

# Dallas Independent School District

## Special Education Operating Procedures Manual

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

Customized for Dallas ISD

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# CHILD FIND

# Child Find

## CHILD FIND DUTY

August 31, 2022

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Child Find Duty

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## CHILD FIND DUTY

### What is Required

All students residing within Dallas ISD who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services must be identified, located, and evaluated. This responsibility includes, but is not limited to:

- Homeless students;
- Students who are wards of the state;
- Students attending private schools (including home schools);
- Incarcerated students;
- Highly mobile students (including migrant students); and
- Students who are suspected of being in need of special education but who are advancing from grade to grade.

Dallas ISD Child Find Office Personnel will also consult with private school representatives regarding the child find process and the provision of special education and related services to students enrolled in private schools within Dallas ISD. *See below and see [CHILDREN IN PRIVATE SCHOOLS].*

### **Pre-Referral Support Services**

Before referring a student for possible special education services, the student will be considered for all support services available to all students through Dallas ISD's Multi-Tiered Systems of Support (MTSS) such as:

- Tutorial;
- Remedial;
- Compensatory;
- Response to evidence-based intervention; and
- Other academic or behavior support services.

### **Right to Information for Students with Learning Difficulties**

Each school year, Campus Personnel will provide notice to the parent of every non-special education student who receives assistance from Dallas ISD for learning difficulties (including Section 504 students). This notice should be written in English or, to the extent practicable, in the parent's native language and be provided when the student begins to receive assistance for that school year. It should include the following:

## Child Find Duty

- A reasonable description of the assistance the student may receive, such as any intervention strategies that may be used;
- Any information collected related to interventions that have been previously used with the student;
- An estimated duration for which the assistance will be provided;
- An estimated time frame for when the parent will receive reports on the student's progress; and
- A copy of the Texas Education Agency's explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education (TEA's "Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services").

## Notice of Rights for a Referral

The Texas Education Agency has developed a notice for distribution and posting on the agency's website that indicates:

- The change made from 2016 to 2017 in reporting requirements for school districts and open-enrollment charter schools regarding the special education representation indicator adopted in the Performance-Based Monitoring Analysis System Manual; and
- In plain language, the rights of a child under both federal and state law and the general process available to initiate a referral of a child for a full individual and initial evaluation to determine the child's eligibility for special education services.

The District must complete the customizable sections of this notice developed by TEA with information indicating where the local processes and procedures for initiating a referral for special education services eligibility evaluation may be found. The District was required to provide this notice to the parent of each child who attended school in the District or at the District at any time during the 2019-2020 school year. The District was required to affirm compliance with this requirement by April 30, 2020. The District must also make the notice available on request to any person. The notice must be available in English and Spanish, and the District must make a good faith effort to provide the notice in the parent's native language if the parent's native language is a language other than English or Spanish. This notice requirement expires on September 1, 2023.

## Disproportionality

Dallas ISD must comply with the state's policies and procedures to ensure that students are not inappropriately overidentified or disproportionately represented by race and ethnicity, including students with disabilities with a particular impairment.



## Child Find for Children in Private Schools

Dallas ISD must locate, identify, and evaluate all students with disabilities who are parentally placed in private schools—including religious, elementary, and secondary schools—located in its jurisdiction. To do so, the Dallas ISD Special Education Child Find Personnel must timely and meaningfully consult with representatives of private schools located within Dallas ISD and conduct a thorough and complete child find process. Dallas ISD must conduct the child find process for students parentally-placed in private schools in a manner comparable to that of students with disabilities enrolled in Dallas ISD campuses. Dallas ISD Special Education Child Find Personnel will maintain records and provide information to TEA indicating the number of students parentally-placed in private schools within the boundaries of Dallas ISD that have been evaluated, determined to be students with disabilities, and served. All child find efforts must comply with requirements related to proportionate share funding for students parentally-placed in private schools. See [PROPORTIONATE SHARE FUNDING FOR CHILDREN PARENTALLY-PLACED IN PRIVATE SCHOOLS].

If Dallas ISD is the student’s district of residence, rather than the district in which the private school is located, Dallas ISD cannot refuse to conduct the evaluation and determine the student’s eligibility for FAPE just because the student attends a private school in another district.

A home school in Texas may be considered a private school. In order to be considered a private school, a home school must provide elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of students’ progress, but is not required to be a nonprofit entity.

### Referral to Dallas ISD

When a student with a disability or a suspected disability is placed directly by the parent in a private school and is referred to Dallas ISD, Dallas ISD Special Education Assessment Personnel will evaluate the student in accordance with the evaluation procedures and hold an ARD Committee meeting to consider the evaluation and determine whether Dallas ISD can offer the student FAPE. See [EVALUATION PROCEDURES].

However, Dallas ISD is not responsible for providing FAPE until such time as the student’s parent chooses to enