluation Process***

### **Goal of the Evaluation Process**

To determine the level of communication skills and eligibility for CLD students in order to show benefit from the educational process.

### **Definitions**

1. Culturally and Linguistically Diverse Students: Students with language, cultural, and dialectal differences. Students who vary in languages and modality of communication (i.e. regional dialects, augmentative communication, language differences) and whose culture varies from the mainstream of the community.
2. Native language: The term “native language,” when used with respect to an individual who is limited English proficient, means the language normally used by the individual or, in the case of a child, the language normally used by the parents of the child.
3. Definition of Speech/language Impairment: Speech or language impairment means a communication disorder, such as stuttering, impaired articulation, language impairment, or a voice impairment, that adversely affects the child’s educational performance.
4. Communication Disorders and Variations (American Speech-Language-Hearing Association, 1993): “A communication disorder is an impairment in the ability to receive, send, process, and comprehend concepts or verbal, nonverbal, and graphic symbol systems.” “Communication difference/dialect is a variation of a symbol system used by a group of individuals that reflects and is determined by shared regional, social, or cultural/ethnic factors. A regional, social, or cultural/ethnic variation of a symbol system should not be considered a disorder of speech or language.”
5. Language-Learning Disability: A language disorder is a disability that affects the child’s ability to learn any language. Exposure to two languages is not the cause of the disability. Bilingual children with language disorders will have difficulty learning English, Spanish, or any other language. Students should not be considered to have language learning disabilities if “problems” are observed only in the English language. If a student is truly language-disordered, problems in communication should be evident in BOTH ENGLISH AND THE PRIMARY LANGUAGE (Roseberry-McKibbin 1995).

### **Full Individual Initial Evaluation**

The evaluation shall be conducted using procedures that are appropriate for the student’s most proficient method of communication.

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## Determination of eligibility

(3) Additional Requirements (in Evaluation, Eligibility Determination section)

(A) Evaluations and other evaluation materials used to assess a child under this section—

- (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
- (ii) Are provided and administered in the language and 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 provide or administer.

(5) Special Rule for Eligibility Determination—In making a determination of eligibility under paragraph (4) (A), a child shall not be determined to be a child with a disability if the determinant factor for such determination is-- (C) Limited English proficiency

- **Monolingual Language Learner:** A student who uses one language for communication purposes.
- **Simultaneous Bilingual Language Learner:** A student who uses two or more languages for functional purposes before the age of three.
- **Sequential Bilingual Language Learner:** A student who used one language for functional purposes before the age of three and after the age of three was introduced to a second language as a means of communication.
- **Dynamic Evaluation:** Dynamic evaluation refers to a method involving a process of testing, teaching, and retesting a skill that was not demonstrated correctly in the evaluation process in order to measure the student's modifiability. If he/she learns the skill with minimal difficulty and minimal assistance from the teacher/clinician, a disorder in that particular area is questionable.
- **Basic Interpersonal Communication Skills (BICS):** This is face-to-face communication in daily discourse situations such as the student's level of conversation skills. (Cummins, 1984) Cummins suggests that it may take one to two years for an individual to become proficient in a language at the BICS level.
- **Cognitive/Academic Language Proficiency (CALP):** This is the language proficiency used in the development of literacy skills or language needed to perform in the academic areas within the classroom. (Cummins, 1984) Cummins suggests that it may take 5 to 7 years for an individual to become proficient in a language at the CALP level. Poor academic performance may reflect limited English proficiency rather than cognitive/ linguistic deficits.

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## Language of Evaluation

A comprehensive language history interview should be completed on each child during the Campus Intervention process. Analysis of the answers to the questions on the language history flow chart will determine if the child is a monolingual, simultaneous, or sequential language learner.

- Monolingual Language Learners: Evaluation should be conducted in their home/native language. No language proficiency testing is needed.
- Simultaneous Bilingual Language Learners should be tested in both languages learned before age three. Language proficiency testing should be completed in both languages.
- Sequential Bilingual Language Learners should be tested in the native (first learned) language. Language proficiency testing should be completed if significant changes in L1 have been noted and performance in L2 is not as expected.

As a general rule, students in Spanish (bilingual) classes will need a Spanish evaluation. Students in English classes and identified as LEP will need to be evaluated in Spanish and English. Students in English classes and not identified as LEP, generally will need to be evaluated in English.

If an EL student appears to be dominant in English and no longer proficient in Spanish, the SLP may have an interpreter have a conversation with the student in Spanish. If the student does not appear to comprehend Spanish, testing in English may be warranted.

## Procedures for CLD Evaluations

1. Languages other than Spanish: Bilingual evaluations for languages other than Spanish are to be conducted with the assistance of an interpreter. To schedule the interpreter, call or email the Coordinator for Evaluation with the date, time, campus, and language needed for the evaluation. Please allow a two-week notice prior to the date you wish to do the evaluation.
2. Spanish Evaluations (initial): The campus SLP will gather all of the RTI referral information, obtain consent, and complete a Ready for CLD Testing form. The campus SLP will include the Ready for CLD Testing form in the intervention/referral folder and send the referral folder with signed consent to the Coordinator for Evaluation. The folder will then be assigned to a district-wide evaluation specialist who will then send the Ready for CLD Testing form to the bilingual evaluation team.
3. Spanish Re-evaluation: Speech checklist, ROWPVT-4, EOWPVT-4, and classroom observation are completed by the campus SLP with the interpreter assigned to the campus. English testing that is needed should be completed by the campus SLP. The Ready for CLD Testing form should be completed and emailed to the bilingual evaluation team when consent is obtained. Spanish testing is to be completed by the bilingual SLP who is assigned to the evaluation. The campus SLP is responsible for completing the evaluation report.
4. Procedures for Evaluations Conducted using alternate Forms of Communication: Any accommodations that are used during the evaluation process should be reported in the Full Individual Evaluation (i.e. accepted signed responses, utilized an augmentative

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communication device to respond). Criterion referenced scores may be used.

**Guidelines for Evaluating CLD Students (Speech-Language Evaluation)**

Determination of the evaluation battery is to be done on an *individualized* basis. The following information is a guideline only.

The instruments listed in this section are not a comprehensive list of instruments on the market. These instruments are available in Sheldon ISD. When selecting evaluation instruments the student should be matched with the standardization sample based on sex, cultural factors, age, and linguistics.

**All Initial Evaluations**

- 1. Developmental history
- 2. Teacher checklist and/or questionnaire
- 3. Parent checklist and/or questionnaire
- 4. Pragmatic checklist
- 5. Oral Peripheral examination
- 6. Dynamic evaluation (see definition section)
- 7. Language sample

Monolingual Students	Use evaluation instruments in the student’s native language. (i.e. if the child speaks only English, use English tests. If the child speaks only Spanish, test in Spanish.)
ECSE Age	(Simultaneous language learner) Test in both languages. (L1 and English)
ECSE Age	(Sequential language learner) Test in native language. Test in L2 as a supplement. Language Proficiency testing is recommended.

**For Spanish speaking students, the following instruments are available.**

*Language*

- EOWPVT- 4 Bilingual edition;2;0 to 70+
- ROWPVT- 4 Bilingual edition; 2;0 to 70+
- PLS5 Spanish Birth; Birth–7:11
- CASL-2 or CELF-4 Spanish, CELF-5 English are recommended for English language testing when testing in English and Spanish.

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## *Articulation*

- PLS5 Articulation Screener
- Arizona Articulation Test IV (use Fort Bend adaptation scoring form) 1.5-18
- SAM (Spanish Articulation Measure) 3 and up; Informal Data Gathering
- *Contextual Probes of Articulation Competence-Spanish* (CPAC-S) ; 3.0 and up
- Goldman Fristoe Test of Articulation; 2 - 21.11

\*School Age: (Sequential language learner)

Test in native language. Test in L2 (second language) as a supplement. Establish eligibility based on native language or by analyzing characteristics common to both languages.

- Portfolio evaluation
- LPAC scores

## **Guidelines for Determining Eligibility**

### **Language**

1. Sequential language learners—eligibility should be determined based on the language skills in the native language. Communication deficits in L2 must also be present in L1.
2. Simultaneous language learners—eligibility should be determined based on the development of the languages learned before the age of three. Eligibility is not determined based on the student's language proficiency level. The student's communication competence should be derived through careful analysis of the case history and evaluation data.

### **Articulation**

1. Sequential language learners—eligibility should be determined based on the articulation skills in the native language. (Not based on their English sound production). If articulation errors in the primary language do not exist, articulation impairment does not exist.
2. Simultaneous language learners—eligibility should be determined based on the sound development of the languages functionally used before age three.

### **Stuttering**

1. Sequential language learners—determination of a stuttering disorder is based on the evaluation results from the native language.
2. Simultaneous language learners—determination of a stuttering disorder is based on the evaluation results in all languages learned before the age of three.



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## **Language Proficiency (Speech-only Referrals)**

Language proficiency testing should be completed for:

1. Initial evaluations of simultaneous language learners (simultaneous—meaning students who functionally used two languages before the age of three).
2. Sequential language learners who appear to exhibit minimal use of L1 and L2.
3. Proficiency testing is not necessary for articulation (only) referrals.

Language proficiency testing instruments may include:

1. Woodcock Munoz Language Survey-III
2. Woodcock Johnson Tests of Achievement - IV

Reliability for the younger-aged children is typically poor; therefore, these instruments should be completed in conjunction with the parent and teacher interview of language development. Parent and teacher interviews should also be factored in the determination of proficiency for school age children as well.

For children who are too young for standardized proficiency testing, the parent and teacher report the percentages of usage of L1 and L2.

## **Speech CLD Re-Evaluations**

### **Goal**

To determine continued eligibility and/or present levels of academic and functional performance.

### **Reporting Progress**

Standardized testing is NOT completed for the purpose of measuring progress. Progress cannot be measured w/ standardized REEDs. Measuring progress is done through criterion referenced testing, grades, weekly performance, therapy data, and the student's ability to access his/her curriculum.

### **Standardization Sample Population**

Be cognizant of matching the student to the standardization sample of the instrument. If the student does NOT match the standardization sample, standardized REEDs should not be reported. ONLY report criterion references.

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## ***Early Childhood Special Education (ECSE) Preschool Program TEC 29.009, ECI Memorandum of Understanding***

Sheldon ISD offers a multidisciplinary team approach to the evaluation for children, ages 3-5, who are NOT enrolled in public school.

### **3 is 3/Early Childhood Intervention (ECI)**

IDEA requires children who are identified with a disability prior to age 3 referred by Part C/Early Childhood Intervention (ECI) to have an IEP developed by the child's 3<sup>rd</sup> birthday (this means ARD must be held and IEP in place prior to child's 3<sup>rd</sup> birthday). The impact of this rule on the Child Find Team and ARD Committees is as follows:

1. A child's evaluation may require completion in less time than the 45-school day timeline.
2. A child's initial ARD may have to be held in less time than 30 days from the date the Full Individual Evaluation is completed.

When working with a child who is about to turn 3, the child's date of birth drives all timelines.

\*Referrals received from Part C/Early Childhood Intervention (ECI) less than 90 days prior to the child's 3<sup>rd</sup> birthday do not apply and will follow regular referral timelines.

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## **ECI Transition Meetings**

Transition Meetings are held monthly with the ECI agencies. The meetings are held at the Special Ed Department Offices or the ECI office. Interpreters are available. The Coordinator of Assessment and Speech and Related Services Coordinator present an overview of the evaluation process and initial ARD meeting to the parents who attend ECI Transition Meeting.

The purposes for these meetings are to:

- Inform the parents of the transition process from ECI services to public school services.
- Describe the continuum of ECSE services that Sheldon ISD has available.
- Describe the evaluation process.
- Describe the ARD process.
- Address any questions that the parent has regarding this transition.

After the ECI Transition Meeting, the ECI referral information is submitted to SISD by the ECI agency. SISD staff process/upload the referral information and any additional documents to the Frontline program. The Assessment Coordinator or designee reviews the referral information and assigns it to the Child Find evaluation team for completion. The FIIE must be completed, and the ARD held prior to the child's 3<sup>rd</sup> birthday.

Since the child is not attending school, the Special Education Clerk will contact the parent to schedule the evaluation. On the morning of the scheduled evaluation, the Childfind evaluation team will obtain the following:

1. Provide the Notice of Evaluation.
  2. Obtain consent for the evaluation (date stamped when received).
  3. Review and provide the Notice of Procedural Safeguards and obtain a signed receipt.
  4. Review and provide the Guide to the ARD Process and obtain a signed Parent/Guardian Acknowledgement Form.
- The evaluator will enter the date of consent and upload signed copies of the consent/receipts in the Frontline System.
  - Once the FIIE is completed in Frontline, the evaluator will notify the Special Education Clerk who will then either schedule an initial ARD or contact the receiving ECSE campus that will be responsible for completing the initial ARD meeting.
  - It is the evaluator's responsibility to review the FIIE with the parent prior to the ARD. If the parent cannot be contacted, the team evaluator must notify the campus and plan to be present prior to the ARD meeting to review the FIIE results with parent.

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\* It is the responsibility of the initial team evaluator to complete the draft AU supplement, FBA, Behavior Intervention Plan and Behavior goals/objectives for the ARD if recommended.

\*\* If additional forms need to be generated or faxed, such as a physician form or consent to release information, the Initial Evaluator will complete this task.

## Referrals (not from ECI) ages 3-5

Children ages 3-5 who are not enrolled in SISD go through the Special Education Child Find intake process. When a parent contacts a campus and wants their 3-5 year old child referred for a Full Individual and Evaluation for special education, the campus should direct the parent to call the Special Education Clerk at 281-727-2000. \*Children with disabilities cannot begin attending SISD until their 3<sup>rd</sup> birthday or at the date designated by an ARD committee.

When a parent/guardian calls the Special Education Clerk, the clerk collects information including parent name, phone/email, child name/birthdate, and address. The staff member will verify the child's address/home campus, and will send the parent the Child Find Intake Packet. The parent will return this packet prior to scheduling their child's intake appointment.

\*Once a student enrolls in Prekindergarten or Kindergarten, and the student is suspected of having a disability, the campus based initial evaluation procedures are followed. Campuses **must** enroll students with suspected disabilities rather than deferring enrollment contingent upon referring the student to the Special Education department.

## Additional Information - Head Start Agencies

Head Start agencies are federally funded programs. (They are not considered a private school.) Students attending Head Start who are not enrolled in a SISD school who are suspected of having a disability may be referred to the SISD special education department for an Initial Full Individual Evaluation.

Eligibility for this program includes:

- Age birth to 5
- Low income
- Foster children (regardless of income)
- 10% of the total enrollment is made available to children w/ disabilities (however this does not necessarily mean the students are IDEA eligible)

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## WRITTEN EVALUATION REPORTS

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**34 CFR § 300.311(a-b)**

### **Multidisciplinary Team**

A multidisciplinary team will conduct the evaluation. The team includes the child's parents as well as a group that is collectively qualified to conduct and interpret evaluation and intervention data, develop appropriate educational and transitional recommendations based on evaluation data, and deliver and monitor specifically designed instruction and services. Both a special education teacher and a general education teacher should be included on the team. If the student does not have a general education teacher, a general education teacher qualified to teach a child of the child's age should be included. Other professionals should be included as appropriate.

### **Observation**

At least one member of the multidisciplinary team, other than the child's current teacher, who is trained in observation, shall observe the child in the learning environment, INCLUDING the regular classroom setting to document academic performance and behavior in the area of difficulty. If the child is participating in synchronous instruction observation may occur in the virtual classroom.

### **Written Report**

The report must include information relevant to these areas:

1. Reason for Referral
2. Educational History
3. Interventions
4. Previous Evaluations, if any
5. Sociological
6. Physical
7. Language Dominance
8. Language Proficiency
9. Speech & Language Testing
10. Emotional/Behavioral
11. Intellectual
12. Achievement
13. Adaptive Behavior
14. Assistive Technology
15. Conclusions
16. Recommendations

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\*Reports are required to be signed prior to archiving the report and sending it to the receiving campus and/or parent.

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## INDEPENDENT EDUCATIONAL EVALUATION (Individual Educational Evaluation (IEE))

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34 CFR § 300.502

"Independent Educational Evaluation" ("IEE") means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the child's education.

### **Right to an Independent Evaluation**

A parent may seek an Independent Educational Evaluation ("IEE") at public expense if the parent disagrees with an evaluation obtained by the District. However, the District may initiate a special education hearing to show that its evaluation is appropriate. This can occur before an IEE is conducted or after the parent has obtained an IEE and is asking for reimbursement. If the final decision of the hearing officer is that the evaluation was appropriate, the parent still has the right to an independent evaluation, but not at public expense.

### **Number of IEEs**

A parent is entitled to only one IEE at public expense each time the District conducts an evaluation. This would include the three-year reevaluation or re-evaluations conducted more frequently. "Public expense" means that the District pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

### **Criteria under Which Evaluation Must Be Obtained**

When an IEE is conducted at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria the District uses when it conducts an evaluation, to the extent those criteria are consistent with the parents' right to an IEE.

### **Condition of Payment**

The District will not pay for an IEE if the examiner, the evaluation, and/or the written report, do not meet District criteria and Texas Education Agency criteria for the specific disability evaluated.

### **Reasonable Cost Criteria**

The District will pay a fee for an IEE that allows a parent to choose from among the qualified professionals in the area.

The District will not pay unreasonably excessive fees. An unreasonably excessive fee is one that is 25% or more above the prevailing fees in the area (as established in the Medicaid/ Medicare Service Provider Manual) for the specific test being considered.

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When service providers have a sliding scale fee based on parent income, the District will pay the amount charged to the parent.

In the event that a parent pursues an IEE independently, an original billing form must be submitted to the District prior to payment. Before reimbursement or direct payment is authorized, criteria must be met and a written report received by the District.

Upon receipt of a request for payment of an unreasonably excessive fee or payment for an IEE which was not agreed upon by the District prior to the evaluation, the District may request a hearing to challenge the right of parents to be reimbursed.

## **Location of the Examiner**

The examiner must be located within 50 miles of the District. This will permit the examiner to be accessible to the District if needed for further consultation.

## **Conditions for Waiver of Cost/Location Criteria**

If a parent feels that an IEE that falls outside the District's cost and location criteria is justified by the child's unique circumstances underlying the request, the District will consider such a request.

## **Certifications and Licenses**

Each IEE examiner must provide copies of his or her license(s) or certificates(s) prior to the completion of the IEE.

## **Conflict of Interest**

The examiner must complete a conflict of interest form provided by the District. Payment will not be made until the district has received the conflict of interest form indicating whether the examiner has a personal monetary interest in any service or program recommended by the examiner.

## **Steps for Making a Request for an IEE**

It is preferred that the parent or guardian make the request in writing to the Director of Special Education and Coordinator of Assessment. A request in writing is not required as a pre-condition of payment for an IEE but is preferred in order to minimize any confusion or misinterpretation regarding the nature of the request. If the parent disagrees with the district Full and Individual Evaluation during the ARD meeting, notify the Executive Director of Special Education. They will complete the Parent Procedure letter and mail it to the parent. The letter requests the parent send all written requests to the Executive Director of Special Education. While a parent is not required to do so as a precondition for payment for an IEE, it would be helpful to the ARD Committee if the parent would explain the areas of disagreement with the district's evaluation and list assessment questions to be addressed by the IEE.

The District will make the determination if the request for the IEE will be approved, or if not, the District must file a Due Process Hearing to defend the District's FIE.



# I – Referrals & Evaluations

## **Selection of Examiner**

The District will provide the parent with a list of qualified independent evaluators already located by the District. Parents are free to ask the District to consider an evaluator not on the list to perform the IEE. If the parents select an examiner who is not on the District's list of qualified examiners, they should submit the name and vitae of the examiner in advance of conducting the IEE in order that the District may notify the parents whether the examiner is qualified to perform the IEE. If the parent fails to submit the name and credentials of the examiner prior to conducting the IEE, they risk non-payment if the examiner does not meet the District's criteria.

## **Parent-Initiated IEEs**

The District will not consider a parent request for payment of a parent-initiated IEE unless the request is made within a reasonable time after receipt of the results of the evaluation. A reasonable time is defined as 90 calendar days.

The request will be presented to the ARD Committee for action.

## **Evaluation**

The evaluation must be conducted in accordance with all applicable state and federal laws.

## **Teacher Reports**

The examiner must consider data obtained from the student's teacher through consultation with the teacher or teacher reports.

## **Written Reports/Content**

There shall be a written assessment report that addresses, at a minimum, the presence or absence of those symptoms or conditions included in the specific eligibility criteria for the category of disability for which the student is being assessed. The report shall include the type and severity of the impairment and the functional implications for the education process. The report must provide the ARD committee with sufficient information to determine whether the student is disabled and in need of special education services or not.

## **Timeline**

While there is no official timeline for an IEE to be conducted, the completed written report by the qualified examiner will be provided to the District. Upon completion of the IEE, the District will conduct the staffing and ARD within 30 school days.

## **Form of Report**

In preparing a report, the examiner shall follow the format for assessment and determination of eligibility used by the District. Forms are available upon request.

## **Signatures on Report**

# I – Referrals & Evaluations

All persons participating in the examination of the student must sign the report.

## Consideration of Parent-Initiated IEEs

If the parent obtains an IEE at public expense or shares with the District an evaluation obtained at private expense, the District must consider the results of the evaluation, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child. The District's obligation to consider an IEE does not require the District to accept the IEE or its recommendations. Moreover, consideration by the ARD Committee of an IEE obtained at private expense does not make the District liable for payment of the IEE.

## Scheduling ARD Meeting

1. The lead evaluator notifies the campus that the Full Individual Evaluation is complete.
2. The campus special education clerk or program specialist schedules the ARD/IEP meeting, sends the Notice of ARD/IEP Meeting to the parent, and notifies other required participants.
3. It is recommended that a staffing be held prior to the ARD/IEP meeting to review the Full Individual Evaluation, draft IEP goals/objectives, and prepare for the Initial ARD meeting.
4. The campus should send the draft IEP goals/objectives to the parent at least 5 days prior to the ARD meeting to gather input or parent input can be gathered during the ARD process.

## Timeline for ARD Meeting

1. From the date the evaluation is completed, the district has **30 calendar days** to conduct the Initial ARD meeting unless...
2. The school district receives written consent signed by a student's parent or legal guardian for a full individual and initial evaluation of a student at least 35 but fewer than 45 school days before the last instructional day of the school year, then evaluation must be completed and the written report of the evaluation must be provided to the parent or legal guardian no later than June 30 of that year and the student's ARD committee shall meet not later than the 15th school day of the following school year to consider the evaluation.

***If a school district receives written consent signed by a student's parent or legal guardian less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but fewer than 45 school days before the last instructional day of the school year but the student is absent from school during that period for three or more days, a written report of a full individual and initial evaluation shall be completed no later than the 45<sup>th</sup> school day following the date on which the school district receives signed, parental consent and except that the timeframe can be extended by the number of school days equal to the number of school days during that period that the student was absent. In addition, the Initial ARD meeting must be held within 30 calendar days from the date of the completed report.***

# I – Referrals & Evaluations

*in employment decisions. Additionally, the District does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities. Policies DAA, DIA*

## I – Referrals & Evaluations



## II – Disabilities

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## II – Disabilities

### GENERAL INFORMATION

*20 U.S.C. § 1401(3); 34 CFR §§ 300.8, 300.301-300.306 (Evaluations and Reevaluations), 300.307-300.311 (Additional Procedures for Identifying Children with Specific Learning Disabilities), and 300.122; TEC §29.003; 19 TAC §§ 89.1040 (Eligibility Criteria), 89.1050 (The Admission, Review, and Dismissal Committee)*

Special education services shall be provided to eligible students in accordance with all applicable federal law and regulations, state statutes and rules, school policies and procedures, and this Special Education Administrative Procedures.

#### Eligibility Determination

To be eligible to receive special education services, a student must be a "child with a disability." To qualify as a "child with a disability," a student must have been determined to:

1. have met the definition of one or more of the disabilities listed in federal regulations, state law, or both; **and**
2. need special education and related services as a result of the disability or disabilities.

The provisions in this Section specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law. A student must be assessed in all areas of suspect disability.

The student's Admission, Review, and Dismissal Committee (ARDC) determine whether a student is eligible for special education and related services. Any evaluation or re-evaluation of a student shall be conducted in accordance with all applicable law. The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility must include, but is not limited to, the following:

1. A licensed specialist in school psychology (LSSP) or School Psychologist, an Educational Diagnostician, Speech/ Language Pathologist, or other appropriately certified or licensed practitioner with experience and training in the area of the disability; or
2. A licensed or certified professional for a specific eligibility category.

The student's disability condition must be documented in the Full and Individual Evaluation (FIE) and in the ARD/IEP report. There must be an Eligibility Report (Initial FIEs only) for each disability condition in the ARD/IEP reports. These reports must be kept in the eligibility file.

## II – Disabilities

### Deaf or Hard of Hearing (D/HH)

**34 CFR § 300.8(c) (3), (5); 19 TAC §§ 89.1040(c) (3), 89.1050(b), 89.1050(c) (3) (B); TEC § 29.310(c)**

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

**Deafness** means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance.

**Deaf and Hard of Hearing** means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

#### Evaluation Procedures

The procedures and materials used for the assessment and placement of the child who is deaf or hard of hearing must be in the child's preferred mode of communication.

The evaluation data reviewed by the multidisciplinary team in connection with the determination of a student's eligibility based on an auditory impairment must include:

1. An otological examination performed by an Otolaryngologist (or by a licensed medical doctor with documentation that an Otolologist is not reasonably available);
2. An audiological evaluation by a licensed audiologist shall also be conducted; and
3. The evaluation data shall include a description of the implications of the hearing loss for the student's hearing in a variety of circumstances with or without recommended amplification.
4. A communication evaluation report provided by a speech-language pathologist, a person certified in deaf education, or another qualified individual. The communication evaluation should determine the student's ability to use a variety of modes of communication such as sign language, speech, speech reading or finger spelling.

#### Admissions, Review, and Dismissal Committee (ARDC)

For a student with a suspected or documented Deaf or Hard of Hearing, the ARDC must include a teacher who is certified in the education of students who are Deaf or Hard of Hearing.

#### Students (0-2)

For a student from birth through two years of age with visual impairments and/or deaf or hard of hearing, an individualized family services plan (IFSP) meeting must be held in place of an ARD committee meeting in accordance with 34 CFR §§ 300.320-300.325, and the memorandum of understanding between the Texas Education Agency and the Department of *Assistive and Rehabilitative Services*. For students three years of age and older, school districts must develop an IEP.



## II – Disabilities

### AUTISM (AU) OR OTHER PERVASIVE DEVELOPMENTAL DISORDER

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**34 CFR §300.8(c) (1); 19 TAC § 89.1040(c) (1)**

*Autism* means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, which adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. A child who manifests the characteristics of autism after age 3 could be identified as having autism if he or she meets the other eligibility criteria. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in 34 CFR § 300.8(c)(4).

A student who has autism is one who has been determined to meet the criteria for autism as stated in 34 CFR § 300.8(c) (1) by a multidisciplinary team. Students with pervasive developmental disorders are included under this category. Thus, the multidisciplinary team must determine that the student:

1. has a developmental disability significantly affecting verbal and nonverbal communication and social interaction; and
2. the developmental disability affecting verbal and nonverbal communication and social interaction must have an adverse effect on the child's educational performance.

The team's written report of evaluation shall include specific recommendations for behavioral interventions and strategies.

Autism does not apply if the child's educational performance is adversely affected primarily because the child has an EMOTIONAL DISTURBANCE.

## II – Disabilities

### DEAF-BLINDNESS (DB)

**34 CFR §300.8(c) (2); 19 TAC §§ 89.1040(c) (2), 89.1050(b), 89.1050(c) (3) (C); TEC § 29.310(c)**

*Deaf-blindness* means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

#### Evaluation Procedures

The procedures and materials used for the assessment and placement of the child who is deaf or hard of hearing must be in the child's preferred mode of communication. The evaluation data reviewed by the ARDC in connection with the determination of the child's disability based on deaf-blindness must comply with the evaluation procedures of Auditory Impairment and Visual Impairment.

#### Eligibility Criteria

A student with deaf-blindness is one who has been determined to meet the criteria for deaf-blindness in 34 CFR § 300.8(c) (2). A student with deaf-blindness is one who, based on the evaluations specified in 34 CFR §§ 300.8(c) (3) (Auditory Impairment) and 300.8(c) (12) (Visual Impairment):

1. Meets the eligibility criteria for Deaf or Hard of Hearing in 34 CFR § 300.8(c)(3) and visual impairment in 34 CFR §§ 300.8(c) (12);
2. Meets the eligibility criteria for a student with a visual impairment and has a suspected hearing loss that cannot be demonstrated conclusively, but a speech/language therapist, a certified speech and language therapist, or a licensed speech language pathologist indicates there is no speech at an age when speech would normally be expected;
3. Has documented hearing and visual losses that, if considered individually, may not meet the requirements for auditory impairment or visual impairment, but the combination of such losses adversely affects the student's educational performance; or
4. Has a documented medical diagnosis of a progressive medical condition that will result in concomitant hearing and visual losses that, without special education intervention, will adversely affect the student's educational performance.

#### Admissions, Review, and Dismissal Committee (ARDC)

For a student with a suspected or documented deaf-blindness, the ARDC must include a teacher who is certified in the education of students with deaf or hard of hearing and a teacher certified in the education of students with visual impairments.

## II – Disabilities

### **Students (0-2)**

For a student from birth through two years of age with visual impairments and/or deaf or hard of hearing, an individualized family services plan (IFSP) meeting must be held in place of an ARD committee meeting in accordance with 34 CFR §§ 300.320-300.325, and the memorandum of understanding between the Texas Education Agency and the Department of *Assistive and Rehabilitative Services*. For students three years of age and older, school districts must develop an IEP.

## II – Disabilities

### EMOTIONAL DISTURBANCE (ED)

**34 CFR § 300.8(c) (4); 19 TAC 89.1040(c) (4); 22 TAC § 465.38(1) (C); TEXAS Occupations Code § 501.503**

*Emotional disturbance* means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

1. An inability to learn that cannot be explained by intellectual, sensory, or health factors.
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
3. Inappropriate types of behavior or feelings under normal circumstances.
4. A general pervasive mood of unhappiness or depression.
5. A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under 34 CFR § 300.8(c) (4) (i).

#### **Admission, Review, and Dismissal Committee (ARDC)**

The assessment of emotional or behavioral disturbance, for educational purposes, using psychological techniques and procedures is considered the practice of psychology. A person commits an offense if the person engages in the practice of psychology or represents that the person is a psychologist in violation of the Occupations Code.

#### **Evaluation Procedures**

A student with an emotional disturbance is one who has been determined to meet the criteria for emotional disturbance as stated in 34 CFR § 300.8(c) (4).

The written report of evaluation shall include specific recommendations for behavioral supports and interventions. The written report of evaluation should also include:

1. The type and severity of the emotional disturbance;
2. The functional implications of the disability for situations involving instruction; and

The degree to which in-school and out-of-school behavior reflects symptoms consistent with the diagnosis and identification of behavior considered to be a direct result of the emotional disability.

## II – Disabilities

### INTELLECTUAL DISABILITY (ID)

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**34 CFR § 300.8(c) (6); 19 TAC § 89.1040(c) (5)**

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

#### Evaluation Procedures

The evaluation data reviewed by the ARDC must include:

1. a standardized individually administered test of cognitive ability; and
2. adaptive behavior assessment in at least two of the following areas: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, and safety.

#### Evaluation Criteria

A student with an intellectual disability is one who has been determined to meet the criteria for intellectual disability as stated in 34 CFR § 300.8(c)(6). In meeting the criteria stated in 34 CFR § 300.8(c)(6), a student with an intellectual disability is one who has been determined to have significantly subaverage intellectual functioning that:

1. is measured by a standardized, individually administered test of cognitive ability in which the overall test score is at least two standard deviations below the mean, when taking into consideration the standard error of measurement of the test; and
2. concurrently exhibits deficits in at least two of the following areas of adaptive behavior:
  - a. communication;
  - b. self-care;
  - c. home living;
  - d. social/interpersonal skills;
  - e. use of community resources;
  - f. self-direction;
  - g. functional academic skills;
  - h. work;
  - i. leisure;
  - j. health;
  - k. safety; and

## II – Disabilities

3. is manifested during the developmental period; and
4. adversely affects the child's educational performance.

## II – Disabilities

### MULTIPLE DISABILITIES (MD)

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**34 CFR §300.8(c) (7); 19 TAC § 89.1040(c) (6)**

*Multiple disabilities* mean concomitant impairments (such as intellectual disability-blindness or intellectual disability-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities do not include deaf-blindness.

A student with multiple disabilities is one who has been determined to meet the criteria for multiple disabilities as stated in 34 CFR § 300.8(c) (7).

In meeting the criteria stated in 34 CFR 300.8(c) (7), a student with multiple disabilities is one who has a combination of disabilities defined in 19 TAC § 89.1940 and who meets all of the following conditions:

1. the student's disability is expected to continue indefinitely; and
2. the disabilities severely impair performance in two or more of the following areas:
  - a. psychomotor skills;
  - b. self-care skills;
  - c. communication;
  - d. social and emotional development; or
  - e. cognition.

Students who have more than one of the disabilities defined in Section 89.1040 but who do not meet the above criteria shall not be classified or reported as having multiple disabilities.

#### **Full and Individual Evaluation (FIE) Requirements**

The FIE must include the eligibility report for multiple disabilities and the specific eligibility reports for the two or more disabilities.

## II – Disabilities

### NON-CATEGORICAL EARLY CHILDHOOD (NCEC)

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#### **19 TAC § 89.1040(c) (13)**

Under IDEA, younger students (ages 3-9) may be eligible for special education and related services under a broader category called “Developmental Delay.” In Texas, this category is called Non-Categorical Early Childhood (NCEC).

#### **Evaluation Procedures**

The child must be assessed in all areas of suspected disability. The Admission, Review, and Dismissal Committee (“ARDC”) that collects or reviews evaluation data in connection with the determination of the child’s eligibility based on non-categorical criteria must include the applicable members for intellectual disability, emotional disturbance, specific learning disability, or autism. The evaluation data reviewed by the ARDC in connection with that determination of the child’s disability based on non-categorical must comply with the applicable evaluation procedures of auditory impairment and visual impairment.

A student may be described as NCEC if the child:

1. is between the ages of three to five; and
2. has been evaluated as having intellectual disability, emotional disturbance, a specific learning disability, or autism.

*\*\*If NCEC is being utilized as the eligibility criteria, it MUST be noted as the Primary Disability in the ARD Document.*

#### **Additional SISD Guidance**

##### **What does that mean?**

In Texas, a child under the age of six that meets eligibility criteria with the disability of ID, ED, LD, or AU could qualify for this category of disability.

##### **When would it be used?**

This criterion is typically used when a child meets the eligibility criteria, but it is the opinion of the evaluation team that there may be other factors contributing to the child’s functioning. An example of this is a child who is evaluated at age three and prior to the evaluation the child may have had limited experiences outside of the home setting. Evaluation data indicates the child is functioning in the range of an intellectual disability; however, the evaluators cannot determine the extent to which the limited experiences are contributing to the child’s current functioning. Therefore, the evaluation team may determine that NCEC is the primary disability.



## II – Disabilities

### **When must you reevaluate?**

The eligibility criteria in 19 TAC § 89.1040(13) states that this eligibility category is only appropriate if the child is between three and five years of age. This means that the child must be reevaluated and have an ARD prior to the child's sixth birthday regardless of whether the three-year reevaluation is due.

### **How do I keep track of this?**

You must review the student rosters at your campus and determine which students have the non-categorical eligibility. You need to keep track of this information and make sure you get it done. If a PEIMS report is run and a child turns six and is NCEC it will produce a fatal error. At that point, you will be notified from the special education office that the evaluation is overdue.

### **Must I complete an Autism supplement if the child is non-cat AU?**

Yes. The child is regarded as having the condition of autism, so the supplement is required.

## II – Disabilities

### ORTHOPEDIC IMPAIRMENT (OI)

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**34 CFR § 300.8(c) (8); 19 TAC § 89.1040(c) (7)**

*Orthopedic impairment* means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

A student with an orthopedic impairment is one who has been determined to meet the criteria for orthopedic impairment as stated in 34 CFR § 300.8(c)(8). The multidisciplinary team must determine that the student: (1) has a severe orthopedic impairment (2) that adversely affects the child's educational performance.

#### **Admission, Review, and Dismissal Committee (ARDC)**

The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on an orthopedic impairment must include a licensed physician.

## II – Disabilities

### OTHER HEALTH IMPAIRMENT (OHI)

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**34 CFR § 300.8(c) (9); 19 TAC § 89.1040(c) (8)**

*Other health impairment* means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that:

1. is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
2. adversely affects a child's educational performance.

A student with an other health impairment is one who has been determined to meet the criteria for other health impairment due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette's Disorder as stated in 34 CFR § 300.8(c) (9).

#### **Admission, Review, and Dismissal Committee (ARDC)**

The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on other health impairment must include a licensed physician.

#### **One Time Medical Evaluation by a Licensed Physician for Evaluation Purposes**

If the parent is unable to financially access a licensed physician, the district is required to contract with an outside vendor for the portion of the medical evaluation, and the evaluation will be completed at no cost to the parent.

#### **Transportation to the Licensed Physician**

If a contracted vendor is utilized as part of the Full Individual Evaluation process and the parent is not able to access transportation to the vendor's office, Coordinator for Evaluation must be notified to assist the parent with transportation arrangements at no cost to the parent.

## II – Disabilities

### SPECIFIC LEARNING DISABILITY (SLD)

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**34 CFR §§ 300.8(c) (10), 300.307-300.311; 19 TAC § 89.1040(c) (9)**

*Specific learning disability* means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

*Disorders not included:* Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

Prior to and part of the evaluation, and order to ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or mathematics, the following must be considered:

1. Data that demonstrates the child was provided appropriate instruction in reading (as described in 20 USC, 6368 (3), and/or mathematics within general education settings delivered by qualified personnel; and
2. Data-based documentation of repeated assessments of achievement at reasonable intervals reflecting formal evaluation of student progress during instruction. Data-based documentation of repeated assessments may include, but is not limited to, Response to Intervention (RtI) progress monitoring results, in-class tests on grade level curriculum, or other regularly administered assessments. Intervals are considered reasonable if consistent with the assessment requirements of a student's specific instructional program.
3. A student with a specific learning disability is one who:
  - a. Has been determined through a variety of assessment tools and strategies to meet the criteria for a specific learning disability and
  - b. Does not achieve adequately for the child's age or meet state-approved grade level standards in oral expression, listening comprehension, written expression, basic reading skills, reading fluency, reading comprehension, mathematics calculation or mathematics problem solving when provided appropriate instruction, as indicated by performance on multiple measures such as in class tests; grade average over time; norm or criterion referenced tests, statewide assessments; or a process based on the child's response to scientific, research based intervention and
    - (I) does not make sufficient progress when provided a process based on the child's response to scientific, research-based intervention (as defined in 20 USC, 7801 (37), as indicated by the child's performance relative to the performance of the child's peers on repeated, curriculum-based assessments of achievement at reasonable intervals, reflecting student progress during classroom instruction or

## II – Disabilities

- (II) exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, grade-level standards, or intellectual ability, as indicated by significant variance among specific area of cognitive function, such as working memory and verbal comprehension, or between specific areas of cognitive function and academic achievement.

### **Exclusionary Criteria**

The educational diagnostician is required to take into consideration the effects of what are commonly referred to as “exclusionary” factors.

Federal Regulations, require that the multidisciplinary team determine that its findings (that address the criteria for SLD) are not PRIMARILY the result of – “visual, hearing, or motor disabilities; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.”

Some factors to consider are the student’s attendance history, the impact of the student’s language/culture, sociological factors, trauma, and behaviors.

### **Role of the Evaluation Staff**

Diagnostician/LSSP/SLP: trained to interpret test results. While tests provide a lot of necessary information, they are not the only factor in determining eligibility.

Teachers: provide ecological data and information not again from standardized measure

## SPEECH IMPAIRMENT (SI)

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***34 CFR, §300.8(c) (11) (Speech or Language Impairment); 19 TAC § 89.1040(c) (10) (Speech Impairment)***

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

A student with a speech impairment is one who has been determined to meet the criteria for speech or language impairment as stated in 34 CFR §300.8(c) (11).

### **Admission, Review, and Dismissal Committee (ARDC)**

The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on a speech impairment must include:

- a. a certified speech and hearing therapist;
- b. a certified speech and language therapist; or

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- c. a licensed speech/language pathologist.

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### TRAUMATIC BRAIN INJURY (TBI)

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**34 CFR § 300.8(c) (12); 19 TAC § 89.1040(c) (11)**

*Traumatic brain injury* means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

A student with a traumatic brain injury is one who has been determined to meet the criteria for traumatic brain injury as stated in 34 CFR § 300.8(c) (12).

#### **Admission, Review, and Dismissal Committee (ARDC)**

The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on a traumatic brain injury must include a licensed physician, in addition to the licensed or certified practitioners specified in 19 TAC § 89.1040(b)(1).<sup>1</sup>

<sup>1</sup> 19 TAC 89.1040(b)(1) provides, in part, that the "multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility must include, but is not limited to, the following: (1) a licensed specialist in school psychology (LSSP), an educational diagnostician, or other appropriately certified practitioner with experience and training in the area of the disability; or (2) a licensed or certified professional for a specific eligibility category...."

### VISUAL IMPAIRMENT (VI)

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**34 CFR § 300.8(c) (13); 19 TAC §§ 89.1040(c) (12), 89.1050(b), 89.1050(c) (3) (A); TEC § 30.002(c-1) (2)**

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

#### **Evaluation Procedures**

A student with a visual impairment is one who has been determined to meet the criteria for visual impairment as stated in 34 CFR § 300.8(c) (13). The visual loss should be stated in exact measures of visual field and corrected visual acuity at a distance and at close range in each eye in a report by a licensed ophthalmologist or optometrist. The report should also include prognosis whenever possible. If exact measures cannot be obtained, the eye specialist must so state and provide best estimates.

In meeting the criteria stated in 34 CFR 300.8(c) (13), a student with a visual impairment is one who:

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1. has been determined by a licensed ophthalmologist or optometrist:
  - a. to have no vision or to have a serious visual loss after correction; or
  - b. to have a progressive medical condition that will result in no vision or a serious visual loss after correction; and
2. has been determined by the following evaluations to have a need for special services:
  - a. a functional vision evaluation by a professional certified in the education of students with visual impairments or a certified orientation and mobility specialist;
    - i. The evaluation must include:
      - the performance of tasks in a variety of environments requiring the use of both near and distance vision; and
      - recommendations concerning the need for a clinical low vision evaluation.
  - b. a learning media assessment by a professional certified in the education of students with visual impairments; and
    - i. The learning media assessment must include:
      - recommendations concerning which specific visual, tactual, and/or auditory learning media are appropriate for the student; and
      - whether or not there is a need for ongoing evaluation in this area.
  - c. an orientation and mobility evaluation conducted by a person who is appropriately certified as an orientation and mobility specialist.<sup>2</sup>
    - i. The orientation and mobility evaluation must be conducted in a variety of lighting conditions and in a variety of settings including the student's home, school, and community and in settings unfamiliar to the student

### Functionally Blind

A student with a visual impairment is one who has been determined to meet the criteria for visual impairment as stated in 34 CFR § 300.8(c) (13) based upon the preceding evaluations. A student with a visual impairment is functionally blind if, based on the functional vision evaluation and the learning media assessment, the student will use tactual media (which includes Braille) as a primary tool for learning to be able to communicate in both reading and writing at the same level of proficiency as other students of comparable ability.

### One Time Medical Evaluation by Optometrist or Ophthalmologist for Evaluation Purposes

If the parent is unable to financially access the optometrist or ophthalmologist, the district is required



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to contract with an outside vendor for the portion of the eye exam, and the evaluation will be completed at no cost to the parent.

### **Transportation to the Optometrist or Ophthalmologist**

If a contracted vendor is utilized as part of the Full Individual Evaluation process and the parent is not able to access transportation to the vendor's office, Coordinator for Evaluation must be notified to assist the parent with transportation arrangements at no cost to the parent.

### **Admission, Review, and Dismissal Committee (ARDC)**

A person who is appropriately certified as an orientation and mobility specialist must participate, as part of a multidisciplinary team, in evaluating data used in making the determination of the student's eligibility as a student with a visual impairment. In addition, for a student with a suspected or documented visual impairment, the ARDC must include a teacher who is certified in the education of students with visual impairments.

### **Re-evaluation Requirements**

The scope of any re-evaluation of a student who has been determined, after the full and individual evaluation, to be eligible for the district's special education program on the basis of a visual impairment must be determined, in accordance with 34 CFR §§ 300.303-300.311, by a multidisciplinary team that includes an appropriately certified orientation and mobility specialist.

### **Students (0-2)**

For a student from birth through two years of age with visual impairments and/or deaf or hard of hearing, an individualized family services plan (IFSP) meeting must be held in place of an ARD committee meeting in accordance with 34 CFR §§ 300.320-300.325, and the memorandum of understanding between the Texas Education Agency and the Department of *Assistive and Rehabilitative Services*. For students three years of age and older, school districts must develop an IEP.

<sup>2</sup> This requirement along with the requirements in the "Admission, Review, and Dismissal Committee (ARDC)" as well as the requirements involving an appropriately certified orientation mobility specialist found in the "Re-Evaluation Requirements" Section herein took effect beginning with the 2014-2015 school year. See 19 TAC § 89.1040(B)-(E).

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## IV – Individualized Education Program

### RULE OF CONSTRUCTION

***19 TAC §§ 89.1050(a), 89.1040(b); 34 CFR §§ 300.306(a)(1), 300.320-300.321; 20 USC § 1414; TEC §§ 29.005, 29.0051***

The District must establish an Admission, Review, and Dismissal Committee (ARDC) for each child with a disability and for each child whom an evaluation is conducted.

The term “*individualized education program*” (IEP) means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with the Admission, Review, and Dismissal (ARD) framework.

The ARDC is the:

1. Group that determines whether the child is a child with a disability and the educational needs of the child;
2. Team defined in federal law that develops the IEP; and
3. Group that determines the educational placement of the child.

Additional information need not be included in the child’s IEP beyond what is explicitly required in the ARD framework and in the Texas Education Agency’s (TEA’s) model IEP form.

The ARDC need not include information under one component of the child’s IEP that is already contained under another component.

“Prior to IEP meetings, staff may engage in activities, such as researching placement and services options, preparing draft IEP documents, writing reports, creating charts, and comparing student makeup of various program settings, in preparation for IEP team meetings. Actual IEP and placement decisions, however, are not made until parental concerns and input are considered in the actual IEP meeting. Although staff may have formed opinions about various IEP and placement options, no final decision is made before full consideration of data and parental input at the IEP team meeting. The District has no policies, formal or informal, conclusively against any particular service, program, or placement option.”

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### REQUIRED ARD

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**19 TAC § 89.1011; TEC § 29.005; 34 CFR § 300.112**

Sheldon ISD may not legally provide special education and related services to a child with a disability, regardless of the nature of the disability or the level of need, at any time before the child has been evaluated and determined by an Admission, Review, and Dismissal (ARD) Committee to be eligible for such services. Prior to the evaluation and ARD Committee determination, it would only be legally appropriate to provide the child with regular education support services available to all students which could include academic and/or behavioral support services. A temporary placement made in the absence of an ARD Committee decision and without evaluation data runs the risk of violating LRE provisions and gives the mistaken impression that such decisions are made on the basis of the specific disability instead of the individualized educational plan (IEP). When ARD Committees are unable to meet in person due to a public health crisis or other reasons, the ARD committee members may meet virtually using on-line platform.

### FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

---

The Individuals with Disabilities Act (IDEA) guarantees every eligible student a “free appropriate public education”. The law states that all public schools must:

- find and identify students who have a disability (*Child Find*);
- involve parents in decision-making;
- evaluate (test) students in a non-discriminatory way;
- develop an Individualized Education Plan (IEP) for each student that will help him/her be involved in and progress in the general curriculum;
- decide what special instruction and related services the school district will provide, and

provide services in the least restrictive environment (a placement that allows a student with disabilities to be educated to the maximum extent appropriate with students who do not have disabilities).

### TIMELINE

**19 TAC § 89.1050**

An ARD committee meeting shall be held within 30 calendar days from the date of the completion of the initial Full Individual Evaluation. If the district receives written consent for the Full Individual Evaluation at least 35 but less than 45 school days before the last instructional day of the school year, the evaluation must be completed and the written report provided to the parent or legal guardian not later than June 30 of that year. The student’s ARD shall meet not later than the 15<sup>th</sup> school day of the following school year to review the evaluation.



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### PRIOR WRITTEN NOTICES (PWN)

***34 CFR §§ 300.503, 300.505; 19 TAC § 89.1050; OSEP Letter to Leiberan; TEC § 29.005***

Section 300.503 of IDEA requires that a Prior Written Notice of Change be sent home to the parent in a reasonable time before the school:

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

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

Type	Used When...
PWN of ARD Meeting	An ARD Meeting is scheduled for a student.
PWN of Change	A change is made to a student's IEP.
PWN of Evaluation	An evaluation is proposed for a student.
PWN of Refusal	A reconvened ARD Meeting does not reach mutual agreement or when the District refuses a specific request by the parent outside of an ARD meeting.
Revocation of Consent	A parent or adult student revokes their consent for the provision of Special Education services.

### Required Contents

The Prior Written Notice must contain:

1. A description of the action proposed or refused by the committee;
2. An explanation of why the committee proposes or refuses to take the action;
3. A description of each evaluation procedure, assessment, record, or report the committee used

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as a basis for the proposed or refused action;

4. A statement that the parents of a child with a disability have protection under the procedural safeguards of this part, and if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the provisions of IDEA Part B;
6. A description of other options that the committee considered and the reasons why those options were rejected; and
7. A description of other factors that are relevant to the committee's proposal or refusal.

### **Timeline and Manner**

The school must provide the parent with Prior Written Notice at least 5 school days before the school proposes or refuses the action, unless the parent agrees to a shorter time frame.

If a parent submits a written request to the District's Executive Director of special education services or to an administrative employee for an initial evaluation, the District must, not later than the 15<sup>th</sup> school day after the date of the receipt, provide the parent with:

1. Prior Written Notice of its proposal to conduct an evaluation, a copy of the Notice of Procedural Safeguards, and an opportunity to give written consent for initial evaluation; or
2. Prior Written Notice of its refusal to conduct an evaluation and a copy of the Notice of Procedural Safeguards.

If the Prior Written Notice is in response to a parent's revocation of consent for services, the school must provide Prior Written Notice before ceasing the provision of special education and related services to the child.

The school must provide Prior Written Notice in language understandable to the general public and in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

A parent may elect to receive Prior Written Notices by an electronic mail communication, if the District makes that option available.

### **Prior Written Notice of ARD**

A Prior Written Notice of the ARD meeting must be received by the parent at least 5 school days prior to the date of the ARD. If the Prior Written Notice of the ARD Meeting is received by the parent less than or equal to 5 school days prior to the ARD, the parent must sign that they waive their right to the 5-day notice, and the signed notice must be archived with the final ARD document.

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### **ARD Meeting at Parent's Request**

#### **19 TAC 89.1050(e)**

Upon receipt of a written request for an ARD Meeting from a parent, the school district must collaborate with the parent on a mutually agreeable date and time. In accordance with Board Policy EHBAB Legal, if the school district refuses to convene the ARD Meeting, within five days of the request, the parent must be provided with a Prior Written Notice of Refusal explaining why the district refuses to convene the meeting.

If a campus believes an ARD meeting is not warranted, the campus diagnostician/Special Education Program Specialist, in conjunction with the campus principal must contact the Executive Director of Special Education regarding the refusal prior to initiating the Prior Written Notice of Refusal.

### **Non-Consensus ARD Procedure**

1. When mutual agreement about all required elements of the IEP is not achieved, the party (parent or adult student) who disagrees shall be offered a single opportunity to have the committee recess for a period of time not to exceed ten school days unless the parties mutually agreed on an extended timeline. During the recess the members shall consider alternatives, gather additional data, and/or obtain resource persons to enable them to reach mutual agreement. This recess is not required when the student's presence on the campus presents a danger of physical harm to the student or others or when the student has committed an expellable offense or an offense which may lead to a placement in an alternative education program. TAC 89.1050(h)(1)
2. The deliberations should thoroughly outline the school district's recommendations as well as the parent's points of disagreement. The ARD is considered to end in Non-Consensus and should be completed and archived.
3. Prior to the end of the Non-Consensus ARD, schedule the date and time of the next ARD, often referred to as the 10-day ARD or the Reconvened ARD. This date must be held within 10 school days of the ARD Meeting (unless both the parent and the LEA agree to extend beyond the 10-day timeline). Once the date is agreed upon, Prior Written Notice must be given.
4. Contact the Special Education Program Coordinator for the particular program regarding the ARD that ended in disagreement to schedule a staffing at least 2-3 days prior to the Reconvened or 10 Day ARD.
5. During the recess, the parents and the school-based committee members shall consider alternatives, gather data, prepare further documentation, and/or obtain additional resource persons which may assist in enabling the committee to reach mutual agreement.
6. If the Reconvened/10 Day ARD committee does not reach mutual agreement, give the parent a current copy of their procedural safeguards and explain the Resolving Disagreement process. Let the parent know that the district will implement the IEP which it has determined to be appropriate in five school days from receipt of the Prior Written Notice: Notice of Decision/Refusal. Also, inform the parent that a Notice of Refusal will be sent to the parent.

### **Prior Written Notice: Notice of Decision**

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The PWN of Decision is located in the Frontline system and must be completed at the end of each ARD to summarize the changes from the previous ARD.

### Parent's Revocation of Consent

#### **34 CFR § 300.300(b)**

Revocation of consent by a parent for the continued provision of special education and related services must be in writing. If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent for the continued provision of special education and related services, the LEA:

- May not continue to provide special education and related services to the child;
- Must provide Prior Written Notice before ceasing the provision of special education and related services;
- May not use the procedural safeguards (including the mediation procedures or the due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
- Will not be considered to be in violation of the requirement to make a FAPE available to the child because of the failure to provide the child with further special education and related services; and
- Is not required to convene an ARD Committee Meeting or develop an IEP for further provision of special education and related services for the child, as defined in Rule of Construction.

### Procedure

When a parent notifies the LEA of their desire to revoke consent for special education services, the following procedure should be followed:

1. Notify one of the Special Education Coordinators;
2. The Special Education Coordinator(s) will draft the Notice of Revocation in the Frontline system.
3. The Special Education Coordinator(s) will contact the parent and schedule a meeting to discuss the revocation and if needed, complete all appropriate Notice of Revocation paperwork.

### Frequently Asked Questions

1. *Question 1: When is a school district required to provide a parent or an adult student with prior written notice?*

A school district must provide a parent or an adult student with prior written notice when it proposes or refuses to initiate or change the student's identification, evaluation, placement, or how the student is provided a Free Appropriate Public Education (FAPE). A school district is also required to provide prior written notice to a parent or an adult student before it ceases to provide special education and related services in response to the parent's or adult student's revocation of consent for the continued provision of services. In addition, a school district must provide prior written notice before implementing an individualized education program (IEP) with which the parent or adult student disagrees.

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Some examples of when a school district must provide prior written notice are when it proposes or refuses to:

1. Conduct an initial evaluation of the student;
2. Change the student's placement from a special education classroom to a general education classroom; or
3. Change the types or amounts of related services the student receives.

*2. Is there a timeline for when a school district must provide a parent or an adult student with prior written notice?*

Yes. A school district must provide prior written notice at least five school days before it implements the proposal or refusal described in the notice, unless the parent or adult student agrees otherwise. This means that a student's new or revised IEP cannot be implemented until at least five school days after the school district provides the prior written notice.

*3. Can a parent or an adult student waive the five-day notice requirement so that a change to the student's IEP can be implemented sooner?*

Yes. The parent or adult student may waive the five-day notice requirement. TEA recommends that school districts implement policies and procedures that address how a waiver of the five-day notice requirement should be documented.

If the parent or adult student waives the five-day notice requirement, then the ARD document must be made active and archived by the completion of the school day that the ARD was held.

*4. Must a school district provide a parent or an adult student with prior written notice every instance where a student's IEP is changed?*

Yes. Whenever a student's IEP is changed with regard to the student's identification, evaluation, or educational placement, the school district must provide prior written notice. In addition, a school district is required to provide prior written notice when a change relates to the provision of FAPE to the student. FAPE means, among other things, special education, and related services that are provided in conformity with a student's IEP. Therefore, a proposal to change a student's IEP, which typically involves a change to the type, amount, or location of the services provided to the student, would trigger the requirement to provide prior written notice.

*5. Must a school district provide prior written notice to a parent or an adult student even if the parent or adult student has agreed to the proposed change?*

Yes. A school district must provide prior written notice regardless of whether the parent agrees or disagrees with the change.

*6. Must a school district provide prior written notice to a parent or an adult student even if the proposed change was initiated by the parent or adult student?*

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Yes. A school district must provide prior written notice regardless of who initiated the change.

7. *Must a school district provide prior written notice to a parent or an adult student when a student's IEP is amended outside of an Admission, Review, and Dismissal (ARD) committee meeting?*

Yes. If a school district and a parent or an adult student agrees to amend the student's IEP without convening an ARD committee meeting, the school district must provide the parent or adult student with prior written notice of the amendment.

8. *Must a school district provide prior written notice to a parent or an adult student when the student graduates from high school?*

Yes. Provisions at 34 CFR §300.102 read in part, "Graduation from high school with a regular high school diploma constitutes a change in placement, requiring written prior notice in accordance with §300.503."

9. *Is there a specific form that school districts must use for prior written notices?*

No. The federal regulations do not require that a standard form be used, but do specify the content that must be included in a prior written notice. The District utilizes the Prior Written Notice found in the Frontline system.

10. *What information must the prior written notice contain?*

The prior written notice must include the following:

1. A description of the action proposed or refused by the school district;
2. An explanation of why the school district proposes or refuses to take the action;
3. A description of each evaluation procedure, assessment, record, or report that the school district used as a basis for the proposed or refused action;
4. A statement that the parent of a student with a disability (or an adult student) has protection under the procedural safeguards of Part B of the Individuals with Disabilities Act (IDEA), and if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
5. Sources to contact to obtain assistance in understanding the provisions of Part B of IDEA;
6. A description of other options that the ARD committee considered and the reasons why those options were rejected; and
7. A description of other factors that is relevant to the school district's proposal or refusal.

11. *Can the record from the ARD committee meeting itself constitute the prior written notice, rather than requiring a separate document?*

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Yes. The record from the ARD committee meeting, which includes, among other things, the proposed IEP, can be used for the prior written notice as long as the documents the parent or adult student receives contain all of the content that must be included in a prior written notice. (See Response to Question 9.)

### *12. Does the five-day notice requirement apply to notices of ARD committee meetings?*

Yes. A school district must provide a parent or an adult student with a notice of the student's ARD committee meeting at least five school days before the meeting, unless the parent or adult student agrees otherwise.

### *13. When must a school district provide prior written notice that it will implement an IEP with which the parent or adult student disagrees?*

When a school district and a parent or an adult student cannot reach agreement about all of the required elements of an IEP, the school district must offer the parent or adult student one opportunity to have the ARD committee recess for a period not to exceed 10 school days. If the parent or adult student refuses the offer to recess the meeting or if the ARD committee still cannot reach agreement after reconvening, the school district must provide the parent or adult student with prior written notice that it will implement the IEP that it has determined to be appropriate.

### *14. What if a parent's native language is not English?*

A prior written notice must be provided in the parent's native language or other mode of communication, unless it is clearly not feasible to do so. If the native language or other mode of communication is not a written language, the school district must take steps to ensure that: (a) the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; (b) the parent understands the content of the notice; and (c) there is written evidence that the school district met these requirements.



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### WRITTEN REPORT OF THE ARD MEETING

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#### **19 TAC § 89.1050**

Committee Deliberations are the way the school district tells the story of the ARD meeting. The required pieces of the meeting are documented in the ARD paperwork via NextGen SPM, and the Committee Deliberations assist with an understanding of the process and document how the ARD committee made the decisions and also include information that may not be addressed on the ARD paperwork. The documentation should be factual. If the parent has concerns, those concerns, along with the campus' response should be addressed and noted in the deliberations. If the parent disagrees with the Committee Deliberations, it should be noted in the Committee Deliberations.

The parent can provide additional information (e.g. notes, writings, etc.). However, the ARD Committee should document where the official Committee Deliberations end and the parent's additions begin.

An ARD Agenda should be utilized for all Annual ARD meetings. The agenda will assist the ARD committee with the sequence of the meeting. The following information provides additional guidance regarding the ARD Agenda:

#### ***Introduction and Purpose***

- Explain purpose of the ARD, verify 5-day notice was received and/or parent waived
- Introduce participants and their roles-use first and last names (clarify spelling if necessary)
- Review agenda and outcomes
- Review decision-making process, ground rules, -define consensus for the committee and clarify it is not a voting process with majority rules
- Ask parent if there is anything they would like to add (i.e. questions about process, other information)

#### ***Review Evaluation and Establish Eligibility for Special Education and Related Services***

- Review any new evaluation data (includes information from the school district and from parents such as private testing, etc.)
- Is a re-evaluation needed?
- Is the student eligible to continue services?
- Determine eligibility-it is important to confirm the correct eligibility is on the Review of Additional Evaluation/Information screen of NextGen SPM and that it matches the last FIE accepted by the ARDC.

#### ***Present Levels of Academic Achievement and Functional Performance***

##### **34 CFR § 300.320(a)(1)**

The ARDC must provide a statement of the child's Present Levels of Academic Achievement and Functional Performance (PLAAFP). The PLAAFP is a statement of a student's present level of academic (social, behavioral, communication, health, and transition) achievement and functional performance.

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A PLAAFP describes how the student's disability affects his/her involvement and progress in the general education curriculum (or how the disability affects a preschool child's participation in appropriate activities). A PLAAFP states the following information about the student:

1. Impact of Disability Statement – clear statement of how the disability affects involvement and progress in the same curriculum as non-disabled students with a clear consistency between the FIE and the PLAAFP
  2. Progress Statement – evidence of change in performance over last year, along with a review or summary of the previous year's IEP
  3. Accommodations and Modifications – student performance with accommodations and/or modifications is reported as well as performance without.
  4. Variety of information from a variety of sources – includes parent and student information to give a complete and accurate picture
  5. Measurable and observable baseline data – used to track progress, along with consistent tools to measure progress
- Discuss Transition Planning
  - Review achievement on previous years' short-term goals and objectives (academic and behavior)-a copy of the updated goals and objectives must be presented at the ARD meeting and attached to the ARD paperwork.
  - Discuss specific needs in the area of:
    - Language (second language learners as their needs relate to their IEP)
    - Communication
    - Physical
    - Behavioral (includes behavioral data, attendance, discussion of need for supplements – FBA, BIP)
    - Academic/Developmental – discuss areas in which student's disability significantly interferes
  - Review current grades and current credits (if applicable)
  - Review District and/or State Assessment results
  - Prevocational/Vocational (include CTE information here)
  - Review the need for assistive technology devices and services
  - Discuss the recommendation for ESY due to regression/recoupment/maintenance of critical skills Make sure the parent has provided input in enhancing the education of their student at some point during this discussion (documented in deliberations)

### ***Establish Goals and Objectives***

*34 CFR § 320.(a)(2)*

What is it that we want the child to know, understand, and be able to do a year from now?

- Present proposed goals and objectives
- Discuss supplementary aids and services

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- Accommodations
- Supplementary Aids and Services
- Discuss Intensive Program of Instruction needs, if applicable (under the SSI requirements)
- Determine State Assessment and need for accommodations
- Determination of types of District-Wide Assessments and need for accommodations
- Complete LPAC Supplement (if applicable) and discuss justifications

### ***Determine Appropriate Services & Placement***

In what placement in the least restrictive environment can the goals and objectives be implemented appropriately? During this process all consensus members of the ARD should give input.

- Discuss services to be provided (don't forget to follow up on the ESY needs if appropriate)
- Consider the least restrictive environment
- Discuss justification for removal from general education environment
- Finalize schedule of services and determine placement

***Review any required supplement based on the student's individualized needs.***

### ***Closing ARD***

- Provide assurances
- Read Committee Deliberations
- Confirm agreements, including signatures
- Develop action plan for follow up if necessary
- Distribute paperwork
- Thank all parties for attending

## PARENT RIGHTS/PARTICIPATION

### ***Parent Participation***

***19 TAC § 89.1050(d); TEC §§ 26.0081, 29.005; 34 CFR §§ 300.322, 300.501; 20 USC § 1414(d)(1)(B)(i)***

The District must take steps to ensure that one or both of the parents of a child with a disability are present at each ARD meeting or are afforded the opportunity to participate, including:

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
2. Scheduling the meeting at a mutually agreed on time and place.
  - A meeting does not include:
    - Informal or unscheduled conversations involving the LEA personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision; or
    - Preparatory provisions

### **Parent's Guide to the Admission, Review, and Dismissal (ARD) Process**

***TEC § 26.0081(a),(b)***The District must provide the parent the Parent's Guide to the Admission, Review,

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and Dismissal Process:

1. As soon as practicable after a referral for possible special education services, but at least 5 school days before the initial ARD meeting; and
2. At any other time on reasonable request of the child's parent.

A copy of the guide can be located on the Texas Education Agency's website as well as the SISD Special Education website.

### Information Provided to Parents

*34 CFR §§ 300.322; 300.501(b)(2); 19 TAC §§ 1050(d), 89.1055(i); 20 USC § 1417(c)*

1. The District must provide the parents with written notice of an ARD meeting at least 5 school days before the meeting unless the parents agree to a shorter time frame. The notice must:
  - a. Indicate the purpose, time, and location of the meeting and who will be in attendance; and
  - b. Inform the parents of the provisions relating to the participation of other discretionary members or individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. These members must be included on the ARD Notice. Examples of discretionary members may be the school nurse, counselor, Special Education Program Specialist, Related Services personnel, etc.
  - c. Beginning not later than the first IEP to be in effect when the child turns 14, or younger if determined appropriate by the ARDC, the notice must also indicate:
  - d. That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child; and
  - e. That the agency will invite the student; and
  - f. Any other agency that will be invited to send a representative with the consent of the parents or adult student.

### Conducting an IEP Meeting without a Parent in Attendance

*34 CFR §§ 300.322(d), 300.501(c)(4)*

A meeting may be conducted without a parent in attendance if Sheldon ISD is unable to encourage parents that they should attend. There should be a minimum of 3 attempts to contact parents. The District must keep a record of its attempts to arrange a mutually agreed on time and place such as:

- Detailed records of telephone calls made or attempted and the results of those calls should be documented in the Parent Contact Log in NextGen SPM; and
- Copies of correspondence sent to the parent and any responses received.

In certain cases, a letter may be sent after 3 attempts to schedule the ARD meeting. This letter

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summarizes the attempts made and when the ARD is scheduled. The parent is encouraged to attend but if unable to, then the ARD will be held and the information will be mailed to the parent via certified U.S. Mail.

### **Use of Interpreters or Other Action**

**34 CFR § 300.322(e)**

The District must take action to ensure that the parent understands the proceedings of the ARD meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

### **Parent Copy of Child's IEP**

**34 CFR § 300.322(f); TEC § 29.005(d); 19 TAC 89.1050(i)**

The District must give the parent a copy of the child's IEP at no cost to the parent. **The parent should receive a copy of the ARD documents as soon as possible, but no later than 5 school days after the ARD.**

### **Copy of Child's IEP when Parent is Unable to Speak English**

If the child's parent is unable to speak English, the District must:

1. Provide the parent with a written copy or audio recording of the child's IEP translated into Spanish if Spanish is the parent's native language; or
2. Make a good faith effort to provide the parent with a written copy or audio recording of the child's IEP translated into the parent's native language if the parent's native language is a language other than Spanish.

### **Parent Participation in Meetings**

1. The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to--
  - a. The identification, evaluation, and educational placement of the child; and
  - b. The provision of FAPE to the child.
2. Sheldon ISD must provide the appropriate Notice to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (b) (1) of this section.
3. A meeting does not include informal or unscheduled conversations involving Sheldon ISD personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that Sheldon ISD personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

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### **Parent Involvement in Placement Decisions**

1. Sheldon ISD must ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.
2. If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the Sheldon ISD must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.
3. A placement decision may be made by the ARD Committee without the involvement of a parent, if Sheldon ISD is unable to obtain the parent's participation in the decision. In this case, Sheldon ISD must have a record of its attempt to ensure their involvement. The attempts must be documented in the Parent Contact Log of the Frontline system.

### **Parent Attorney at ARD meeting**

A parent has a right to bring an attorney to an ARD meeting. However, if an attorney will be present, the District will also need to have legal representation.

The following procedures are recommended if a parent notifies the campus they will bring an attorney to the ARD:

1. Campus diagnostician/Special Education Program Specialist must notify the Special Education Program Coordinator for the program in which the student is currently receiving services and review any concerns the parent has expressed.
2. The Special Education Program Coordinator will ensure the Director is aware of the request.
3. The Executive Director of Special Education will contact the District's legal representation regarding the proposed ARD dates.
4. A staffing should be scheduled prior to the ARD to include the District's legal representation as well as special education central office staff (Program Coordinator, Director, etc.) and the campus staff who will attend the ARD meeting.

### **Parent Advocate at ARD meeting**

A parent has a right to bring an advocate to an ARD meeting.

The following procedures are recommended if a parent notifies the campus they will bring an advocate to the ARD:

1. Campus diagnostician/Special Education Program Specialist must notify the Special Education Program Coordinator for the program in which the student is currently receiving services and review any concerns the parent has expressed.
2. A meeting should be scheduled prior to the ARD to include the appropriate central office staff (Program Coordinator, LSSP/SLP/Diag, etc). During the staffing, the proposed ARD dates and central office attendance at ARD will be discussed.

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### **Age of Majority**

**19 TAC § 89.1049; TEC §29.017; 34 CFR § 300.320**

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

1. At least one year before a student reaches 18 years of age, the student's IEP must include a statement that the student has been informed that unless the student's parent or other individual has been granted guardianship of the student, all rights granted to the parent under the Individuals with Disabilities Education Act (IDEA), other than the right to receive any notice required under IDEA, will transfer to the student upon reaching age 18. Campus personnel must also provide information and resources regarding guardianship and alternatives to guardianship including supported decision-making.
2. After the student reaches the age of 18, Sheldon ISD shall provide any notice required under the IDEA to both the adult student and to the parent.

### **Transfer of Parental Rights at Age of Majority**

**34 CFR §§ 99.31(8), 99.5(a), 300.520(a), 300.625(b), (c); 19 TAC § 89.1049(b), (e); TEC § 29.017(b); 20 USC 1415(m)(1)**

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

1. All rights under the IDEA transfer from the parent to the adult student (except that the District must provide any notice required under the IDEA to both the adult student and the parents); and
2. All rights under the Family Education Rights and Privacy Act (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 exception applies regarding when consent is not required to disclose information).

An adult student who holds rights under the IDEA is not prohibited from executing a valid power of attorney.

### **Notification of the Transfer of Rights**

**34 CFR 300.520(a)(3); TEC § 29.017(c); 19 TAC § 89.1049(c); 20 § USC 1415(m)(1)(C)**

Sheldon ISD must notify in writing the adult student and parent of the transfer of rights at the time the student reaches the age of 18. This notice must include:

1. A statement that parental rights have transferred to the adult student; and
2. Provide contact information for the parties to use in obtaining additional information related to guardianship and alternatives to guardianship including supportive decision-making.

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The notification of the transfer of rights need not contain the elements of Prior Written Notice, and this notification is separate and distinct from the requirement that the student's IEP include a statement relating to the transfer of parental rights beginning at least one year before the student reaches the age of 18. Campus personnel must also provide information and resources regarding guardianship and alternatives to guardianship including supported decision-making.

### **Right to Notice Following a Transfer of Rights**

*34 CFR § 300.520(a)(1)(i); 19 TAC § 89.1049(a), (d); TEC § 9.017(a); 20 USC § 1415(m)(1)(A)*

While the District must provide any notice required by the IDEA to both the adult student and parent following a transfer of rights:

1. Prior Written Notice of an ARD meeting does not constitute an invitation to, or create a right for, the parent to attend the meeting; and
2. Prior Written Notice given to an adult student and parent does not create a right for the parent to consent or participate in the proposal or refusal to which the notice relates.

However, the adult student or Sheldon ISD may invite individuals who have knowledge or special expertise regarding the student, including the parent.



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### MEMBERSHIP OF THE ARD COMMITTEE

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*34 CFR §§ 300.18, 300.156, 300.321; 19 TAC § 89.1050 (c); 19 TAC §§ 75.1023(d)(1), 89.1050, 89.1255(f)(4), 89.12259(k), 89.1230(b), 89.1131(b) (30, 101.1003(b), 101.005(a)*

The following members should be included in each ARD meeting:

1. The parents of the child with a disability;
2. Not less than one general education teacher of the child (if the child is, or may be, participating in the regular education environment):
  - a. Who is a regular education teacher responsible for implementing a portion of the child's IEP; and
  - b. Who, as a member of the ARDC, to the extent appropriate, participates in the development, review, and revision of the IEP, including the determination of appropriate positive behavioral interventions and supports and other strategies for the child and supplementary aids and services, program modifications and supports for school personnel;
3. Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child who is appropriately certified or licensed;
4. Local Education Agency (LEA) Representation – Campus Administrator:
  - a. Who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - b. Who is knowledgeable about the general education curriculum; and
  - c. Who is knowledgeable about the availability of resources of the LEA;
5. Evaluation Specialist (not required at all ARD meetings but must be there if evaluation/eligibility is being reviewed or is in question, MDR is held, student dismissal or graduation is to be discussed);
6. At the discretion of the parent or Sheldon ISD, other individuals who have knowledge or special expertise regarding the child, including:
  - a. Related services personnel as appropriate;
  - b. With the consent of the parents or a child who has reached the age of majority, a representative of any participating agency that is likely to be responsible for providing for or paying for transition services; and
  - c. In the case of a child who has previously served under the Early Childhood Intervention (ECI) program, at the request of the parent, by invitation to the initial ARD meeting, the ECI service coordinator or other representatives of the ECY system to assist with the smooth transition of services;
7. The child with a disability, whenever appropriate, when the purpose of the meeting will be consideration of transition services (and if the child does not attend, the District must take other steps to ensure that the child's interests and preferences are considered);
8. A teacher who is certified in the education of children with deaf or hard of hearing for the child with a suspected or documented deaf or hard of hearing including suspected or documented deaf-blindness;

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9. A teacher who is certified in the education of children with visual impairments for the child with a suspected or documented visual impairment including suspected or documented deaf-blindness;
10. When determining participation in state and district-wide assessments for an English language learner, a member of the language proficiency assessment committee (LPAC) to address the child's needs; and
11. When transition is discussed, a representative from CTE, preferably the teacher of record.

***Consent to Excuse Member from Attending ARD Committee Meeting***  
***19 TAC § 89.1050(c)(5); 34 CFR § 300.321; 20 USC § 1414(d)(1)(C)***

A required member is not required to attend an ARD committee meeting (in whole or in part) if the member's area of the curriculum or related services is not being modified or discussed in the meeting and the following conditions are satisfied:

1. The parent and the District agree in writing that:
  - a. The member's attendance is not necessary; and
  - b. The member's area of the curriculum or related services is not being modified or discussed in the meeting.
2. The Excusal is documented on the ARD Member Not Required to Attend ARD Meeting screen located in the Frontline system within the Notices application.

When a required member's area of the curriculum or related services is being modified or discussed in the meeting, the required member may be excused from attending an ARD committee meeting (in whole or in part) if the following conditions are satisfied:

1. The parent and the LEA consent to excuse the member from the ARD meeting;
2. The parent's consent is documented in committee deliberations; AND
3. The member submits in writing to the parent and the ARD committee input into the development of the IEP prior to the meeting.

The Excusal process may be utilized in certain situations. The Attendance and Excusal procedures do not have to be followed for the following ARDC members:

1. The parent;
2. The child with a disability; and
3. Other individuals who have knowledge or special expertise regarding the child who attend at the discretion of the parent or the LEA.

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The District prefers that the Excusal process not occur at the annual ARD, or for any other ARD meeting unless prior approval is obtained by the appropriate Special Ed Coordinator or Executive Director of Special Education. It is important that all required members attend the student's ARD meeting.

### ARD MEETINGS

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#### ***Initial ARD***

*TEC § 29.004 and 29.005*

An Initial ARD meeting must be held within 30 calendar days of the completed Initial evaluation unless the district receives written consent for the Full Individual Evaluation at least 35 but less than 45 school days before the last instructional day of the school year, the evaluation must be completed and the written report provided to the parent or legal guardian not later than June 30 of that year. The student's ARD shall meet not later than the 15<sup>th</sup> school day of the following school year to review the evaluation.

In the event that the parent is non-responsive to communication, regarding the Initial ARD, notice of the ARD should be sent and the Initial ARD held without the parent within the required timeframe. A letter must be sent after 3 attempts to schedule the ARD meeting. This letter summarizes the attempts made and when the ARD is scheduled. The parent is encouraged to attend, but if unable to, then the ARD will be held and the information will be mailed to the parent via certified U.S. Mail. The school district should develop the IEP (which includes goals and objectives, programming, placement and services) and then send a copy of the Initial ARD to the parent.

Consent for Initial Placement form must be signed by the parent prior to Special Education services being implemented. It is important to remember the parent must give consent prior to services beginning. If the parent does not sign consent for services, the Campus Diagnostician/Special Education Program Specialist is to contact the Coordinator Evaluation or Coordinator of Compliance and Accountability for guidance.

#### ***Annual ARD***

Each student with a disability must have an ARD meeting within one year of the last Annual ARD date. An Annual ARD meeting may be held prior to the previous year's Annual ARD date but must not be held after the Annual ARD date of the previous year.

#### ***Re-evaluation Planning ARD***

##### ***34 CFR § 300.324***

Sheldon ISD utilizes the practice of a REED meeting to discuss and plan for the re-evaluation process. Please see Section 1 of these Special Education Administrative Procedures for specifics on planning for a Re-evaluation. *It is critical to remember when the Re-evaluation plan is completed via the REED process, and consent is obtained, the Re-evaluation should begin immediately.*

#### ***Review ARD***

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A Review ARD meeting is an ARD meeting held throughout the year. Here are some examples of when Review ARD meetings should be held:

- A member of the ARD/IEP team requests an ARD meeting to discuss concerns (this includes the parent).
- The student is not making progress and/or is not on track to master the Annual IEP goals.
- Students have mastered Annual IEP goals.
- Academic/Behavior IEP and objectives need to be addressed, modified, etc.
- Student placement needs to be addressed.
- ESY was not discussed during the Annual and needs to be addressed prior to summer.
- Changes to State Assessment need to be addressed.
- Students have increased attendance problems.
- Other reasons as appropriate for the ARD committee to address.

### **ARD vs. Amendment to ARD/IEP**

IDEA streamlines the ARD process by adding a provision to the law. Under Section 614(d)(3)(D), the district and parents may agree not to convene an ARD meeting for purposes of making changes to the child's program once the annual ARD meeting has been held. Instead, they may develop a written document to modify or amend the current IEP/ARD. If the ARD is amended without an ARD meeting, the district must provide the parents with a revised copy of the IEP (with the amendments incorporated). The parent must be provided with the Prior Written Notice of Change along with the Amended IEP document within 5 days of the completion of the Amendment to the ARD.

Sheldon ISD will utilize Amendment to the ARDs for certain situations. Following is an analysis document for Sheldon ISD which will help you determine if the action being considered can be addressed by amending the ARD or if an ARD must be held.

### **ARD vs. Amendment to ARD/IEP Analysis**

ISSUE/ITEM	ARD	Amendment
IEP/MODIFICATIONS/SERVICE		
● Changes in Present Level of Academic Achievement and Functional Performance (PLAAFP)		✓
● Add/Edit/Delete measurable short term objectives which will not result in a change in service delivery hours and/or placement (general education/special education and/or related services)		✓

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<ul style="list-style-type: none"> <li>Add/Edit/Delete measurable annual goals and/or short term objectives which will result in a change in service delivery hours and/or placement (general education/special education and/or related services.)</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Add/Edit/Delete instructional accommodations and/or supplementary aids and services which will not result in a change in service delivery hours and/or placement).</li> </ul>		✓
<ul style="list-style-type: none"> <li>Develop IEPs thirty (30) school days following an Agreement to Implement for a transfer student</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Change in existing technology devices and/or services needed to implement a student's IEP which will not result in a change in service delivery hours and/or placement.</li> </ul>		✓
<ul style="list-style-type: none"> <li>Changes in related services (type and/or services hours)</li> </ul>	✓	
PLACEMENT		
<ul style="list-style-type: none"> <li>Any change in placement (i.e. General Ed/IS to Resource, BSP to Resource, Life Skills to SILC, etc.)</li> </ul>	✓	
ASSESSMENT		
<ul style="list-style-type: none"> <li>Any change in type of State Assessment administered to student</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Modify/adjust/add/delete accommodations to State Assessment</li> </ul>		✓
ESY		
<ul style="list-style-type: none"> <li>Consider need for ESY</li> </ul>	✓	

BEHAVIOR INTERVENTION PLAN (BIP)		
<ul style="list-style-type: none"> <li>Add/Edit/Delete BIP objectives which will not result in a change in service delivery hours and/or placement (general education/special education and/or related services)</li> </ul>		✓
<ul style="list-style-type: none"> <li>Add/Edit/Delete BIP goals/objectives which will result in a change in service delivery hours and/or placement (general education/special education and/or related services)</li> </ul>	✓	
ELIGIBILITY		
<ul style="list-style-type: none"> <li>Any change in Eligibility (add or remove)</li> </ul>	✓	
GRADUATION		

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• Change in Graduation Plan Option	✓	
PERSONAL CARE SERVICES (PCS)		
• To describe Personal Care Services in more detail if there are already IEPs Goals and Objectives in Annual ARD		✓
• To add Personal Care Services (this would be the same as adding related services or IEP services)	✓	

There may be circumstances in which an ARD was archived with an error and an Amendment ARD may be appropriate to correct the error.

### ***Dismissal ARD***

#### **34 CFR § 300.305**

If a student is re-evaluated and no longer meets eligibility as a student with a disability, an ARD Meeting must be held to consider the recommendation of the Full Individual Evaluation prior to dismissing the student from Special Education services.

### ***Graduation***

The ARDC makes the determination regarding the Graduation Program Option or Graduation Plan for a student with a disability. This process begins for a student at the Annual ARD during 8<sup>th</sup> grade as the ARD committee determines appropriate IEPs and courses for the 9<sup>th</sup> grade year. At least each school year at the Annual ARD, the Graduation Plan should be reviewed.

### **Graduation Requirements**

#### **19 T.A.C. § 89.1070**

(a) Graduation with a regular high school diploma under subsections (b)(1), (b)(2)(D), (g)(1), (g)(2), (g)(3), or (g)(4)(D) of this section terminates a student's eligibility for special education services under this subchapter and Part B of the Individuals with Disabilities Education Act and entitlement to the benefits of the Foundation School Program, as provided in Texas Education Code (TEC), §42.003(a).

(b) A student entering Grade 9 in the 2014-2015 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions.

(1) The student has demonstrated mastery of the required state standards (or district standards if greater) in Chapters 110-118, 126-128, and 130 of this title and satisfactorily completed credit requirements for graduation under the Foundation High School Program specified in §74.12 of this title (relating to Foundation High School Program) applicable to students in general education as well as satisfactory performance as established in the TEC, Chapter 39, on the required state assessments, unless the student's admission, review, and dismissal (ARD) committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.

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(2) The student has demonstrated mastery of the required state standards (or district standards if greater) in Chapters 110-118, 126-128, and 130 of this title and satisfactorily completed credit requirements for graduation under the Foundation High School Program specified in §74.12 of this title through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance as established in the TEC, Chapter 39, on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation. The student must also successfully complete the student's individualized education program (IEP) and meet one of the following conditions.

(A) Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.

(B) Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.

(C) The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

(D) The student no longer meets age eligibility requirements.

(c) A student receiving special education services may earn an endorsement under §74.13 of this title (relating to Endorsements) if the student:

(1) satisfactorily completes the requirements for graduation under the Foundation High School Program specified in §74.12 of this title as well as the additional credit requirements in mathematics, science, and elective courses as specified in §74.13(e) of this title with or without modified curriculum;

(2) satisfactorily completes the courses required for the endorsement under §74.13(f) of this title without any modified curriculum; and

(3) performs satisfactorily as established in the TEC, Chapter 39, on the required state assessments.

*\*\*\* During the 86<sup>th</sup> Legislative Session, House Bill 165 was approved and revises the TEC 28.025 by adding subsection (c-7) to allow students who are enrolled in special education programs to earn an endorsement with or without modified curriculum. If the curriculum is modified, the ARD committee would authorize the award of the endorsement if the curriculum, as modified, is sufficiently rigorous*

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*and whether satisfactory REEDs are necessary on the end-of-course assessments. It is unclear at this time how this will affect current students, given that the Administrative Code prohibits this until the TEA Rule has been changed.*

(d) Notwithstanding subsection (c)(3) of this section, a student receiving special education services classified in Grade 11 or 12 during the 2014-2015, 2015-2016, or 2016-2017 school year who has taken each of the state assessments required by Chapter 101, Subchapter CC, of this title (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD of this title (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments is eligible to receive an endorsement if the student has met the requirements in subsection (c)(1) and (2) of this section.

(e) In order for a student receiving special education services to use a course to satisfy both a requirement under the Foundation High School Program specified in §74.12 of this title and a requirement for an endorsement under §74.13 of this title, the student must satisfactorily complete the course without any modified curriculum.

(f) A student receiving special education services who entered Grade 9 before the 2014-2015 school year may graduate and be awarded a high school diploma under the Foundation High School Program as provided in §74.1021 of this title (relating to Transition to the Foundation High School Program), if the student's ARD committee determines that the student should take courses under that program and the student satisfies the requirements of that program. Subsections (c) and (d) of this section apply to a student transitioning to the Foundation High School Program under this subsection. As the TEC, §28.0258 and §39.025(a-2), modify the state assessment requirements applicable to students in general education, a student receiving special education services who is classified in Grade 11 or 12 during the 2014-2015, 2015-2016, or 2016-2017 school year who has taken each of the state assessments required by Chapter 101, Subchapter CC, of this title (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD of this title (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments may graduate if the student has satisfied all other applicable graduation requirements.

(g) A student receiving special education services who entered Grade 9 before the 2014-2015 school year may graduate and be awarded a regular high school diploma if the student meets one of the following conditions.

(1) The student has demonstrated mastery of the required state standards (or district standards if greater) in Chapters 110-118, 126-128, and 130 of this title and satisfactorily completed credit requirements for graduation (under the recommended or distinguished achievement high school programs in Chapter 74, Subchapter F, of this title (relating to Graduation Requirements, Beginning with School Year 2007-2008) or Chapter 74, Subchapter G, of this title (relating to Graduation Requirements, Beginning with School Year 2012-2013)), as applicable, including satisfactory performance as established in the TEC, Chapter 39, on the



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required state assessments.

(2) Notwithstanding paragraph (1) of this subsection, as the TEC, §28.0258 and §39.025(a-2), modify the state assessment requirements applicable to students in general education, a student receiving special education services who is classified in Grade 11 or 12 during the 2014-2015, 2015-2016, or 2016-2017 school year may graduate under the recommended or distinguished achievement high school program, as applicable, if the student has taken each of the state assessments required by Chapter 101, Subchapter CC, of this title (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD of this title (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments and has met all other applicable graduation requirements in paragraph (1) of this subsection.

(3) The student has demonstrated mastery of the required state standards (or district standards if greater) in Chapters 110-118, 126-128, and 130 of this title and satisfactorily completed credit requirements for graduation (under the minimum high school program in Chapter 74, Subchapter F or G, of this title), as applicable, including participation in required state assessments. The student's ARD committee will determine whether satisfactory performance on the required state assessments is necessary for graduation.

(4) The student has demonstrated mastery of the required state standards (or district standards if greater) in Chapters 110-118, 126-128, and 130 of this title through courses, one or more of which contain modified content that is aligned to the standards required under the minimum high school program in Chapter 74, Subchapter F or G, of this title, as applicable, as well as the satisfactorily completed credit requirements under the minimum high school program, including participation in required state assessments. The student's ARD committee will determine whether satisfactory performance on the required state assessments is necessary for graduation. The student graduating under this subsection must also successfully complete the student's IEP and meet one of the following conditions.

(A) Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.

*Questions for an ARD committee to consider under this option:*

- 1. What is the student's postsecondary goal in the areas of: employment, education/training, and independent living (if applicable)?*
- 2. What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?*
- 3. What courses, if any, have the student completed that have prepared them with the employment skills and/or self-help skills necessary to obtain or retain a job?*

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- 4. What jobs (paid or unpaid) has the student held during high school?*
- 5. Is the student currently employed? If so, where and for how long?*
- 6. Is the student successful in this job(s)? How do you know?*
- 7. Did the student require any support from special education in order to obtain or retain the job?*
- 8. If so, who will the student contact once they graduate from high school to access the same type of support to retain their job or obtain a new job?*
- 9. If so, is the student already in contact with this person/agency?*

(B) Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.

*Questions for an ARD committee to consider under this option:*

- 1. What is the student's postsecondary goal in the areas of: employment, education/training, and independent living (if applicable)?*
- 2. What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?*
- 3. What courses, if any, has the student completed that have prepared them with the employment skills and/or self-help skills necessary to obtain or retain a job?*
- 4. What jobs (paid or unpaid) has the student held during high school?*
- 5. Is the student currently employed? If so, where and for how long?*
- 6. Is the student successful in this job(s)? How do you know?*
- 7. Did the student require any support from special education in order to obtain or retain the job?*
- 8. If so, who will the student contact once they graduate from high school to access the same type of support to retain their job or obtain a new job?*
- 9. If so, is the student already in contact with this person/agency?*
- 10. If the student has never held a job or been competitively employed, what courses has the student taken that have prepared them to obtain or retain a job (as identified in their postsecondary employment goal), including courses that have provided instruction for self-help skills that the student would need in order to be successful in that job (based on their individual disability-related needs in the PLAAFP)*
- 11. Was the student successful in these courses? How do you know (ex. IEP goal was created and the student mastered the goal)?*

- (C) The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

*Questions for an ARD committee to consider under this option:*

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- 1. What is the student's postsecondary goal in the areas of: employment, education/training, and independent living (if applicable)?*
- 2. What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?*
- 3. What courses, if any, has the student completed that have prepared them with the employment skills and/or self-help skills necessary to obtain or retain a job?*
- 4. What jobs (paid or unpaid) has the student held during high school?*
- 5. Is the student currently employed? If so, where and for how long?*
- 6. Is the student successful in this job(s)? How do you know?*
- 7. Did the student require any support from special education in order to obtain or retain the job?*
- 8. If so, who will the student contact once they graduate from high school to access the same type of support to obtain or maintain a new job or support in a postsecondary education program?*
- 9. If so, is the student already in contact and receiving services with this person/agency? 10. If not, what should be the next steps for the student to complete in order to access this support or service?*

(D) The student no longer meets age eligibility requirements.

*Questions for an ARD committee to consider under this option:*

- 1. Is this student currently 22? If so, they will not be eligible for services through special education during the next school year.*
- 2. Will this student turn 22 on or before September 1 of next year? If so, they will not be eligible for services through special education during the next school year.*

- (h) All students graduating under this section must be provided with a summary of academic achievement and functional performance as described in 34 Code of Federal Regulations (CFR), §300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 CFR, §300.305(e)(1), must be included as part of the summary for a student graduating under subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) of this section.
- (i) Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) of this section and who will remain in school to complete their education do not have to be evaluated in accordance with subsection (h) of this section.
- (j) Employability and self-help skills referenced under subsections (b)(2) and (g)(4) of this section are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment.
- (k) For students who receive a diploma according to subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) of

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in this section, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

- (l) For purposes of this section, modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in Chapters 110-118, 126-128, and 130 of this title. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content.

### ***Transfer Agreement/ARD***

In an effort to make sure transfer students receive comparable services, as required under .323 34

C.F.R. § 300 (e) and (f) an Agreement to Implement should be conducted within 5 days of a student transferring into the school district from another district in Texas or from another state. The ARD Meeting needs to be held to discuss the Special Education services the student was receiving in the previous district and develop the services to be provided in Sheldon ISD.

The following steps should occur prior to the completion of the Agreement to Implement:

1. The campus diagnostician must contact the previous school district to verify the student's current Special Education eligibility and to gain information about the Special Education services the student was receiving.
2. Once the services are verified and the student is enrolled in Sheldon ISD, the Agreement to Implement should be completed.
3. The Agreement to Implement should be completed within 5 days of enrollment.
4. If the student's home school does not house the appropriate program/services that the student was receiving in the previous district, the campus diagnostician/Special Education Program Specialist must contact the Special Education Program Coordinator to determine what campus the student will need to enroll to receive comparable services.
5. Once the campus is determined, the Special Education Program Coordinator will contact the campus where the student will attend and communicate with the campus diagnostician/Special Education Program Specialist and the Campus Principal about the transfer student.

A Transfer Annual Meeting may be held within 20 school days of the date the student is verified as being a student eligible for special education services for students transferring within the state of Texas; that date will likely coincide with the Agreement to Implement date. A Transfer Annual would be needed if:

1. The FIE from the previous district cannot be accepted.
2. The ARD from the previous district is expired or cannot be implemented appropriately by the receiving campus.

Out of state transfers will follow initial evaluation timelines (see Section 1).

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### SPECIFIC AREAS TO ADDRESS DURING THE ARD MEETING

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#### ***Accelerated Instruction and Intensive Program of Instruction***

*TEC §§ 28.0211, 28.0213*

Each student with a disability who does not perform satisfactorily on their State Assessment test must receive Accelerated Instruction (Grades 5 and 8) or Intensive Program of Instruction (all other grades not applicable to Student Success Initiative (5<sup>th</sup> and 8<sup>th</sup>) in which a student is tested with State Assessment.

Sheldon ISD special education services will document “Accelerated Instruction” and “Intensive Program of Instruction” in the same area of the ARD document and follow similar procedures regarding the development of a plan to assist the student in attaining growth.

#### **SISD Procedure**

If a student, in 5<sup>th</sup> or 8<sup>th</sup> grade, with a disability fails their ARD recommended State Assessment, an ARD committee or an Amendment must be completed to consider the following:

- Results of State Assessment, Grades in the subject the student failed the State Assessment, District CBA results, attendance, and other district data
- Review of Current IEPs, accommodations, supplementary aides, special education services
- Develop plan to address the concerns

The Accelerated Instruction Plan/Intensive Program of Instruction may include a revision of the student’s IEP, increased special education services (in general education setting and/or special education setting), increased or addition of accommodations and/or modifications, and other interventions to assist the student in attaining growth.

The Accelerated Instruction Plan/Intensive Program of Instruction **must** include a plan to monitor the student’s progress. In addition, the ARD Committee/Amendment Minutes should include detailed information about the plan (i.e. what was changed to address the failure, where the changes will be implemented, how progress will be monitored, etc.)

#### ***Personal Graduation Plan***

*TEC § 28.0212 and 28.02121*

For non-disabled students, a Personal Graduation plan must be completed for each student enrolled in middle or high school who:

1. Does not perform satisfactorily on their state assessments or
2. Is not likely to receive a high school diploma before the fifth school year following the student’s enrollment in grade level nine as determined by the district.

For students receiving Special Education services, the ARD/IEP serves as the Personal Graduation Plan.

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### ***Adapted Physical Education (APE)***

1. All students referred for Adapted Physical Education (APE) evaluation must have an identified disability.
2. APE services are provided upon consideration of a current evaluation and written report.
3. If APE services are provided, the goals and/or objectives will be agreed upon by the ARD Committee.
4. Parents will receive progress reports toward the APE goals/objectives in the same timeframe as nondisabled students, unless the student's IEP requires more frequent reporting.

### ***Assistive Technology (AT)***

**34 CFR §§ 300.5, 300.6, 300.105, 300.324**

When developing a child's IEP, the "ARDC must consider whether the child needs assistive technology devices and services."

### **Legal/Federal Definitions**

As defined in the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) "Assistive Technologies are tools and/or strategies used to help support academic goals within the Individualized Education Program (IEP).

### **Assistive Technology Device**

An Assistive Technology Device is "any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of the child with a disability."

"The term Assistive Technology device (ATD) Assistive Technology does not include a medical device that is surgically implanted" (e.g., cochlear implant), "or the replacement of such a device." However, this does not limit the responsibility of the Local Education Agency to provide monitoring and maintenance of the external equipment to maintain a student's health, safety, and educational goals, if written in the IEP. Therefore, support for use of the implanted device could be provided and considered as an AT service. As a general matter, schools are not responsible for providing personal devices such as eyeglasses, hearing aids, or braces, that a child with a disability requires regardless of whether he/she is attending school.

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### Assistive Technology Service

IDEA 2004 defines an Assistive Technology Service as “any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device” and includes, but is not limited to:

1. The evaluation of the needs of the child, including a functional evaluation of the child in the child’s customary environment;
2. Purchasing, leasing, or otherwise providing for the acquisition of AT by the child;
3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing AT;
4. Coordinating and using other therapies, interventions, or services with AT, such as those associated with existing education and rehabilitation plans and programs;
5. Training or technical assistance for the child or, where appropriate, the family of the child; and
6. 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.

### Procedures Aligned with Federal/Legal Requirements

1. Consider Assistive Technology needs for every student with a disability who qualifies for special education services within the student’s Full Individual Evaluation and in all subsequent re-evaluations or specialty evaluations (including functional and related service evaluations).
2. Consider/Discuss Assistive Technology needs for every special education student at **every** IEP/ARD meeting. The need for AT must be discussed regardless of the student’s prior needs/recommendations as the student’s goals and needs may change.
3. Complete the communication needs of the student (NextGen SPM): --student communication is adequate to enable the student to be involved and progress in the general curriculum.  
---Student has communication deficits that should be addressed through supplementary aids and services, IEP, AT, and/or speech therapy (Specify).
4. Every IEP/ARD committee must address one of four statements:
  - a. The student is making progress with standard classroom tools. AT is not required for this student at this time. Check no on the AT indicator on the Assistive Technology needs of the student in NextGen SPM.
  - b. The student can accomplish required tasks using standard classroom tools, accommodations, and/or modifications that are currently in place. AT is not required for this student at this time. Check no on the AT indicator on the Assistive Technology needs of the student section of the ARD.
  - c. The student can accomplish required tasks with standard classroom tools, accommodations, and/or modifications with AT that is currently in place. AT is

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required. Document AT needs in the student's PLAAFPS, IEP goals and objectives and/or accommodations/modifications list in NextGen SPM. Check "yes" on the AT indicator on the Assistive Technology needs of the student section of the ARD.

- d. The student cannot accomplish required tasks with the supports that are currently in place. More information is needed in order to make an informed decision regarding Assistive Technology. When more information is needed, complete the Assistive Technology Consideration Form and Assistive Technology Consideration Guide/s related to the area/s of concern. After completing the form, the following options may be considered:
  - i. AT Trials with Level 1-No Tech/Low Tech tools:
    1. Conduct trials with level 1 tools/strategies identified in the AT Consideration Guide.
    2. Collect data on the effectiveness of the tools/strategies.
    3. If the trials are successful, request an ARD to document the need for AT. Complete the AT Supplement and integrate AT into the goals and objectives and/or accommodations or modifications for the student. Check "yes" on the AT indicator on the Assistive Technology needs section of the ARD document, and monitor effectiveness.
  - e. If the trials are not successful, contact the Program Specialist for Assistive Technology for further guidance.
    - i. AT Staffing
      1. Request an AT staffing to discuss options including the use of No/Low Tech (Level 1) and Mid- Tech (Level 2) equipment by completing the Assistive Technology Student Information Form and sending it to the Program Specialist for Assistive Technology. The AT Specialist will schedule the staffing with the campus.
      2. Conduct AT trials based on recommendations made in the AT staffing.
      3. Collect data on the effectiveness of the tools/strategies.
      4. If the trials are successful, request an ARD to document the need for AT. Integrate AT into the goals and objectives and/or accommodations or modifications for the student. Check "yes" on the AT needs indicator section of the ARD document, and monitor effectiveness.
      5. If the trials are not successful, contact the Program Specialist for Assistive Technology for further guidance.
    - ii. AT evaluation
      1. Refer the student for an AT evaluation to consider the need for High Tech (Level 3) equipment. An AT evaluation requires the collaboration of a multidisciplinary team consisting of a member of the Assistive Technology team, teachers, and



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- other specialists who work with the student.
2. A member of the campus evaluation staff will obtain consent for the evaluation from the parents and include the signed form in the referral packet.
3. Send a copy of the Assistive Technology Parent Questionnaire to the parent.
4. Send in the referral packet including all forms to the AT Specialist.

Assistive Technology is a related service for students receiving special education and must support a goal, task, and/or objective.

It is up to the ARDC to recommend appropriate AT devices/equipment. If a parent chooses to provide personal AT equipment for their student, the ARDC must discuss whether the personal equipment is required for a FAPE. If the personal equipment is not required, the parent may still send the equipment, but the school district is not required to implement or maintain the equipment.

### **Assistive Technology Equipment Check-Out Procedures**

Low-Tech equipment should be currently available at the campus level. Teachers in most specialized programs have access to SymbolStix software for creating visual supports and Low-Tech communication materials for students. If your campus does not have a specialized program, but needs access to the software, contact the Special Education Program Coordinator for licensing information.

Mid-Tech level devices/equipment may require a trial period of use. These devices may be currently available from SERS. If the equipment is not available, it may need to be ordered. Contact the Program Specialist for AT to request devices for trials and Mid-Tech recommendations made through FIEs and AT Staffing's. The devices/equipment will be checked out or ordered in the student's name.

High Tech devices/equipment will be ordered following acceptance of the recommendations made in an AT evaluation by the ARD committee. Following the ARD, contact the AT Specialist. The devices/equipment will be ordered in the student's name and checked out to the monitoring teacher when they arrive. .

### ***Deaf or Hard of Hearing (D/HH)***

***TEC §§ 29.301, 29.303, 30.004; 19 TAC §89.1050; 34 CFR § 300.324(a)(2); 20 USC § 1414(d)(3)(B)(iv);***

### ***TSD Admissions FAQs***

The District shall ensure that all children with a Deaf or Hard of Hearing diagnosis has an education in which the child's unique communication mode is respected, used, and developed to an appropriate level of proficiency.

For a student who is D/HH, the ARDC must consider:

1. The child's language and communication needs;

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2. The child's opportunities for direct communications with peers and professional personnel in the child's language and communication mode;
3. The child's academic level; and
4. The child's full range of needs, including opportunities for direct instruction in the child's language and communication mode.

Students who are D/HH may receive special education services through a variety of service delivery models. Many students are appropriately serviced on their home campus with special education services; other students may need additional instructional support from a Teacher of the Deaf/Hard of Hearing. For students who need additional Deaf Education services, SISD participates in the Humble ISD (SSA) Regional Day School Program for the Deaf (RDSPD). Students receiving direct services via Humble ISD (SSA) RDSPD may receive services according to a continuum of services based on the unique needs of the student. Continuum of services for D/HH students include the following:

1. Monitor/consult only (Indirect service): These are students who do not receive direct instruction from a certified Teacher of the Deaf. However, RDSPD teachers may provide indirect services to the campus teaching staff by providing support such as setting up a communication system, providing sign language resources, or suggesting strategies for a better listening environment in the classroom. All D/HH students will have a monitoring RDSPD teacher that will provide their name and contact information and a Support Packet for Teachers Working with Deaf and Hard of Hearing Students at the beginning of each school year. Additional consultation may be requested at any time by direct contact with the RDSPD teacher or RDSPD Office.
2. Itinerant (Direct service): These are students who receive at least *45 minutes a week of direct instruction* from a certified Teacher of the Deaf at their home campus. Any services less than 45 minutes a week are considered indirect services, "D/HH monitor only". In addition, if an itinerant D/HH student has an Assistive Listening Device (ALD) such as a FM system, the ALD is provided by the RDSPD. Personal amplification or listening devices include hearing aids, cochlear implants, and bone-anchored hearing aids (BAHA) are provided by the parent/guardian. ARD meetings for students receiving itinerant services are held at the campus the student attends and are facilitated by the campus-based staff members.
3. Site-Based (Direct service): These students participate in the RDSPD at one of Humble ISD (SSA) campuses. These ARD meetings are facilitated by the Humble ISD Diagnostician or Special Education Program Specialist. The criteria for placement into the Humble ISD (SSA) RDSPD are for a student to meet D/HH Eligibility; have language and/or academic delays due to hearing loss; educational need for instruction from a Teacher of the Deaf. A student is considered a member of the Humble ISD (SSA) RDSPD when they receive direct services from a Teacher of the Deaf, either itinerantly or on a SISD site campus location.

All ARDs for students who are Deaf or Hard of Hearing must have a Teacher of the Deaf present. In order to request a teacher of the deaf attend an ARD meeting, please notify and email it to the D/HH teacher at least two weeks prior to the scheduled ARD. You may also call the Special Education Program

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Coordinator at 281-727-2000 for additional inquiries.

Procedures during the ARD process for a student who is D/HH -

- Schedule of Services-
  - a. Monitor/Consult students: Their services should be listed under “Supplementary Aids and Services” with the allotted amount of time if time is specified for consultation. Nothing should be listed under “Instructional Services” or “Related Services”. A description of the D/HH services should be provided to the ARD recorder by the RDSPD teacher or representative and recorded in the Deliberations section of the ARD paperwork.
  - b. Itinerant students: The services will be listed under “Instructional Services” with the allotted amount of time. In addition, please note in the deliberations section of the ARD that “Direct instruction from the Regional Day School Program for the Deaf will be provided.” ALDs should be listed as an AT device; **however, a personal listening device such as a hearing aid or cochlear implant should not be considered AT because it is not provided by the school district.** The RDSPD teacher assigned to the student will recommend a Campus Plan for Listening Devices so there is a plan for who, where, and how equipment will be taken care of during the school day.
  - c. Site-Based (Direct service): The services will be listed under “Instructional Services” with the allotted amount of time. In addition, please note in the deliberations section of the ARD that “Direct instruction from the Regional Day School Program for the Deaf will be provided.”
- Texas School for the Deaf (TSD) Information – It is a state requirement to give this information at the initial placement ARD and at least once annually to all students with a D/HH eligibility. Typically, the RDSPD representative who attends the ARD meeting will bring the pamphlet (consult, itinerant, courtesy) unless the student is a site-based student, then the TSD information is brought and presented by the TCE RDSPD diagnostician.
- Communication Needs Supplement for Deaf and Hard of Hearing- D/HH (AI) Supplement – This required supplement is completed for all D/HH students and is part of NextGen SPM. The RDSPD representative that attends the ARD can assist special education staff with completing the form.
- RDSPD Supplement – This is a required form at the initial placement ARD and at least once annually for all students receiving direct itinerant or site-based instruction from a Teacher of the Deaf. The form is provided in the Frontline system and is completed by the RDSPD diagnostician for site-based students or can be presented by the special education case manager, Evaluation specialist, or Special Education Program Specialist, or by the RDSPD representative who attends the ARD meeting (itinerant/consult/courtesy). The RDSPD representative that attends the ARD can assist special education staff with completing the form.

Initial and transfer ARD/IEP meetings will be held at and conducted by the student’s zoned campus with RDSPD staff members in attendance (itinerant, consult, courtesy). If the student is a site-based transfer, the transfer ARD/IEP meeting will be held at the cluster site campus where the student receives site-based instruction and will be completed by the RDSPD diagnostician.

For additional information regarding the TCE RDSPD program, please refer to section 5 of the Special

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Education Administrative Procedures. Additional information regarding the evaluation process for students with a D/HH eligibility, can be found in Section 1 of the Special Education Administrative Procedures.

### ***Autism (AU) Supplement*** **19 TAC § 89.1055**

An Autism Supplement must be completed for any student in Sheldon ISD who has the eligibility of AU. The AU supplement has several strategies that must be considered by the ARD committee. The AU supplement must be completed at the Annual ARD at the minimum.

For initially placed students, the LSSP will complete the AU Supplement. For annual reviews, the special ed teacher should collaborate with other staff members to complete the supplement which will be reviewed at the ARD meeting.

Below are the 11 strategies that are found on the AU supplement and must be considered, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. **Extended educational programming** (for example: extended day and/or extended school year services that consider the duration of programs/settings based on assessment of behavior, social skills, communication, academics, and self-help skills);
2. **Daily schedules** reflecting minimal unstructured time and active engagement in learning activities (for example: lunch, snack, and recess periods that provide flexibility within routines; adapt to individual skill levels; and assist with schedule changes, such as changes involving substitute teachers and pep rallies);
3. **In-home and community-based training** or viable alternatives that assist the student with acquisition of social/behavioral skills (for example: strategies that facilitate maintenance and generalization of such skills from home to school, school to home, home to community, and school to community);
4. **Positive behavior support** strategies based on relevant information, for example:
  - a. Antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and
  - b. a Behavior Intervention Plan developed from a Functional Behavioral Assessment that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings;
5. Beginning at any age, **futures planning** for integrated living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments;

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6. **Parent/family training and support**, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD), that, for example:
  - a. provides a family with skills necessary for a child to succeed in the home/community setting;
  - b. includes information regarding resources (for example: parent support groups, workshops, videos, conferences, and materials designed to increase parent knowledge of specific teaching/management techniques related to the child's curriculum); and
  - c. facilitates parental carryover of in-home training (for example: strategies for behavior management and developing structured home environments and/or communication training so that parents are active participants in promoting the continuity of interventions across all settings);
7. Suitable **staff-to-student ratio** appropriate to identified activities and as needed to achieve social/behavioral progress based on the child's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence as determined by, for example:
  - a. adaptive behavior evaluation results;
  - b. behavioral accommodation needs across settings; and
  - c. transitions within the school day;
8. **Communication interventions**, including language forms and functions that enhance effective communication across settings (for example: augmentative, incidental, and naturalistic teaching);
9. **Social skills** supports and strategies based on social skills assessment/curriculum and provided across settings (for example: trained peer facilitators (e.g., circle of friends), video modeling, social stories, and role playing);
10. **Professional educator/staff support** (for example: training provided to personnel who work with the student to assure the correct implementation of techniques and strategies described in the IEP); and
11. **Teaching strategies** based on peer reviewed, research-based practices for students with ASD (for example: those associated with discrete-trial training, visual supports, applied behavior analysis, structured learning, augmentative communication, or social skills training).

If the ARDC determines that services are not needed in one or more of the areas, the IEP must include a statement to that effect and the basis upon which the ARDC made that determination.

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### ***Extended School Year Services (ESY)***

***34 CFR § 300.106; 19 TAC §§ 89.1055, 89.1065***

Extended School Year Services (ESY) is an Individualized Education Program (IEP) for children with disabilities that are provided to students beyond the regular school year. ESY must be considered and addressed at the student's annual ARD meeting. The need for ESY must be discussed on an individual basis by the child's ARD Committee from formal and/or informal evaluations provided by the Assessment Team, Special Education Staff and/ or the parents. The documentation must demonstrate that in one or more critical areas addressed in the current IEP goals and objectives, the child has exhibited, or may be expected to exhibit severe or substantial regression in critical skill area(s) that cannot be recouped within a reasonable period of time or that need to be maintained beyond the regular school year. In considering students with disabilities for ESY, Sheldon ISD does not limit ESY to particular categories of disabilities or unilaterally limit the type, amount, or duration of ESY. The Assessment Team and/or the Special Education Staff establishes a general timeframe for ESY each year. However, the ARD Committee determines the ESY timeframe to meet the individual needs of the student.

Sheldon ISD uses the following process to provide Extended School Year Services (ESY) to its students:

1. The need for ESY must be documented on the ESY Data Form for Regression, which will be updated and sent out each school year. The documentation shall demonstrate that in one or more critical areas addressed in the current individualized education program (IEP) objectives, the student has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be recouped within a reasonable period of time or the maintenance of those critical skills that extend beyond the regular school year.
2. Severe or substantial regression means that the student has been, or will be, unable to maintain one or more acquired critical skills in the absence of ESY.
3. The reasonable period of time for recoupment of acquired critical skills shall be determined on the basis of needs identified in each student's IEP. If the loss of acquired critical skills would be particularly severe or substantial, or if such loss results, or reasonably may be expected to result, in immediate physical harm to the student or to others, ESY may be justified without consideration of the period of time for recoupment of such skills. In any case, the period of time for recoupment shall not exceed eight weeks.
4. A skill is critical when the loss of that skill results, or is reasonably expected to result, in any of the following occurrences during the first eight weeks of the next regular school year:
  - a. placement in a more restrictive instructional arrangement;
  - b. significant loss of acquired skills necessary for the student to appropriately progress in the general curriculum;

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- c. significant loss of self-sufficiency in self-help skill areas as evidenced by an increase in the number of direct service staff and/or amount of time required to provide special education or related services;
  - d. loss of access to community-based independent living skills instruction or an independent living environment provided by non-educational sources as a result of regression in skills; or
  - e. loss of access to on-the-job training or productive employment as a result of regression in skills.
5. If a student demonstrates the need for ESY, the ARD committee must decide on the appropriate IEP goals and objectives the student will work on during the determined ESY. The determination of IEP goals and objectives for ESY must be identified in an ARD meeting.
  6. Goals for students recommended for ESY should come from their current IEP. These goals should be identified as those being critical to a student's academic, behavioral, or functional development. This may include skills that may have been mastered during the school year, but without ESY participation during the summer, the student would suffer regression in that particular area.

### ESY ARD Meeting

As part of the ARD meeting held to consider ESY, the following components must be discussed and documented:

1. *ESY Supplement*

If the student meets the requirements and there is a valid need for ESY services, then an ARD must be held (if it was not determined at the annual ARD). The ESY ARD Supplement must be completed in its entirety in the Frontline system during the ARD and included in the IEP.

2. *ESY IEP Goals & Objectives*

If the student meets the ESY recommendation requirements, then the committee needs to identify those goals in which the student has shown either regression (which has been noted on the IEP) or is a critical skill on the student's IEP. **The ARD Committee deliberations must specify the time and duration for ESY instructional and/or related services.**

3. *Transportation Supplement*

If the student will be receiving specialized transportation during ESY, then it must be indicated in the Frontline system and the transportation supplement must be completed during an ARD. If a parent has declined specialized transportation during the regular school year, but the ARD committee determines that there will be a need for this service during ESY, then an ARD must be held in order to add this service. It should be noted in the deliberations that this service will only be for the duration of ESY. In addition, a Transportation Supplement must be completed and submitted along with the other ESY paperwork. All information must be updated and confirmed before submitting the form.

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Once an ARD has been held to make the recommendation for ESY and all paperwork has been completed, the ESY recommendations must be submitted to the Special Education Program Coordinator. All ESY documents should be uploaded into NextGen SPM under Distributions/Attachments.

### ESY Guidance

\*\*\*\*Be sure to note in the deliberations as well as the ESY service page the time and duration of service reflected on the *ESY Supplement*. Example - “The ARD committee has determined that ESY will be provided and that the student needs 4 hours per day, 4 days per week, to maintain his/her current level of academic and/or functional performance of critical skill areas as described on the ESY goals/objectives approved by the ARD committee.”

### *Extracurricular/ Non-academic Activities*

**TEC § 33.081; 34 CFR §§ 300.107, 300.117**

1. The ARD committee shall consider if any accommodations are necessary for a student to participate in extracurricular/nonacademic activities. These accommodations should be documented in the IEP.
2. The ARD committee should not place the student into specific extracurricular/ nonacademic activities. Students must follow similar entrance criteria that non-disabled students must follow to participate in extracurricular/nonacademic activities. However, the ARD committee may determine accommodations are required should he/she meet participation requirements.

If guidance is needed in a specific situation, please contact the appropriate Program Coordinator.

### ***Functional Behavior Assessment (FBA)***

**If the student is served with special education services and is displaying behavior that is interfering with learning of self or others and does not have a current Behavior IEP/BIP, the following procedures apply:**

1. Concerns are brought to the student’s case manager.
2. The case manager will:
  - a. Review these procedures with the teacher/administrator bringing the concern
  - b. Explain the data collection process
  - c. Provide and review forms for data collection



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- d. Discuss informal behavior plans or strategies utilized and how to collect data on student response
  - e. Assist the teacher, as needed with the data collection
  - f. Inform the campus diagnostician/Special Education Program Specialist that there are behavioral concerns and determine what information has been provided to the school staff
3. The case manager will monitor the data collection process for approximately two (2) weeks.
4. If the student's behavior improves without the need for a formal Behavior IEP/Behavior Intervention Plan, no further action is needed. The case manager will upload the documents in the student's Frontline record.
5. If through the data collection and informal behavior plan process the student's behavior improves with the implementation of a behavior plan and that plan is needed for the behaviors to be maintained, continue with step numbers 6 & 7 regarding the staffing process.
6. If the behavior does not improve, the case manager will ask the campus diagnostician/Special Education Program Specialist to schedule a staffing.
7. The staffing must include the campus administrator, teacher, case manager, and LSSP assigned to the campus.
8. At the staffing, the LSSP/Behavior Specialist will take the lead and review all concerns and discuss the process of conducting a Functional Behavior Assessment to support the development of Behavior IEP and Behavior Intervention Plan.
9. The LSSP/Behavior Specialist will be responsible for conducting a Functional Behavior Assessment.
10. The campus diagnostician/Special Education Program Specialist should schedule a REED meeting to determine the need for additional evaluation. A REED meeting is a planning meeting held outside the ARD process to consider the scope of the evaluation. The REED meeting process includes consulting the teachers, parents, and other staff members involved with the student.
11. If the REED meeting determines that additional evaluation is needed, the Notice of evaluation will be given to the parent and consent obtained. It is recommended that an ARD committee is held to discuss the need to develop additional interventions and support until the FBA can be completed.
12. Once the consent is obtained, the LSSP/Behavior Specialist will conduct the FBA.
13. Upon completion, the LSSP will contact the campus diagnostician/Special Education Program Specialist to schedule a staffing and ARD to review the new evaluation and present the FBA and draft BIP/Behavior IEP.

**If the student is served with special education services and is displaying behavior that is interfering with learning of self or others and does have a current Behavior IEP/BIP, the following procedures apply:**

1. Concerns are brought to the student's case manager.
2. The case manager will:
  - a. Review these procedures with the teacher/administrator bringing the concern;
  - b. Review the current Behavior IEP and BIP and answer any questions regarding the implementation;

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- c. Explain the data collection process;
  - d. Provide and review forms for data collection if the teacher does not have them;
  - e. Assist the teacher as needed with the data collection; and
  - f. Inform the campus diagnostician/Special Education Program Specialist that there are behavioral concerns and what information has been provided to the school staff.
3. The case manager will monitor the data collection process for approximately two (2) weeks.
4. If the student's behavior improves without the need for changes to the BIP, no further action is needed. The case manager will upload the documents in the student's NextGen SPM record.
5. If the behavior does not improve, the case manager will ask the Special Education Program Specialist to schedule a staffing.
6. The campus Special Education Program Specialist will schedule a staffing. The staffing must include the campus administrator, teacher, case manager, and LSSP assigned to the campus.
7. At the staffing, the LSSP/Behavior Specialist will take the lead and review all concerns and documentation.
8. The LSSP/Behavior Specialist will review the last FBA conducted, review data and determine if the Behavior IEP and BIP needs to be changed based on the data or if a new FBA should be recommended.
9. If an FBA is not required at this time, proposed changes to the behavior IEP and BIP should be discussed and an ARD meeting should be held to consider proposed changes. Note\*\* If the student does not respond to a new Behavior IEP/BIP within 4 weeks of the ARD accepting the changes, the LSSP/Behavior Specialist should be contacted to complete a consultation and provide recommendations to the student's educational team to increase growth in the student's BIP..

### Annual or Review ARD meetings

Throughout the year the teacher and case manager monitor the implementation and effectiveness of the BIP and Behavior IEP. Data should be collected on the behaviors addressed in the BIP/Behavior IEP, as well as on the interventions implemented and results of implementation.

In preparing for the ARD meeting, the teacher will review the mastery criteria listed on the Behavior IEP and consult with LSSP/Behavior Specialist if needed. If the student has mastered the annual Goal for the BIP/Behavior IEP, the ARD committee should decide whether the child should:

- Continue with a BIP/Behavior IEP but increase the mastery criteria, or
- Discontinue the BIP/Behavior IEP all together

If the BIP/Behavior IEP needs minor changes, the Special Education teacher can write the proposed edits into NextGen SPM, and the proposed BIP/Behavior IEP must be considered at the ARD. If the BIP/Behavior IEP requires major changes or the student is not mastering the Behavior IEP goal, the LSSP/Behavior Specialist must become involved and consider the need for an FBA (see Functional Behavior Assessment procedures in this section of the Special Education Administrative Procedures).

*If the Special Education teacher/Case Manager requires assistance with the revision of the Behavior*

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*IEP/BIP and the LSSP/Behavior Specialist is not available, the Special Education Program Coordinator should be contacted to determine appropriate central office staff to assist the teacher.*

### **Additional Information**

What if an ARD meeting is held and a Behavior IEP/BIP is requested; however, no data has been collected? The ARD committee should discuss that a Functional Behavior Assessment (FBA) should be completed prior to the Behavior IEP/ BIP being written. The data collection phase is necessary prior to developing a Behavior IEP/BIP. The ARD committee may consider the development of an interim Behavior Intervention Plan until the FBA can be completed.

### **Grading and Reporting** **TEC § 28.0212**

Each special education student must receive a progress report and report card as often as their non-disabled peers. In addition, each student shall receive a progress report/report card in the Sheldon ISD format. Updated IEP Goals & Objectives should be updated and attached to the report card at appropriate intervals and in accordance with the student's ARD. Each student receiving special education instruction has an Individualized Education Program (IEP) which addresses the student's educational needs, educational goals, and objectives.

1. The special education teacher will utilize a lesson plan which reflects the Goals as stated on the IEP. Grades should evolve from the Goals with supporting documentation of how the grade was determined.
2. Numerical grades will be recorded for each subject area in a grade book.
3. Care should be taken to ensure that goals are written at a level which continues to challenge the student's abilities. This may necessitate accommodations in curriculum, methods, pacing, materials, criteria, etc.
4. If the student with disabilities fails to meet the expectations addressed in the IEP, the responsible teacher will review the IEP for appropriateness of goals/objectives, instructional levels, materials, and methods. The teacher must document on the IEP the efforts made to try to help the student achieve success.
5. If a student with disabilities is not progressing adequately toward mastery of the goal by the annual ARD, the ARD committee must convene to discuss the student's needs and make recommendations to help the student achieve success.
6. If the student has excessive absences, an ARD committee should meet to discuss why the student is not attending school, the appropriateness of the IEP, need for additional testing, and compulsory attendance, as appropriate.
7. The grading of a special education student in a general education classroom is based upon the ARD committee recommendations for, if any, accommodations of TEKS and other accommodations of pacing, methods, and materials needed. When accommodations have been recommended by the ARD committee, the special education teacher is responsible for:
  - a. Informing the general education teacher of the recommended accommodations/modifications and ensuring accommodations/modifications are

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- implemented;
  - b. Providing information concerning the student's achievement levels, learning style, and behavioral needs;
  - c. Offering assistance to the general education teacher on a scheduled basis, as recommended by the ARD committee; and
  - d. Documenting contacts with the general education teacher and student, as determined by the ARD committee.
8. On occasion, the ARD committee will recommend that a specific subject be taught in a combination general education/special education instructional arrangement. The special education student's grade, in this situation, may be determined proportionately by the general and special education teachers who provide the instruction, as determined by the ARD committee.
9. Unless the ARD committee designates otherwise, when a student is enrolled in the homebound program, the general classroom teacher will be responsible for collaborating with the homebound teacher and providing assignments, grading all assignments and recording grades on the report card and permanent record for all subject areas.

### **Documentation of Conference to Review Lack of Expected Progress**

An ARD committee meeting or staffing is required to address a student's lack of expected progress on his/her goals and objectives or within the general curriculum. The following procedure must be followed to determine the need for an ARD committee meeting.

1. At the end of each grading period, the special education case manager will review progress reports and/or report cards of all students on their caseloads.
2. If a student is making a grade of less than 70 for a six weeks period, the case manager will schedule a staffing with the following personnel to review the student's progress.
  - a. Parent
  - b. Student
  - c. General Education teacher(s) who have indicated the student is not being successful in class
  - d. Speech pathologist, if applicable
  - e. Campus administrator
3. The Case Manager must document the results of the review of progress and staffing in the Frontline parent log.
4. If the student continues to exhibit a lack of progress within 3 weeks of the 9-week grading period, an ARD committee meeting is necessary to consider changes in the student's IEP.
5. The Case Manager must notify the Special Education Program Specialist to schedule an ARD as soon as possible.

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### ***Emergent Bilingual (EB)***

***TAC §89.1225, 34 CFR 300.324(a)(2)(ii)(iv)***

Below is a replication of the Guidelines for Identification of Exit of EB students with Disabilities:  
LPAC/Special Education Collaboration Team Document

### **Introduction**

This document has been developed as a guide for identification and exit of LEP students with disabilities. It represents the interpretation of Subchapter BB of the 19 Texas Administrative Code (TAC). This guide provides the most current revision of the Texas Administrative Code that includes three additions to state law:

1. LPAC & ARD Collaboration
2. Identification of EB students
3. Exiting of EB students

### **Identification and Reclassification of LEP Students**

Previously, the LPAC was solely responsible for identifying and exiting EB students. With the changes made to the TAC, the LPAC and ARD committee will collaborate to identify students as EB and to exit students from the bilingual and ESL programs. Sections from the TAC have been provided below regarding EB students with disabilities:

*TAC§89.1225 Testing and Classification of Students*

*(f)For entry into a bilingual education or English as a Second Language (ESL) program, a student shall be identified as Limited English Proficient using the following criteria:*

*(4) The Admission, Review, and Dismissal (ARD) committee, in conjunction with the Language Proficiency Assessment Committee (LPAC) shall determine an appropriate assessment instrument and designated level of performance for indicating Limited English Proficiency as required under subsection (d) of this section for students for whom those tests would be inappropriate as part of the Individualized Education Program (IEP). The decision for entry into a bilingual education or English as a Second Language (ESL) program shall be determined by the ARD committee in conjunction with the LPAC in accordance with §89.1220(g) of this title (relating to LPAC).*

*(k)The ARD committee, in conjunction with the LPAC shall determine an appropriate assessment instrument and performance standard requirement for exit under subsection (h) of this for students for whom those tests would be inappropriate as part of the IEP. The decision to exit a student who receives both special education and special language services from the bilingual education or ESL program is determined by the ARD committee in conjunction with the LPAC in accordance with applicable provisions of subsection (h) of this section.*

As a result of the above changes to state law, members of the ARD committee need to be aware of current educational research as it pertains to students who are EB; while the members of the LPAC need to have basic knowledge of disabilities and how these disabilities can impact students' linguistics

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needs as second language learners.

### **“ARD COMMITTEE IN CONJUNCTION WITH THE LANGUAGE PROFICIENCY COMMITTEE” (ARD Committee/LPAC)**

State law specifies that the ARD committee “in conjunction with” LPAC determines an appropriate assessment instrument and performance standard requirement for entry and exit of EB eligibility for students with disabilities being served in special education. What is meant by “the ARD committee in conjunction with the LPAC”? TEA stated in the February 6, 2008 TETN that the “ARD in conjunction with LPAC” responsibilities could be accomplished in an informal meeting of key ARD and key LPAC members, and that the results of the informal meeting must be documented in some fashion. If a school district decides to have informal meetings to determine an appropriate assessment instrument and designated level of performance for EB identification and exit of students who are served in special education, then the results of the meeting must be forwarded and discussed in both the ARD meeting and the LPAC meeting.

In the ARD/LPAC meeting, the consensus members of the ARD committee make the final decision on issues of special education services, although the input of all ARD/LPAC team members should be invited and taken into consideration. The entire ARD/LPAC team, however, sets the criteria for EB identification and exit, as well as determines if the EB entry and exit criteria have been successfully met.

### **Sheldon ISD ARD/LPAC Collaboration Model**

#### **Campus ARD/LPAC Collaboration Team**

As noted above, TEA allows school districts to determine which members of the ARD and LPAC are key members. Sheldon ISD procedure defines the “ARD/LPAC Collaboration Team” as the key members and will include a minimum of three members:

1. Campus Administrator (member of both ARD and LPAC) The Campus Administrator cannot serve as the LEA and LPAC Representative
2. Special Education Case Manager (member of ARD committee)
3. LPAC Representative (member of LPAC committee)

#### **Informal Meeting (Staffing)**

At a student’s staffing, the responsibilities of the ARD/LPAC collaboration team are as follows:

- Discuss identification for EB (Emergent Bilingual) services
- Recommend entry and/or exit criteria
- Document ARD/LPAC Collaboration Team recommendations on the *ARD/LPAC Collaboration* form. This staffing form is only used to document recommendations for the ARD/LPAC committee and should be kept in the LPAC folder. This form does not go in the student’s state audit folder.

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### **ARD Meeting**

At a student's ARD meeting, the responsibilities of the ARD/LPAC collaboration team members are as follows:

- Discuss identification for EB (Emergent Bilingual) services
- Recommend or approve entry and exit criteria
- Present ARD/LPAC collaboration recommendations
- Make program decision based on language of instruction (Bilingual Education or English as a Second Language)
- Monitor progress of student
- At the end of year, determine if exit criteria have been met as documented on ARD/LPAC LEP supplement form.
- If the established modified exit criteria have been met, a BRIEF ARD or an amendment must be held.

### **Identification of EB (Emergent Bilingual) Students**

State law requires that any student with a language other than English on the Home Language Survey must be tested for English proficiency. Upon initial enrollment all students must have a Home Language Survey (HLS) completed in their student record (only one: The original or a copy of original). The HLS shall be administered to each student new to the district and to students previously enrolled who were not surveyed in the past. If the HLS indicates a language other than English, testing must be initiated to determine English proficiency

All students who are being tested for English proficiency must be assessed in the following areas:

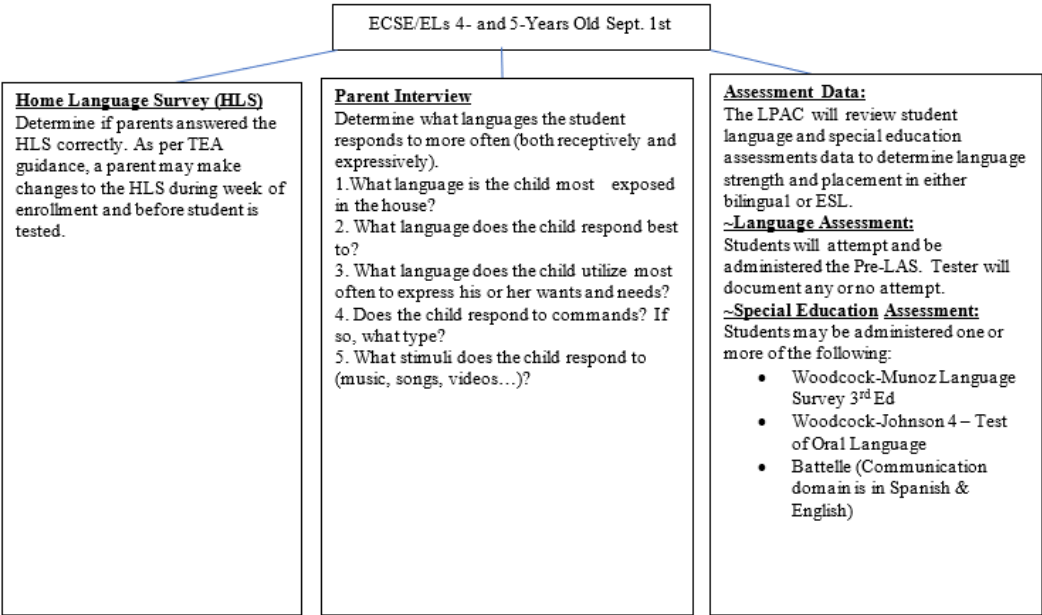
- Listening (grades PK-12)
- Speaking (grades PK-12)
- Reading (grades 2-12)
- Writing (grades 2-12)

### **Identification of Students who are receiving ECSE services and who might qualify as an Emergent Bilingual (EB)**

The LPAC in conjunction with the ARD committee will identify a student as an Emergent Bilingual if the student's ability in English is so limited or the student's disabilities are so severe that the English language proficiency assessments described in 10 Texas Administrative Code (TAC) 89.1226(c) cannot be administered. Local education agencies (LEAs) shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with 19 TAC Subchapter AA and shall establish placement procedures that ensure that placement in a bilingual education or ESL program is not refused solely because the student has a disability. Access to special education and bilingual or ESL services may not be restricted or denied due to limited staffing, scheduling, or other reasons of administrative convenience.

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Service to students in ECSE and identification of ELs starts in Prekindergarten if students meet eligibility criteria. At the end of the year, the annual LPAC will include those current EE/EB 3-year-old or 4<sup>th</sup> year old students who will be eligible for Prekindergarten or kindergarten next academic year to ensure the students’ placement is discussed and placed. The chart below outlines the process and documentation the LPAC in conjunction with the ARD will consider, to determine if a student in Special Education also needs to receive language services.



## Early Education (EE) and Emergent Bilingual Students (EB)

For any student entering a 3 or 4-year-old program, an HLS (home language survey) shall be administered and the state process followed for identification as an Emergent Bilingual (EB) as appropriate. This includes students with or without identified disabilities.

Emergent Bilinguals qualify for prekindergarten (PK); however, EB’s may be coded as Early Education (EE) based upon special education services in conjunction with the language program services.

As per the 2018-2019 TEA update, EE students with LOTE, once they enter or qualify for full time PK bilingual or ESL, they will need to be identified, OLPT tested, as the rest of the students for whom LOTE is on HLS.

Campuses will include these EE/EB students who are only served by special education as part of the review LPAC meetings to document their services and flag them for the upcoming school year if they are to transition to a full time bilingual instructional setting.



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### Special Education/EBs

The Annual Review and Dismissal Committee (ARD) and the LPAC will collaborate on decisions that impact EBs and Special Education (Sped) students. The LPAC/ARD can determine that the student will only be served by the special education program when the following scenarios occur. These students will be considered non-EB:

- There is not a valid oral language proficiency test that can identify the students' dominant language.
- The nature of the disability is such that the student will not benefit from English second language acquisition. In this case students will be coded as Non-EB

The LPAC/ARD will document needed decisions on NextGen SPM and lock information accordingly.

As per the 2018-2019 TEA update, key members of the LPAC and key members of the ARD, in very rare cases, may determine that the student should only be served by special education and would not benefit from second language acquisition. If the ARD/LPAC determines that the EB/Sped student does not benefit from second language acquisition and will be only served by special education, the student will be coded as Non-EB in Frontline and Skyward.

1. LPAC/ARD meetings to set special exit criteria. Members of the ARD must be present when discussing EB/special education students. Teachers make individual recommendations for the students and the LPAC makes final decisions collaboratively with teacher input.
  - a. Represent the LPAC on the ARD Committee for each EB student who qualifies for services in the Special education Program.
  - b. Include the presence of an LPAC trained administrator, bilingual or ESL representative at an ARD in which special exit criteria is to be set, along with any other decisions made for EB/SPED students.

### **Reclassification of Special Education/EB Students**

EB exit criteria for students with disabilities should follow as closely as possible the state and local exit criteria, yet take into consideration the student's disability. For students whose disability would not require a change in the criteria and for students who can be reasonably expected to meet it, the EB Sheldon ISD exit criteria should be utilized and not modified.

In rare cases, a EB student receiving special education services may qualify to be exited using modified criteria permitted under TAC 89.1225(k), which special considerations to a EB student for whom assessments and/or standards under TAC 89.1225 (h) are not appropriate because of the nature of a student's particular condition. Students considered for special exit criteria under TAC 89.1225(k) should only be those designated to take STAAR Alt 2 as determined by the ARD committee in conjunction with the LPAC.

Students should only be exited from the bilingual or ESL program at the end of the school year.

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### **LPAC Meeting/Process for Considering Reclassification of Emergent Bilinguals Who Also Have Identified Special Needs Under 19 TAC §89.1225(m)1 2021-2022 School Year Grades 1–12 (eStar screen # 11)**

Under Texas Administrative Code (TAC) §89.1225(i), districts are required to use the 2018-2019 Emergent Bilingual Reclassification Criteria Chart found at [http://tea.texas.gov/bilingual/esl/education/to\\_reclassify\\_Emergent\\_Bilinguals\\_\(ELs\)\\_as\\_English\\_proficient](http://tea.texas.gov/bilingual/esl/education/to_reclassify_Emergent_Bilinguals_(ELs)_as_English_proficient). The reclassification criteria under TAC §89.1225(i) apply to the vast majority of Emergent Bilinguals who also have identified special needs. In rare cases, an Emergent Bilingual with significant cognitive disabilities who is receiving special education services may qualify to be reclassified using criteria permitted under TAC §89.1225(m), which gives special consideration to an Emergent Bilingual for whom assessments and/or standards under TAC §89.1225(i) are not appropriate because of the nature of a student's particular disabling condition. Students eligible to be considered using the reclassification criteria under TAC §89.1225(m) should only be those designated to take STAAR Alternate 2 and/or those who meet participation requirements for TELPAS Alternate, as determined by the language proficiency assessment committee (LPAC), in conjunction with the admission, review and dismissal (ARD) committee.

**Step 1: Schedule Meeting to Evaluate Whether Student Potentially Qualifies Using This Process** At or near the beginning of the school year, a meeting is to be scheduled between key ARD and LPAC committee members to discuss whether the student is eligible to be reclassified using criteria under TAC §89.1225(m). Through this process, a determination is made about the assessments and/or English language proficiency assessment standards to be used for reclassification. This process applies ONLY when one or more assessments and/or English language proficiency assessment standards under TAC §89.1225(i) are not appropriate for the student in a particular language domain for reasons directly associated with the student's disability. In following this process, refer also to the document titled Guidance Related to ARD Committee and LPAC Collaboration found at <http://tea.texas.gov/index2.aspx?id=2147496923>. This process must be conducted by key ARD committee members (including a diagnostician when applicable) and key LPAC members who are familiar with the student's current progress and needs, including one or more teachers with in-depth knowledge of the student's second language acquisition and academic achievement. 1 Title 19 Texas Administrative Code Chapter 89 Adaptations for Special Populations; Subchapter BB. Commissioner's Rules Concerning State Plan for Educating Emergent Bilinguals This document outlines the process to follow when considering whether an Emergent Bilingual qualifies to be reclassified using the criteria authorized by TAC §89.1225(m). This process is to be used to address the needs of an individual student, not groups of students. Very few students qualify for reclassification using this criterion.

**Step 2: Discuss Evidence of Need for Use of §89.1225(m) Reclassification Criteria** At the meeting, the participants discuss the second language acquisition of the student within the context of the individual student's disability to consider whether the TAC §89.1225(m) reclassification criteria are warranted. Consideration must be IEP-based and must include documented evidence that, because of the nature of the student's disability, the student is not expected to be able to attain English language proficiency in one or more domains and no longer appears to benefit from second language acquisition support in English to address second language acquisition cognitive, linguistic, and affective needs (or is expected to reach that point during the school year). Evidence must include both historical formal and informal assessment data and direct teacher input. Ongoing informal assessment data may come from checklists, inventories, and other formative evaluations designed to identify the levels of academic functioning and English language proficiency of the student. The input of a diagnostician may be

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requested, as necessary, to help determine whether the TAC §89.1225(m) reclassification criteria are warranted. Direct teacher input should provide further insight into the student's classroom performance and needs, and should include, if applicable, documentation of response to intervention, anecdotal notes, and other evidence drawn from sources such as classroom-based observations and classroom activities.

**Step 3:** Specify Assessments and English Language Proficiency Test Standards If, after reviewing the evidence, the meeting participants conclude that the student no longer benefits from second language acquisition support in English (or is expected to reach that point during the school year), the participants review the assessment information in the IEP and make reclassification criteria recommendations based on the information below. Caution should be exercised when considering reclassification of students in Grades 1-2. It may be premature in these grades to consider reclassification due to developmental factors related to emergent language and literacy. Additionally, in early grades, it is often difficult to know the effect of the student's disability on long-term prospects for second language acquisition.

### ACADEMIC CONTENT ASSESSMENTS OF READING AND WRITING IN GRADES 1-2

### ACADEMIC CONTENT ASSESSMENTS OF READING AND WRITING IN GRADES 3-12

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Selection of appropriate academic content assessments Students considered for exit criteria under TAC §89.1225(m) should be only those designated to take STAAR Alternate 2, as determined by the ARD committee in conjunction with the LPAC.

Reminder: State-established standards must be used for all state assessments. LPAC Framework Manual 2018-2019 Texas Education Agency

o Modification of performance standards on academic content assessments not permitted STAAR Alternate 2 is an assessment based on alternate academic achievement standards. Further modification of performance standards on academic content assessments is not permitted. State-established standards must be used for all state assessments.

### ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS IN GRADES 1-12

o Modification of English language proficiency assessment standards on a domain-by-domain basis any modified standards must be supported by historical data and evidence that the student is not expected to be able to attain English language proficiency because of factors directly related to the student's disability and that the student no longer appears to benefit from second language acquisition support in English to address second language acquisition cognitive, linguistic, and affective needs (or is expected to reach that point during the school year). o Selection of appropriate English language proficiency assessments

**Grade 1:** Students in grade 1 will take the general TELPAS in the applicable language domains as determined by the ARD committee in conjunction with the LPAC.

Listening: TELPAS listening

Speaking: TELPAS speaking

Reading: TELPAS reading

Writing: TELPAS writing

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Grades 2: Students that are designated to take STAAR Alternate 2 may either take the general TELPAS or take the TELPAS alternate as determined by the LPAC in conjunction with the ARD committee, in all the four language domains (listening, speaking, reading, and writing).

Grades 3 -12:

**Step 4: Prepare Documentation** Key members of the ARD committee and LPAC document the evidence, recommendation, assessments, and any modified English language proficiency test standards.

**Step 5: Discuss Recommended Reclassification Criteria in Formal LPAC in Conjunction with ARD Committee Meeting** Key members of the LPAC and the ARD committee present the documentation at a formal LPAC in conjunction with ARD committee meeting.

- The meeting should take place as early in the current school year as possible or at the end of the year to be applied for the next school year. The meeting must occur prior to the student's participation in the identified assessments. Based on discussion at the formal LPAC in conjunction with ARD committee meeting, the IEP is updated with documentation of the modified reclassification criteria if the committee as a whole determines that reclassification is anticipated.

**Step 6: Determine and Document Whether Student Has Met Modified Reclassification Criteria** At the end of the year, the ARD committee, with key LPAC members, meets to review the assessment results and subjective teacher evaluation required under TAC §89.1225(i) to determine whether the student has met the modified reclassification criteria.

- The subjective teacher evaluation must reflect the status of the student following the administration of the assessments.
- This meeting is to be held at the end of the school year, as required by TAC Section 89.1220(g). This means that an additional LPAC in conjunction with ARD committee meetings is necessary for students whose annual ARD committee meeting is held at a different time.
- If the decision is made to reclassify the student based on the assessment results and subjective teacher evaluation, the LPAC in conjunction with ARD committee finalizes and documents the change in placement or program and delineates instructional services including the monitoring period for reclassified students. Furthermore, as required under TAC §89.1220(l)(1)(H) relating to exit from bilingual education or ESL services, the LPAC also documents the reclassification decision in the student's permanent record file.

*As per the 2018-2019 TEA update, states that special exit criteria that includes 1<sup>st</sup> graders EBs/Special education, in very rare circumstances, will have set exit criteria in all 4 language domain of TELPAS; 2<sup>nd</sup>-12<sup>th</sup> grade EBs/Sped, in very rare circumstances, will need to have special exit criteria in the areas of TELPAS Alt (listening, speaking, reading and writing) and STAAR Alt(3<sup>rd</sup> -12<sup>th</sup>).*

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## Reclassification Chart

## 2021–2022 Emergent Bilingual/English Learner Reclassification Criteria Chart

At the end of the school year, a district may reclassify an emergent bilingual (EB) student/English Learner (EL) as English proficient if the student is able to participate equally in an English instructional program with no second language acquisition supports as determined by satisfactory performance in the following assessment areas below and the results of a subjective teacher evaluation using the state's Emergent Bilingual/English Learner Reclassification Rubric. An EB student/EL may not be reclassified as English proficient in prekindergarten or kindergarten as per Texas Administrative Code §89.1226(j). The language proficiency assessment committee (LPAC) will recommend for reclassified students to exit bilingual or English as a second language (ESL) program services or to continue participation if in a dual language immersion (DLI) bilingual program. Parental approval for exit or continuation in program beyond reclassification must be obtained.

Grade(s)	1 <sup>st</sup> /2 <sup>nd</sup>	3 <sup>rd</sup> through 8 <sup>th</sup>	9 <sup>th</sup>	10 <sup>th</sup>	11 <sup>th</sup> /12 <sup>th</sup>
English Language Proficiency Assessment	Texas English Language Proficiency Assessment System (TELPAS) <b>Advanced High</b> in each domain of Listening, Speaking, Reading and Writing				
State Standardized Reading Assessment	TEA Approved Norm-Referenced Standardized Achievement Test (Reading/Language) 40 <sup>th</sup> percentile or above	STAAR Reading (English)*	STAAR English I EOC*	STAAR English II EOC*	TEA Approved Norm-Referenced Standardized Achievement Test (Reading/Language) 40 <sup>th</sup> percentile or above
Subjective Teacher Evaluation	Form: <a href="#">Emergent Bilingual/English Learner Reclassification Rubric</a>				

*\*Satisfactory performance on STAAR Reading/English EOC includes Approaches, Meets, and Masters Grade Level performance levels.*

Notes:

- Students for whom the LPAC recommends the use of Oral Administration, Content and Language Supports, or Extra Time as designated supports for English reading or English EOC assessments, may not be considered for reclassification at the end of the school year.
- EB students/ELs with significant cognitive disabilities who are receiving special education services may qualify to be reclassified using the following: [Individualized Reclassification Process for a Student with a Significant Cognitive Disability](#).
- For an EB student/EL who is deaf/hard of hearing (DHH) and exempt from participating in the listening and/or speaking domains of TELPAS due to the inability to perform these components of the exam, the decision to reclassify as English proficient should be based on the information from the remaining components of the state criteria for reclassification.
- For an EB student/EL who is blind/visually impaired (VI) and exempt from participating in the reading domain of TELPAS due to the inability to perform this component of the exam based on the student's disability, the decision to reclassify as English proficient should be based on the information from the remaining components of the state criteria for reclassification.
- The LPAC shall monitor the academic progress of each student who has met reclassification criteria during the first two years after reclassification.

Additional Information:

- [TEA Approved Norm-Reference Standardized Achievement Test](#) (new site)
- [State Assessments for English Learners](#)
- [Guidance Related to ARD Committee and LPAC Collaboration](#)
- [LPAC Guidance for Deaf or Hard of Hearing English Learners](#) and associated training [video](#)

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### **ARD/LPAC Collaboration Team Staffing and ARD Documentation Process and Forms**

Whenever the ARD/LPAC collaboration team members meet to collaborate in the interest of the student, they should consider information regarding the cognitive and linguistic abilities, as well as the affective needs of the student. These joint meetings may occur not only to facilitate a student entry into and exit out of the respective programs but also to review progress, determine linguistic accommodations and discuss other issues related to the student's Individualized Education Plan (IEP). Recommendations from these collaborative efforts must be presented at ARD committee meetings to ensure that the appropriate considerations regarding the second language acquisition in English are addressed in the development of the student's IEP. Decisions relating to services that impact second language acquisition must also be documented by the LPAC.

The information contained in this document was compiled using several sources, specifically:

- Texas Administrative Code §89.1125
  - Commissioner's Rules Concerning State Plan for Educating Limited English Proficient students
- Texas Education Agency, Special Education Department, *Guidance Related to ARD Committee and LPAC Collaboration*
- Texas Education Agency, Process for Considering Special Exit Criteria from Bilingual/English as a Second Language (ESL) Services

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### Frequently Asked Questions

1. *After an ARD is held for a student receiving Special Education services who has met the criteria for exit from EB and the LPAC meets to reclassify the student, does there need to be a LPAC representative at the student's ARD meeting?*

No. Once the student has been exited from EB, the LPAC will monitor the student for two years according to the Commission Rules guidelines. There is no need for an LPAC representative at the ARD once the student has been exited.

2. *We understand that the modified Exit criteria must be set in an ARD PRIOR to State Assessment. Does this include TELPAS?*

Yes. TELPAS is part of the State Assessment for students with disabilities who are also identified as EB. Therefore, if there is consideration to modify the Exit criteria, this ARD/LPAC Collaboration team meeting and ARD to review the modified Exit criteria all must be held prior to the beginning of the TELPAS window.

3. *The Special Ed/EB process indicates that once the state assessment scores are received, an ARD must be held to review the scores and determine if the modified EB criteria was met and to discuss the plan to remove students from emergent bilingual services. After the ARD meeting, a LPAC meeting must occur to review the ARD recommendation and formally exit the student from EB. The LPAC procedures note that this should occur at the end of the year. How do we handle the situation if an ARD is not held prior to summer dismissal due to scheduling difficulties?*

If the ARD and LPAC meetings are not completed at the end of the year, they should be scheduled prior to the first day of instruction during the next year. They can be exited from LEP at the beginning of the year under these circumstances. It is recommended that if there are a lot of students that will need ARDs and LPAC meetings at the end of the year, focus on the students who will be transitioning to a new campus first (5<sup>th</sup> and 8<sup>th</sup> graders).

4. *Should LPAC/ARD Collaboration meetings take place before an ECSE student is ever labeled as emergent bilingual? (In thinking of 3-year-olds who are tested when they turn 4)*

Yes, for those students who are evaluated through child find (3-year-olds) and will be turning 4 prior to September 1, an ARD/LPAC Collaboration team meeting should take place prior to an ARD meeting. It is recommended that this process be postponed until late in the school year of the student's first year if he/she is 3 years old so data can be gathered (i.e., if student turns 3 in October and begins ECSE, gather data and then the collaboration staffing and ARD should occur in late April or May).

5. *What happens if the student does not meet the anticipated exit criteria, do we have to conduct*

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*another ARD/LPAC collaboration meeting and ARD?*

If a student with a disability does not meet State Assessment expectations, then an ARD meeting must be scheduled to consider additional interventions, changes to IEP, etc. Therefore, during the ARD meeting to discuss the student's failure on the State Assessment, the previous ARD/LPAC supplement should be reviewed along with any previously set modified criteria.

### ***Least Restrictive Environment (LRE)***

#### **Access to Facilities**

##### ***34 CFR § 104.21***

The District shall ensure that no qualified individual with a disability shall, because the District's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the District or be subject to discrimination. The District shall operate each program, service, or activity so that when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. The District is not, however, required to make each existing facility or every part of a facility accessible to and usable by individuals with disabilities.

#### **Compliance**

Campus or District compliance with these requirements may be achieved by, but shall not be limited to:

1. Redesigning equipment;
2. Reassigning classes or other services to accessible classrooms or facilities within the building;
3. Assigning aides to qualified individuals with disabilities;
4. Visiting an individual's home;
5. Delivering services at alternate accessible locations either at the campus or in another District facility;
6. Constructing new facilities that comply with the law;
7. Utilizing any other methods that would result in making services, programs, and activities accessible to individuals with disabilities.

Written documentation that students have accessibility may be achieved by ARD/IEP documents and/or campus and district plans. Please contact the appropriate Special Education Coordinator for additional assistance.

#### **Placement**

##### ***34 CFR §§300.115 - 300.120***

Sheldon ISD will, to the maximum extent appropriate, ensure that children with disabilities are educated with children who are nondisabled and in special classes, separate schooling, or other



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

### **LRE Questions appropriate for the ARDC**

**34 CFR §§300.114 - 300.116**

The following are points for discussion and documentation as an ARD committee determines the appropriateness of the Least Restrictive Environment for a student with disabilities. {Based on *Daniel R.R. v. State Board of Education*, 874 F.2d 1036 (5th Cir. 1989)}

1. Can education in the general classroom, with the use of supplementary aids and services, be achieved satisfactorily for the student?
  - a. Has Sheldon ISD taken steps to accommodate the students with disabilities in the general classroom?
    - i. Did the district provide supplementary aids and services?
    - ii. Did the district provide accommodations?
  - b. Are the services provided sufficient?
    - i. The district does not have to provide every conceivable supplementary aid or service.
    - ii. IDEA 2004 (Individuals with Disabilities Education Act) does not require general education teachers to devote all or most of their time to one student with a disability.
    - iii. IDEA 2004 does not require that general education teachers modify the general education program beyond recognition.
    - iv. General education teachers are not required to modify the general education curriculum to the extent that the student with disabilities is not required to learn any of the skills normally taught in general education.
  - c. Will the student receive an educational benefit from general education?
    - i. Can the student grasp the TEKS curriculum elements of the general education curriculum?
    - ii. Consider and document the nature and severity of the student's disability in relation to receiving educational benefit from general education.
  - d. Examine the student's overall educational experience in the mainstreamed environment, balancing the benefits of general and special education for each individual student.
  - e. What effect does the presence of the student with disabilities have on the general classroom environment and thus on the education that the other students are receiving.
  - f. Discuss and document any disruptions in the classroom.
  - g. Does the student require so much of the teacher's attention that the teacher will have to ignore the other students' needs in order to attend to the student with

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disabilities?

2. If education in a general classroom cannot be achieved satisfactorily, determine whether the student has been mainstreamed to the maximum extent appropriate for that student.
  - a. Determine if all academic and non-academic classes in general education with nondisabled peers have been considered or tried.
  - b. Determine if mainstreaming for lunch, recess, or other times has been considered.

### ***Learning Acceleration***

The Accelerated Learning Committee is established by school districts to develop an educational plan for students who did not perform satisfactorily on the STAAR test or STAAR EOC. The committee also provides the student with supplemental accelerated instruction to help the student perform at the appropriate grade level by the conclusion of the school year. The Accelerated Learning Committee must be 1.) the principal or the principal's designee, 2.) the student's parent or guardian, and 3.) the teacher of the subject of an assessment on which the student failed to pass. If the student fails an assessment in the same subject in the subsequent school year, the superintendent or a designee must meet with the student's Accelerated Learning Committee.

1. For any student who did not pass STAAR grades 3–8 or EOC assessments, accelerated instruction must be delivered in the 2022–23 school year (starting in fall 2022). Accelerated instruction entails either 1) assigning a classroom teacher who is a certified master, exemplary, or recognized teacher, or 2) delivering supplemental instruction (i.e., tutoring) before or after school, or embedded in the school day and meeting HB 4545 requirements.
2. If the student passes the necessary STAAR EOC assessment after retesting can accelerated instruction stop? How would this apply for STAAR in grades 3–8? Yes, once a student passes the STAAR EOC assessment in which they previously did not perform satisfactorily, they no longer show significant areas of academic weakness and no longer need Accelerated instruction. This would generally apply for the STAAR (3–8) exam from year to year. If, for example, a current 4th grader failed the 3rd grade Reading STAAR, was assigned 30 hours of accelerated instruction, had only completed 20 hours before the administration of the 4th grade Reading STAAR, and passed that STAAR exam, then the final 10 hours would not be necessary, as the student would no longer show areas of academic weakness in that content area. In addition, if the student is a current 9th grader and did not pass the 8th grade Reading STAAR, that student would not be required to finish all 30 hours of accelerated instruction required from the 8th grade Reading STAAR once the student passes the English I EOC. The same can be said for 8th grade Math when passing Algebra I and 8th grade Science when passing Biology. Please note that students who fail to pass STAAR EOC exams have multiple retest opportunities during the school year that could result in the students not needing to complete unfinished accelerated instruction if the students pass the retest exams. If a student retakes an EOC exam and does not pass the exam, the student will be required to complete an additional 30 hours of accelerated instruction in addition to any accelerated instruction hours that remain

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uncompleted after the previous EOC exam failure.

3. How should we categorize students who did not take STAAR in spring 2022? Should they automatically be categorized as a student requiring accelerated instruction?

Prior law required LEAs to provide accelerated instruction to any student who does not perform satisfactorily (i.e., achieves Approaches Grade Level or above) on a STAAR assessment. These requirements are included in the following sections of the Texas Education Code (TEC): §§28.0211, 28.0213, 28.0217, 29.081, and 39.025. This part of the law was not changed. 19 Texas Administrative Code (TAC) §101.2005(c) indicates that students who are absent or otherwise do not have valid assessments did not perform satisfactorily and, as a result, are required to receive accelerated instruction. As a result, school systems may decide to administer an assessment designed to show grade level proficiency on the Texas Essential Knowledge and Skills (TEKS) (e.g., the state provided Beginning-of-Year [BOY] Assessments) for students who did not participate in state assessments during the 2021-22 school year. School systems must determine the TEKS-aligned assessment that they will use and will review and determine locally if the assessment shows the student achieved satisfactory performance and if accelerated instruction during the 2021–22 school year is required. Note: parents who think their students would still benefit from accelerated instruction should have the option to appeal this decision if they disagree with the school system’s determination.

### ***State Assessment Decision-Making Procedures for Students with Disabilities*** **19 TAC § 89.1055, 34 CFR § 300.305**

The Texas Student Assessment Program seeks to include as many students as possible in STAAR while providing alternate assessments for students whose academic achievement and progress cannot be measured appropriately with STAAR

STAAR Alternate 2/STAAR Alternate End of Course assessments have specific participation requirements that must be carefully considered before recommending these assessments. The ARD committee cannot recommend an alternate assessment if the student does not meet the participation requirements.

The participation requirements describe the type of grade-level instruction in the TEKS (accessed through prerequisite skills) that a student should be receiving in order to participate in an alternate assessment.

When making assessment decisions, the members of the ARD committee must weigh the benefits of rigorous and challenging expectations with the possibilities of success, given each student’s individual **strengths, needs, instruction, and accommodations**.

The academic instructional decisions made by the ARD committee and **documented in the IEP** must always guide assessment decisions.

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Beginning with the March 2017 administration of STAAR, students with disabilities and are Emergent Bilingual (EBs) who are eligible for testing accommodations may receive those accommodations through an enhanced online version of STAAR. Embedded accommodations include but are not limited to (text-to-speech or content and language supports) that can be assigned on an individual student basis, the online version of STAAR will include enhanced accessibility features that are available to all students.

All students enrolled in grades 3-11 are to participate in state assessment for the subject areas required at the appropriate enrolled grade. In Texas, that assessment is the STAAR (State of Texas Assessments of Academic Readiness) for students in grades 3-8, End-of-Course (EOC) assessments for high school students. Please note that students who take an alternative assessment will take the STAAR Alternate 2 in all grade levels and subject areas. The ARDC must determine if the student can take the standard assessments or one of the modified or alternate forms of the assessment.

### **SISD Procedure**

#### **Prior to the ARD**

Prior to the ARD meeting in which State Assessment Decisions will be determined:

- For each student receiving special education services in Grades 3 and above, the case manager should gather as much information about accommodations for testing to present to the ARD committee.

#### **During the ARD**

##### **PLAAFPs**

The PLAAFP should clearly document the results of previous year's state assessments as well as document accommodations found to be effective.

##### **State Assessment Page**

Each subject area is to be addressed for state and district assessments for the current and next school years.

Accommodations also need to be addressed for each subject area on the state assessment pages.

It is not necessary to also describe in the committee deliberations.

1. Eligibility statements should describe how the student meets TEA's qualifying criteria.
2. Must choose each subject area that the accommodation applies.

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3. For the accommodation of Oral Administration, you must describe how this is to be implemented – either totally in its entirety or partially upon student request.
4. For the accommodation of Supplemental Aids, you must list the specific item for each subject area (e.g. Math = multiplication chart; English = blank graphic organizer, Mnemonic devices, etc.)

### **Participation Requirements**

TEA defines the participation requirements as stated below. This information is a direct copy of the state assessment participation requirements provided through the TEA website.

### **Alternative Assessments**

Students receiving special education services who have the most significant cognitive disabilities and are unable to participate in the other statewide assessments even with substantial accommodations and/or modifications will be assessed with STAAR Alternate 2.

Admission, review, and dismissal (ARD) committees may decide that a student's knowledge and skills can best be assessed with STAAR Alternate 2 if the student meets all of the following participation criteria. The student:

1. Has a significant cognitive
2. Requires specialized, extensive support to access the grade-level curriculum and environment.
3. Requires intensive, individualized instruction in all instructional settings
4. Accesses and participates in the grade-level TEKS through prerequisite skills
5. The decision to administer the STAAR Alternate 2 assessment is based on the student's significant cognitive disability and NOT any other factors such as the student's racial or economic background, Emergent Bilingual status, excessive or extended absences, location of service delivery, anticipated disruptive behavior or emotional distress, or any other such factors.

### **ARD Committee Deliberations**

This section should highlight the state assessment discussions that were held during the ARD (previous test taken and REED student received, accommodations routinely given in instruction and effectiveness, review of the State-approved accommodations and the TEA Decision Making Guide form, and STAAR Alternate 2 Decision Making Matrix, if appropriate). All of the items should have been discussed and documented in prior ARD pages so the Committee Deliberations may just summarize these and add any additional conversations that ARD committee had with regard to the State Assessment decision-making process. Therefore, it is not necessary to list each test and/or accommodation recommended in the committee deliberations.

### **Fitness Gram Assessment**

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The FitnessGram Assessment measures three components of health-related physical fitness that have been identified as important to overall health and function. There are six areas that are tested. The ARD committee must address each area. The FitnessGram must be addressed for students in grades 3-12. If a student is receiving Adapted Physical Education services, the APE teacher will make recommendations to the ARD committee regarding the student's ability or inability to participate in the six areas to be assessed.

### **Types of STAAR Assessments**

#### *STAAR*

Measures a student's mastery of the state-mandated curriculum, the Texas Essential Knowledge and Skills (TEKS). A general assessment administered online with accommodations integrated into the online system, designed for students with disabilities who meet the eligibility requirements.

#### *STAAR-Alternate 2*

STAAR Alternate is an alternate assessment based on academic standards and is designed for students with significant cognitive disabilities receiving special education services. Additionally, the students must meet participation requirements. STAAR Alternate 2 was developed to meet federal requirements of both the Elementary and Secondary Act (ESEA) and the Individuals with Disabilities Education Act (IDEA). ESEA requires that all students be assessed in specific grades and subjects throughout their academic career, whereas IDEA requires that students with disabilities have access to the same standards as their non-disabled peers and be included in statewide assessments. STAAR Alternate 2, which was redesigned as a result of state legislation passed in 2013, is a standardized assessment administered individually to each eligible student.

Students must meet specific requirements to take either assessment. Both assessments are available for the same grades and subjects assessed in the general STAAR program.

#### *STAAR Alternate 2 End of Course Exams*

For students enrolled in grades 9-12, the ARD committee will determine which of the STAAR Alternate End of Course exams required for the graduation.

### **TELPAS**

The Texas English Language Proficiency Assessment System (TELPAS) is designed to assess the progress that Emergent Bilingual (EB) students make in learning the English language. TELPAS measures English language proficiency in the following domains:

- Grades K–1 reading, listening, speaking, and writing
- Grades 2–12 reading, listening, speaking, and writing

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### TELEPAS Alternate

According to the Every Student Succeeds Act (ESSA), the state is required to administer an alternate English language proficiency (ELP) assessment for Emergent Bilinguals (EBs) with the most significant cognitive disabilities who cannot participate in the general ELP assessment, even with allowable accommodations. In response, TEA developed the TELEPAS Alternate to evaluate students identified as limited English proficient (LEP) and are also eligible to participate in STAAR Alternate 2.

TELPAS Alternate is a holistic inventory aligned to the Texas English Language Proficiency Standards (ELPs); however, this test is based on alternate Proficiency Level Descriptors (PLDs) that were created to address the specific access needs of this student population. Students will be assessed in four language domains: listening, speaking, reading and writing.

### Determining State Assessment for Transfer Students

#### In-State

For students previously enrolled in a Texas Public School, contact the previous school to confirm which form of the state assessment was taken, the student's performance, and/or the assessment that was recommended. Make assessment recommendations during the 30-day Transfer Placement period based on previous testing and performance, or recommendations from the previous school. If assessment information is not available from the previous school, the Sheldon ISD Assessment Department can access information from the state assessment data center with the student's PEIMS number (Social Security number or state ID number), name, and date of birth. Students considered EB must be assessed on TELPAS unless the student has been exited from the EB program. Confirm participation in TELPAS and/or exit from the EP program with the previous district. Both STAAR and TELPAS decisions should be considered at the Placement ARD.

#### Out of State

Contact the previous school to:

- Confirm that the student was assessed
- Confirm subject areas assessed
- Ask if that assessment was the general assessment or an alternate assessment. To clarify what type of assessment was administered, it may be necessary to describe the Texas assessments and ask if the assessments are similar.
- Ask if the student received regular, modified, or an alternative curriculum. If the student received a modified or alternative curriculum, find out if the state assessment was designed specifically as an alternate assessment or if alternate norms were applied to the general assessment.

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- Ask about performance.
- If the student is EB, confirm testing and performance measures used in the state to determine level of English acquisition and at what level the student is performing.

Make assessment decisions for the Transfer ARD based on information provided about previous assessments and the type of curriculum on which the student was instructed. For additional guidance, contact your Special Education Program Coordinator.

### **Annual ARD and/or Review ARD**

#### **Annual ARD**

Student participation in state assessment must be considered at every Annual ARD. The state assessment participation requirements provided by TEA should be followed in the decision-making process:

#### **Review ARD**

Student participation in state assessment should be reviewed at any Review ARD to confirm that the recommended assessment continues to be appropriate. If the purpose of the Review ARD is to reconsider the student's participation in state assessment, the same decision-making process should be followed as those for the Annual ARD. When considering a waiver of additional testing opportunities or changes in the form of the required assessments in grades 5 and 8, please refer to the most recent Grade Placement Committee Manual for Grade Advancement Requirements of the Student Success Initiative located on the TEA website.

#### **TELPAS**

When a student receiving special education services is Limited English Proficient (LEP), the ARDC must work in conjunction with the LPAC to ensure that issues related to both the student's disability and language proficiency are carefully considered when assessment decisions are made. TELPAS assessments should be considered for all ELs receiving special education. Exit from LEP is considered on a case by case basis in collaboration with the ARDC and the LPAC. Standard LEP exit criteria can be waived and alternate criteria set in some circumstances, primarily in the case of severe cognitive disability. The following assessments should be considered:

- K-1: Holistically-scored assessments in speaking, listening, reading, and writing are available. These assessments are administered by a qualified TELPAS rater based on student observations and work samples. Each domain is considered separately and documentation of the justification for not participating in any of the four domains is included on both the form provided by the NextGen SPM system and in the ARD Committee deliberations section of the ARD. The ARDC and LPAC should collaborate on the appropriate measures for all EB students regardless of determined disability(ies).



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- Gr. 2-12: Assessments include holistically-scored speaking, listening, and writing assessments rated by a qualified TEPAS rater from observations and writing samples. Students take the TEPAS Reading test either in a paper or online format. TEPAS reading tests for grades 2–12 are designed to determine where EBs are on the continuum of English language reading proficiency and to measure their growth from year to year. The instrument starts with an initial understanding of high-frequency English words and phrases and culminates with the ability to read and understand texts similar to those written for English- proficient students. Each domain should be considered separately with justification documented when one or more domains is not assessed. Students taking STAAR should be assessed in all four domains using the appropriate allowed accommodations for TEPAS.

### **Restricted ARD dates due to State Assessment**

In an effort to reduce testing irregularities and miscommunications regarding State Assessment accommodations, Sheldon ISD will implement a process of restricting ARD dates two weeks prior to and during state assessment time, for all students enrolled in the corresponding grade levels.

ARDs that are required such as Initial ARDs, MDR ARDs etc., may continue to be held during this period. The dates in which NO ARDs may be held will be determined and sent out on a yearly basis. The dates will be based on the current TEA State Assessment Calendar.

### ***Supplementary Aids and Services – Accommodations***

***34 CFR §§ 300.42, 300.320(a)(4); 19 TAC 89.1050(a)(1); 28 C.F.R. 35.104***

Supplementary Aids and Services are “aids, services, and other supports provided in General Education classes, other educational-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate.”

Examples of supplementary aids and services:

- a. Qualified interpreters, note-takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments
- b. Qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments
- c. Acquisition or modification of equipment or devices

The Full Individual Evaluation and ARD process identify the appropriate supplementary aids and services students require to be educated with non-disabled children to the maximum extent appropriate.

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### ***Student-Specific/1:1 Aide or Paraprofessional***

Prior to holding an ARD Meeting to discuss a student-specific aide, the campus should contact the appropriate Program Coordinator to review all data to ensure that Least Restrictive Environment is being followed.

The discussion of a student-specific aide should be documented in the ARD Deliberations. If a student-specific aide is determined to be necessary for a student to access and make progress in the general education curriculum, the service should be documented on the Schedule of Services page within the Frontline system under related services. Factors to consider include individual student needs, class size, staff-to-student ratio, and need for student support in order to demonstrate educational progress. Some of the most common reasons for this type of support include:

1. Protection/safety of the student;
2. Physical assistance/needs throughout day;
3. Instructional support;
4. Transition; and
5. Reducing student anxiety.

This type of support ranges from portions of the school day to a full school day, depending on the needs of the student. In the event a student-specific aide is provided to a student, the campus should develop a contingency plan for when the student-specific aide is absent.

The ARD committee determines a student's required supplementary aids and services. To the extent practicable, supplementary aids and services, special education, and related services must be based on peer-reviewed research. Accommodations and/or modifications determined during the ARD should be those that the student must have on a regular basis in order to access and make progress in the general education curriculum. The ARD Committee considers any request by a parent for a specific supplementary aid and/or service such as service dogs, tape recorders, note-takers, and any other specific requests. Any decision to discontinue a supplementary aid should be based on data that demonstrates the student does not make progress in the general education curriculum when the supplementary aid is used.

The ARDC must determine and include in the child's IEP:

1. The projected date for the beginning of the services and modifications;
2. The anticipated frequency of those services and modifications; and
3. The anticipated duration of those services and modifications.

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### ***Audio Recording*** ***TEC § 29.005***

1. The district, the parent, or the adult student may audio-record the ARD committee meeting. All participants in the meeting will be informed that such a recording is being made.
2. If a parent or adult student notifies the ARD committee that they will record the meeting, the district will also record the meeting and document the meeting is being recorded in the deliberations. If the audio recording is in a digital format, a copy can be uploaded to the student's Frontline file in Archive Manager. For audio recordings on tape, a copy must be given to the parent and another copy to be sent to the Special Ed Records Department.
3. If an interpreter is used in the ARD meeting, two tapes/recordings should be made. One is given to the parent and one is filed in Frontline or the Special Education Records Department.

### ***Service Animals*** ***28 C.F.R. §35.104***

Requests for the Use of Service Animals by Enrolled Students, Under the ADA Section 504

#### **PURPOSE**

The purpose of these procedures is to establish guidelines for the use of service animals by students in the Sheldon Independent School District, including school buildings, vehicles and other property. These procedures will be used to assist Sheldon ISD personnel in handling requests for service animals, including directing parents' requests to the proper individuals within Sheldon ISD, and advising parents of their rights under the relevant laws. For additional information regarding Service Animals, please refer to Sheldon ISD Board Policy FBA (LEGAL).

#### **FEDERAL LAWS CONCERNING SERVICE ANIMALS IN SCHOOLS**

##### Individuals with Disabilities in Education Act

Under the Individuals with Disabilities in Education Act ("IDEA"), eligible students are entitled to a free, appropriate public education ("FAPE"). The parent may request that an ARD committee consider whether or not the use of a service animal is necessary in order for the student to receive a FAPE. If the ARD Committee determines that the student can be provided FAPE without the use of the animal, the animal does not become a related service or support under a student's IEP.

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### Americans with Disabilities Act and Section 504 of the Rehabilitation Act

Under the Americans with Disabilities Act (“ADA”) and Section 504 of the Rehabilitation Act (Section 504), schools are generally required to allow a disabled individual to be accompanied by a service animal, so long as the animal meets the ADA definition of “service animal,” the animal is under the control of its handler, is housebroken, and does not pose a direct threat to the health and/or safety of others. Exclusion of an animal could be discrimination based on disability. The ADA requires public entities to appoint a person to handle claims of disability discrimination, the Director for At-Risk and Interventions. Additionally, the Section 504 committee should convene to apply the ADA guidelines and determine if additional accommodations are needed for access or for an equal educational opportunity.

For students who are eligible under Section 504 and have a Section 504 accommodation plan, a Section 504 committee should convene to review the plan to ensure the child continues to have equal educational opportunity and to consider reasonable accommodations. Additionally, the Section 504 committee should convene to apply the ADA guidelines and determine if additional accommodations are needed for access or for an equal educational opportunity.

### **DEFINITION OF SERVICE ANIMAL**

Service animals are defined by the ADA as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed must be directly related to the individual’s disability. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. 28 C.F.R. §35.104. A service animal is not a pet.

### **PROCEDURES/REQUIREMENTS for Students**

Use of service animals by a student with a disability is subject to the following procedures and requirements:

A. Application for Use of Service Animal –Parents/Adult students must submit a request for the use of service animals to the Assistant Superintendent of Student Services, Special Education Program Coordinator, or Special Education Director who is the district designee for Section 504. The campus administrator or campus diagnostician/Special Education Program Specialist must notify the Executive Director of Special Education of the request. Requests for the use of service animals on School District property must, whenever possible, be made no less than fifteen (15) business days prior to the proposed use of the service animal. The animal may be required to demonstrate that it is a trained service animal by performing the functions identified by the owner/user that are intended to mitigate the impact of a disability.

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B. Determination of Whether Animal is a Service Animal - Applications for use of Service Animal will be reviewed by the Executive Director of Special Education Programs. The Executive Director of Special Education Programs will determine if the animal meets the definition of service animal under the ADA. If the animal meets the definition of service animal and there are no grounds to remove the animal, the student will be allowed to use the animal on campus. All applications for use of the service animal on School District property will be considered on a case-by-case basis. Subject to the IDEA and Section 504, approval of the use of the service animal is subject to periodic review, revision, or revocation by the District. At a minimum, the request for a service animal will be reviewed annually. The request for use of the service animal must be renewed annually, prior to the start of each subsequent school year. In addition, the request must be renewed whenever the student changes schools or when the student desires to use a different service animal.

C. Service animals necessary for FAPE - If the student is eligible for special education services under the IDEA, an ARD committee must be scheduled and the student's ARD committee will determine if the animal is necessary for FAPE. The use of a service animal is a methodology. If the student's needs can be met by a method other than the use of a service animal, such as with assistive technology or adult support, the service animal is not necessary for FAPE. The need for a service animal is subject to periodic review and revision by the ARD committee. At a minimum, the student's IEP and the need for a service animal will be reviewed annually. A service animal will not be included as part of a student's IEP unless the ARD committee determines the animal is necessary for a FAPE.

D. Agreement for Use of Service Animal - If the animal meets the definition of a service animal, the parent must sign and return the *Agreement for Use of the Service Animal*, prior to the service animal being introduced into the school's setting. Sheldon ISD requests, but does not require, that Service Animals wear an orange collar and a leash or a vest at all times that identifies it as a service animal to students and staff.

E. Exclusion of Service Animal – Under the Americans with Disabilities Act, a service animal may be excluded if: 1) it is out of the handler's control and the handler cannot take effective steps to control the animal; 2) the animal is not housebroken; 3) the animal poses a direct threat to the health or safety of others; or 4) the animal's presence or behavior fundamentally alters the nature of the School District's service, program, or activity.

F. Responsibility for Service Animal

- a. It is the responsibility of the student who uses a service animal pursuant to this procedure to provide proper handling of the service animal. The service animal must be under the control of the handler at all times. The school district is not responsible for the care or supervision of the animal. Any cost incurred to

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handling the service animal will be the responsibility of the adult student or parent of the student who uses the service animal. The school nurse will be consulted by school administration regarding any known allergies among the school population. Any measures needed to minimize contact between any allergic students and the service animal will be identified by the school administration and followed by the handler.

- b. The service animal shall have a harness, leash, or other tether unless either: (a) the handler is unable because of a disability to use a harness, leash, or other tether; or (b) the use of such device would interfere with the service animal's safe, effective performance of work or tasks. In such circumstances, the service animal must be under the handler's control through other effective means such as voice control or signals. The handler will be responsible for ensuring the service animal is provided any food and water needed by the animal and regular outside time to relieve itself in a designated place, including proper disposal of waste. Any food provided at the school must be contained in sealable containers. The service animal will not be allowed on school furnishings unless it is required for performance of its work or task. It is the handler's responsibility to inform others that the animal is a service animal and should not be petted, bothered, harassed or fed.
- c. The adult student or the student's parents/guardians, are liable for any damage to school or personal property and any injuries to individuals caused by the service animal. The District and its employees shall be held harmless in the event that the animal damages property or causes harm to any individual.

G. The District may, at its discretion, require that the student/parent requesting the use of a service animal complete the steps of this procedure, as often as reasonable so that the District may ensure the safety of patrons and the continued need for the service animal to the student.

H. Prior to the introduction of the service animal into the school, relevant campus staff will create a plan with the student and the student's parent to integrate an approved service animal into the classroom and school environment and to meet the animal's basic needs during the school day. The plan will consider appropriate training for school staff, emergency evacuation and disaster response, and any other activities or conditions appropriate for the learning environment.

I. To the extent that use of a service animal is not a related service addressed in an IEP or Section 504 plan, an integration plan does not constitute a service or accommodation under the IDEA or Section 504.

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J. The introduction of a service animal into the school setting may result in medical issues among other students and/or employees. Should such issues arise, the District will resolve those issues by considering the needs of all persons involved. The student's schedule may be altered or other appropriate action taken in order to accommodate the document needs of all students and staff on the campus.

K. Sheldon Independent School District follows all applicable laws and regulations to protect the health and safety of the students and employees of Sheldon ISD. Texas law pertaining to the treatment of animals shall apply. *See* Tex. Penal Code Chapter 42 and Tex. Human Res. Code Chapter 121.

### COMPLAINT PROCEDURES

Sheldon Independent School District provides training to staff to ensure compliance with the ADA and Section 504 regarding requests for service animals. Any individual who believes that he/she is being denied access to buildings or programs, or discriminated against based on disability, should immediately inform the Executive Director of Special Education, Brooke Douget, at 281-727-2000. Any disputes or complaints by any person involving service animals should be made in writing to the Executive Director Special Education. Some disputes may be subject to the grievance procedures outlined by School Board Policy and/or in the Student Handbook.

### Service Animal Procedure Checklist (Internal Use)

- Attachment 1 and Attachment 2 (optional) Submitted to \_\_\_\_\_ (Campus name), on \_\_\_\_\_ (Date)
- Attachment 1 reviewed by Campus Principal
- Attachment 1 and 2 reviewed by Assistant Superintendent of Student Services and Executive Director of Special Education
- Attachment 1 and Attachment 2 (if applicable) Reviewed by ARD Committee
- ARD Committee Decision
  - Required for FAPE \_\_\_\_\_
  - Not required for FAPE \_\_\_\_\_
- Final Approval if not Required for FAPE

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- Assistant Superintendent \_\_\_\_\_
- SPED Director \_\_\_\_\_
  
- Date of Approval \_\_\_\_\_
  
- Forward Approval to
  - Campus Principal
  - Assistant Superintendent of Student Services
  - Executive Director of Special Education
  
- Campus Admin will create a plan for the integration of approved service animal

### ***Transition Planning***

***34 CFR 300.43(a), (b); 20 USC § 1401(34) (A)***

Transition is a process designed to assist students with disabilities to achieve their postsecondary goals in the areas of education, employment and adult living. Through transition planning, annual goals and a coordinated set of activities focusing on both academic and functional skills are established to facilitate progress towards a student's postsecondary goals.

Transition will be initiated for each student receiving special education services prior to the age of 14.

### **Transition Process**

1. A consent letter for permission to invite an agency is sent home for the parent to sign prior to the ARD meeting addressing transition. The Consent to Invite an Outside Agency form in the Frontline system must be signed by the parent/adult student prior to the ARD Notice being sent home, if the third-party agency will be invited to the ARD.
2. Appropriate transition assessments must be completed for each student. This should include student assessment (interest survey, ability assessment, data collected by teachers), parent input via parent survey or questionnaire, and teacher input via teacher survey or questionnaire. If additional assessments are needed, the case manager will contact the Transition Specialist or Transition Teacher for additional resources. In addition to the parent, teacher, and student surveys, transition assessments should vary from one year to the next.
3. Appropriate postsecondary goals in the areas of training, education, employment and where appropriate independent living skills. These goals must be realistic and attainable.
4. Appropriate annual IEP goal related to transition services needed.
5. A Course of Study (4-year plan) that will reasonably enable the student to meet his/her postsecondary goals.
6. Assure the transition plan has services that will reasonably enable the student to meet



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his/her postsecondary goals. The Transition Supplement encompasses a coordinated set of activities, which include activities in the areas of instruction, related services, community experience, development of employment, acquisition of daily living skills, and functional vocational assessment (if applicable).

The case manager will complete the transition process for their case managed students by collaborating with the student's counselor and Transition Teacher or Transition Specialist if needed. The Transition Specialist will work with the student and teachers to implement the transition plan. The Transition Specialist is responsible for annual transition training and Indicator 13 audits.

### **Transition Specialist**

- The Transition Specialist is the district resource person who should assist the Campus Diagnostician with the transition planning process for the high schools and the middle schools.
- As the resource person, the Transition Specialist will provide the training for high school and middle school staff relative to the transition planning process and the completion of all required forms.
- The Transition Specialist should ensure campus staff is informed of any change in policies and procedures concerning transition planning or services.
- It is also the responsibility of the Transition Specialist to assist campuses to ensure current ARD/IEP data for required transition planning services are entered in a timely manner on the campus student information system.
- The Transition Specialist leads at least one fall and spring audit over Indicator 13.
- The Transition Specialist along with the Transition Teacher conduct the official Indicator 13 audit.

The following items should be locked altogether as the "Transition Bundle"

1. Student Invitation
2. Transition Assessments
3. Consent to Invite Outside Agency
4. Invitation to Outside Agency
5. Course of Study (4 Year Plan)
6. Transcript
7. Any additional data
8. Indicator 13 form

Other items related to Transition that are required to be archived include the following:

1. Transition Supplement
2. Transition related PLAAFP statements
3. Deliberations

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### *Visual Impairment Including Blindness*

**(VI) 34 CFR § 300.324(a)(2)(iii); TEC § 30.002**

For a child who is blind or is visually impaired, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the child's future needs for instruction in braille or the use of braille, the ARDC must either:

1. Provide for reading and writing instruction in braille and the use of braille; or
2. Determine that instruction in braille or the use of braille is not appropriate.

Before placing a child with a Visual Impairment (VI) in a classroom setting, or within a reasonable period of time after placement, the LEA must provide:

1. Evaluation of the impairment; and
2. Instruction in an expanded core curriculum, which is required for the child to succeed in classroom settings and derive lasting, practical benefits from the education by the LEA, including instruction in:
  - a. Compensatory skills, such as braille and concept development, and other skills needed to access the rest of the curriculum;
  - b. Orientation and mobility;
  - c. Social interaction skills;
  - d. Career planning;
  - e. Assistive technology, including optical devices;
  - f. Independent living skills;
  - g. Recreation and leisure enjoyment;
  - h. Self-determination; and
  - i. Sensory efficiency.

For a student with a Visual Impairment, the ARDC must develop an IEP that:

1. Provides a detailed description of the arrangements made to provide the child with an evaluation of the impairment and instruction in the expanded core curriculum required for children with visual impairments;
2. Sets forth the plans and arrangements made for contacts with and continuing services to the child beyond regular school hours to ensure the child receives the instruction required for children with visual impairments; and
3. Reflects that the child has been provided a detailed explanation of the various service resources available in the community and throughout the state.

When developing an IEP for a child who is functionally blind, the Texas Education Agency's criteria provides:

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1. Proficiency in braille reading and writing is presumed to be essential for the child's satisfactory educational progress;
2. Each person assisting in the development of the child's IEP must receive information describing the benefits of braille instruction;
3. The ARDC must provide for braille reading and writing instruction that is sufficient to enable the child to communicate with the same level of proficiency as other children of comparable ability who are at the same grade level;
4. Braille instruction may be used in combination with other special education services appropriate to the child's educational needs;
5. The ARDC must specify the appropriate learning medium based on the full and initial evaluation; and
6. The ARDC must ensure that instruction in braille will be provided by a teacher certified to teach children with VI.

The District must provide each parent with the state-adopted form that contains written information about programs offered by state institutions.

### GENERAL EDUCATION TEACHER INPUT

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#### **Opportunity for General Education Teachers to Request Assistance**

The immediate person for support to the General Education teacher is the identified Special Education Case Manager. The Special Education Case manager will act in a collaborative role to solve any difficulties the special education student may be having in the general education class.

#### **Special Education Case**

#### **Manager Case Management**

A case manager is a special education teacher responsible for a select number of students receiving special education services on their campus. It is the responsibility of the campus to assign students to the case managers.

- Elementary Level – campus administrator collaborates with the Campus Diagnostician/Special Education Program Specialist
- Secondary Level – special education department head in collaboration with administration

#### **Purpose of Case Manager:**

- Monitor student progress: for students who are failing or in danger of failing, schedule staffing to discuss lack of progress and if necessary, and ARD to adjust supports/services
  - Monitor regularly – avoid waiting until the class has been failed or has dropped too far behind
- Ensure proper implementation of student Individual Education Plan (IEP) – discuss plan with teachers and follow up to ensure implementation is occurring
- Ensure documentation is maintained through eSHARS (for personal care services/accommodations) for students on caseload

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- Communicate with teachers who instruct students with disabilities
- Act as the point of contact for parents of students with disabilities – introduce at beginning of year and have regular communication regarding progress or lack thereof

There should be careful consideration as to how to assign students to Case Managers. Case managers should either teach or provide some support throughout the day, to the students on their caseload. If this is not possible, case managers should have the ability to see a student on their caseload at least three times per 6-week grading period. If a case manager teaches in a program (SAILS, SOARS, DRIVE, ECSE, In-Class Support and Resource), their caseload should reflect students in that program. As a campus, each special education teacher should be assigned to a content/grade level so general education teachers have a specialized person for consultation.

Case management involves three areas of responsibility: Organization, Documentation and ARD Preparation.

### Organization

- It is imperative that a case manager remain organized throughout the year for various reasons. Some of the items the case manager is responsible for keeping may be collected/requested at different times of the year. Case managers should review all current paperwork for the students on their caseload prior to the school year and prepare all Inclusion logs and Accommodations logs for teachers and service providers.

At the beginning of the year, the case manager should make sure all school personnel, who are directly involved with the students on their caseloads, receive a copy of the Teacher Bundle in Eduphoria by the first day of instruction. This bundle includes the following information:

- Schedule of Services
- Classroom and State Assessment Accommodations
- Behavioral Intervention Plan (when appropriate)
- Goals and Objectives pages
- Autism Supplement (when appropriate)
- Personal Care Services Supplement (when appropriate)

Other responsibilities of the case manager for the beginning of the year include:

- All school personnel who receive accommodations/modifications pages and/or BIPs MUST sign an **Acknowledgement of Receipt** Form indicating they have received the appropriate information. An email receipt with acknowledgment of the student information may suffice in lieu of the traditional paper form. However, this does not preclude the case manager from meeting directly with the teacher(s) to explain support and services the student receives.
- Remember the accommodations/modifications, BIPs, and goals and objectives pages are confidential and should not be distributed without a cover page. If given electronically, select

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“confidential.”

- Best practice is to discuss the information with the teacher at the time of receipt. If not, a follow-up meeting should take place.
- Once the student schedules are available, check to make sure the student’s schedule matches the ARD Schedule of Services page. If there is a discrepancy, notify the counselor, Special Education Program Specialist or Department Head.
- Review the student’s IEP Goals and Objectives to ensure EVERY student has at least ONE goal.
- Case Manager must introduce self to each of the students on the case manager list. Provide contact information (how can they find you, room number, and conference period). Schedule a time for the transition survey OR give them the survey to complete. (SECONDARY)
- Send home a case manager letter to parents. (ELEMENTARY/SECONDARY) Include transition surveys. (SECONDARY) consult a Transition Specialist for further details.
- Have regular communication/collaboration with the General Education teacher. Contact the classroom teacher at least one time per week to touch base with the student/teachers (if the teacher does not have the student in their class)
- Each teacher should be assigned to a content area/grade level (General Education teacher should have a Special Education teacher for consultation)
- Have regular communication with the parent regarding progress/lack of progress on IEP, preparing for Annual ARD, concerns brought by parents relating to ARD/IEP, etc.  
Attend Special Education Department trainings such as On-Campus PD, and Off-Campus PD

By the end of the first semester, case managers should conduct a mid year checkpoint:

- Progress updates #1, #2 and #3 should be complete
- IEP Progress updates should be sent home
- Upload documentation of supports in the Frontline system
- Enter all Inclusion logs in the Frontline system

By the End of Week One in January, students may have new classes for the semester. SECONDARY will need to do the following:

- Once the student schedules are available, check to make sure the schedule matches the ARD Schedule of Services page. If there is a discrepancy, notify the counselor, Special Education Program Specialist or Department Head.
- Distribute appropriate paperwork to all school personnel who are directly involved with the students.
- ALL school personnel who receive accommodations/modifications pages and/or BIPs, MUST sign an **Acknowledgement of Receipt** Form indicating they have received the appropriate information.

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### Annual ARD Preparation

At the start of the year, case managers should create a report from the Frontline system that delineates when all of the annual ARDs are due for students on their caseload. The notification of the actual date of the ARD will come from an Outlook invitation, generally from the campus clerk or Special Education Program Specialist or Campus Evaluator (Diagnostician).

In order to prepare for the annual ARD date, many items need to be completed 2-3 weeks prior to the annual ARD. Case managers should complete the following:

- Complete the Universal Screener for updated academic levels
- Request feedback from general education teachers
- Contact the parent(s)/guardian(s)/adult student to gain their input
- Meet with counselor to confirm credits, graduation plan and 4 year plan (SECONDARY)
- Meet with the student to discuss current accommodations and modifications, transition services and course selection for upcoming the year (SECONDARY)

Once all of the above is collected, the case manager should start to prepare ARD documents in the Frontline system. Case managers are responsible for drafting the PLAAFP, IEP goals and objectives, Behavior Intervention Plans (in collaboration with LSSP), accommodations, supplements (as appropriate), and for SECONDARY case managers this includes transition information and coordinated set of activities. All items should be drafted in the Frontline at least 5 days prior to the date of the meeting. The drafted accommodations, goals and objectives should be sent home in advance for parent input.

The day of the ARD, case managers should attend with the following material ready to review:

- Teacher input
- Transition information (SECONDARY)
- Progress updates on current goals/objectives
- Draft of the PLAAFP
- Draft goals/objectives/accommodations
- A printed copy of discipline record, attendance, grades, current schedule
- Work Samples

Case managers should play an active role throughout the ARD meeting. Special Education teachers should be prepared to discuss all of the above. If a case manager is not prepared for the ARD, the Campus Evaluator or Campus Administrator may decide to cancel the meeting.

After the ARD, case managers need to ensure all service providers have an updated copy of the newly accepted accommodations/modifications, goals/objectives and BIP. It is also important to obtain signatures on a new verification of receipt for those items.

Annual ARD meetings must take place at least once per year, on or before the date of the last annual ARD. There are times that an ARD needs to take place outside of the annual. It is the case manager's responsibility to request those meetings. When a student's PLAAFP changes that results in a change in services, schedule, etc... an ARD may need to occur. If a student experiences a lack of expected progress, the case manager is required to request a Review ARD.

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### Documentation

Case Managers are responsible for keeping the following documentation:

- Communication log (parents, teachers, students)
- Accommodations log in Plan Management: general education teachers who have students receiving in-class support
- Inclusion log in Plan Management (paper copies): special education teachers and paraprofessionals who provide in-class support to students with disabilities either face-to-face or virtually are to maintain In-Class Support logs, and the case manager must enter all inclusion time in the Frontline system by the end of the 6 weeks. Case Manager may enter the time directly into the Frontline system in lieu of keeping a log.

### General Education Teacher Opportunity to Provide Input to the ARD Committee

General education and special education teachers may collaborate. However, the Special Education case manager should gather information regarding student performance and progress from all of the student's general education teachers prior to:

1. An Initial ARD committee meeting,
2. Evaluation Planning meeting or REED, if appropriate,
3. Annual ARD meeting, or
4. A Review ARD meeting considering other areas such as behavior, failures, etc.

### Process for Requesting for Further Consideration of Student's IEP - General Education Teacher

It is the responsibility of the Special Education case manager to support and assist the general education teacher in understanding the student's disability and IEP. When a general education teacher has concerns about the student's educational program, the Special Education case manager should:

1. Make an appointment with the general education teacher to discuss the general education teacher's concern;
2. Listen carefully to each issue raised by the general education teacher; be sure he/she has a clear understanding of the student's educational competencies and needs. Often the general education teacher with a concern is not present in the ARD committee meeting and has not seen the evaluation information and may not fully understand the student's strengths and weaknesses.
3. Collaboratively brainstorm possible solutions and alternatives which could be used, being careful to pay close attention to the ARD committee decisions on placement, accommodations, etc. Areas for support include pacing, methods, materials, etc.
4. Keep notes of the issues and solutions to be tried and the person responsible for trying each solution, and the timeline;
5. Set the next date and time to get together to discuss any progress toward the general education teachers concern after he/she has implemented the solutions from the meeting. The special education teacher should always follow-up. Possible ways special education could support the general education teacher are listed above. Don't hesitate to offer specific suggestions as ways to help the teacher.

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6. Involvement of the Principal: If steps above do not improve the situation, the Principal or Assistant Principal should be notified (if they have not already been involved). The following steps should be followed if a solution did not occur:
  - a. The special education case manager should inform the administrator of the steps taken above.
  - b. The administrator will determine any further resources to involve in resolving the situation. The diagnostician, coordinator, or special education director may be included in problem solving.
  - c. The administrator may call a meeting with the parties involved or may offer suggestions to the general education teacher, or may determine an ARD meeting is necessary to address the issues.
7. At any time during the process above, an ARD committee meeting may be requested by the General Education teacher.

### SPECIAL EDUCATION TEACHER / SERVICE PROVIDER RESPONSIBILITIES

#### **ARD Meetings**

The special education teacher is responsible for the following in the ARD process (if there are multiple special education teachers involved, the special education case manager should ensure these steps are completed).

#### **Prior to the ARD**

1. Draft the Present Levels of Academic Achievement and Functional Performance (PLAAFP) in the Frontline system. If there are multiple special education teachers involved, the Special Education Case manager should gather information from all teachers and input the PLAAFPs. The critical part of the PLAAFP section is to ensure that the ARD committee has meaningful and current data to assist in writing appropriate IEP goals and objectives.
2. Prepare the draft IEP measurable annual goals in the Frontline, based on appropriate evaluation (remember the general education teacher(s) to the extent appropriate, should participate in the development, review, and revision of the student's IEP).
3. Send draft IEP goals/objectives to the parent at least 5 school days prior to ARD meeting (if there are multiple special education teachers involved, the special education case manager should coordinate this effort).
4. Use the information in the State Assessment area to decide upon a recommendation for all applicable state assessments required for the student's grade level. Even if the recommendation is that the student will not take the state assessment, a recommendation should be prepared along with relative data to support the recommendation.
5. Decide which academic and supplementary supports will be recommended to the ARD Committee. This recommendation should be prepared along with relative data to support the recommendation.
- 6.



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**In summary, the following screens in the Frontline system should be updated and completed by the case managers prior to an ARD:**

1. Student Information – update case manager only
2. Development of the IEP/Transition
3. Behavior/Language
4. Communication/Physical/Student - AT Needs of the student – only complete supplement
5. ESCE Present Development Levels – ESCE only
6. Measurable Annual Goals
7. Accommodations – Complete only the ARD Supplement for Personal Care Services
8. Accommodation List
9. eStar State Assessment (STAAR)
10. STAAR Accommodations
11. District Wide Assessment – enter accommodations only
12. ESY Supplement (1 & 2)
13. STAAR Alternate 2 Participation Requirements Step 1 – Enter Justifications to include FIE and PLAAFP information
14. TELEPAS Alternate Participation Requirements
15. Behavior Intervention Plan Brief (1a & 1b – 4a & 4b) Enter up to 4 targeted behaviors
16. Transition Services (1 & 2) – starting at age 13 years old and older
17. Autism Spectrum Disorder Supplement (1, 2 & 3)
18. Personal Care Services Supplement
19. Special Education Emergency Contingency Plan – complete at each Annual Review
20. Language Acquisition (for DHH or DB only)
21. Language Acquisition – Assessment Reporting (for DHH or DB only)
22. eStar Summary of Performance – complete Students and Parent input only on exiting Seniors

### **After the ARD**

1. The Special Education Case Manager should ensure that each teacher who provides instruction to a student with disabilities be made aware that the updated documentation has been uploaded into the Forms tab of Aware in Eduphoria. The Case manager should also ensure that the teacher(s) of record be informed of and understand specific responsibilities related to implementing the IEP, such as goals and objectives, as well as needed accommodations, modifications, and support for the child.
2. Obtain signed documentation from the general education teachers that they have received relevant sections of the student's IEP, such as goals and objectives, and of needed accommodations, and support for the child for the list of special education students they instruct. A receipt for accommodations and/or modifications should be used to document the General Education Teacher's receipt of this information.
3. Assist general education teachers who are involved in the student's instruction to maintain documentation that they are modifying and/or accommodating educational programs of students as specified in the ARD.

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### Update IEP Goals & Objectives

1. Ensure that the IEP Goals & Objectives and Progress Report are updated in the Frontline system.
2. Send an updated copy of the IEP Goals & Objectives and Progress Report to the parent as indicated on the IEP Goals & Objectives page.

### FAQ

#### **Who is responsible for collecting progress-monitoring data for students served in a general education setting?**

Each student is assigned a case manager. The case manager is responsible for collecting all documents related to progress to include data logs/charts, accommodation logs, etc. at the end of each progressing 9-weeks reporting period.

#### ***If a student is in a general education setting all day, what happens if there are multiple implementers on a goal? Who is responsible for documenting the progress on goals and objectives?***

All implementers should collaborate to discuss the implementation of the IEP and how documentation will be collected. The special education case manager assigned to the student is ultimately responsible for gathering all data logs and updating progress on the IEP into the Frontline system at the end of each progressing 9-weeks reporting period.

#### ***If a student is in a special education setting, what happens if there are multiple implementers on a goal? Who is responsible for documenting the progress on goals and objectives?***

All implementers should collaborate to discuss the implementation of the IEP and how documentation will be collected. The special education case manager assigned to the student is ultimately responsible for gathering all data logs and updating progress on the IEP into the Frontline system at the end of each progressing 9-weeks reporting period.

#### ***Who is responsible for gathering data/documentation logs from paraprofessionals that provide support to students in the general education setting?***

The case manager is responsible for collecting all documents related to progress to include data logs/charts, accommodation logs, etc. from the paraprofessional at the end of each progressing 9-weeks reporting period. The case manager needs to collaborate with the general education teacher prior to updating IEP progress in the Frontline system.

#### ***Who is responsible for gathering data/documentation logs from paraprofessionals that provide support to students in the special education setting (resource, specialized program)?***

The case manager is responsible for collecting all documents related to progress to include data logs/charts, accommodation logs, etc. from the paraprofessional at the end of each progressing 9-weeks reporting period.

The case manager needs to collaborate with any other special education teachers to gather all data prior to updating the IEP progress in the Frontline system.

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### Compensatory Services

Compensatory services may come in many forms. For students under 21, compensatory services may mean either “current compensatory education” or “future compensatory education.” For students after the age of 21, compensatory services usually means extending the student’s full educational services for a specific amount of time beyond his or her 22<sup>nd</sup> birthday.

Sheldon ISD utilizes the qualitative approach to addressing compensatory services. The qualitative approach is a flexible calculation of how many hours of compensatory services are required to place the student in the same position he or she would have been in if the district did not violate the IDEA. It uses an individualized, fact-specific determination of the amount of compensatory time “reasonably calculated to provide the educational benefits that likely would have accrued from special education services the school district should have provided in the first place.”

The questions asked in determining the amount in this approach

- (1) What are the child’s specific educational deficits?
- (2) Which and how much of these specific deficits resulted from the child’s loss of FAPE”?
- (3) What are “the specific compensatory measures needed to best correct” those deficits?

The analysis and ultimate decision regarding whether compensatory services will be provided, and if so, what the services will be, should be clearly documented in the deliberations of the ARD Committee meeting. *(Note portions of the Compensatory Services information described above was referenced from the Region 4 Guidance Document for TEA Special Education Strategic Plan, 2018).*

If there is a situation in which the district did not provide services agreed upon in the IEP, or if there is a delay in an Initial Evaluation (SPP 11 compliance requirement), the District **must** consider providing compensatory services.

1. Gather all pertinent data and consult the service provider to determine what the services should have been and what has actually been provided. Service delivery models vary from consultation to direct service. Be certain that there has not been a misunderstanding or miscommunication about the services delivered.
2. Contact the appropriate Program Coordinator to discuss the situation prior to the staffing and ARD meeting.
3. A staffing should be held with all pertinent service providers to review the IEP and the progress the child has made. Below are some topics that should be discussed at the staffing:
  - a. Review the student’s progress and rate of learning
  - b. If the child has made progress on the IEP despite the lack of services, the amount of service time should be reviewed to determine if it is an appropriate amount or perhaps if

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- a lowered service time is appropriate. Based upon the data, develop a plan for service to be presented to the ARD committee for review.
  - c. If the child has made limited progress, discuss which goals and objectives specifically are involved and the amount of service time that may be needed to aid in the student's progress. Based upon the data, develop a plan for service to be presented to the ARD committee for review.
  - d. Consider the student's current educational services and how the compensatory services can be addressed.
4. Contact the parent to schedule an ARD meeting and specifically discuss the purpose of the ARD is to consider the need for compensatory services.
- During the ARD meeting:
- a. Discuss the services that were not provided and present a plan to the committee based upon the review of the data.
  - b. Listen to any concerns of the parent and/or student regarding the proposed plan.
5. Describe the plan in the Deliberations of the ARD meeting as well IEP Supports/Services of Related Services screens.
6. Services should be listed in one of two locations. Please do not choose new and type in your own name for the service being provided. ONLY use the options we have provided for you in the drop-down menu.
- a. IEP Supports/Services
  - b. eStar Related/Other Services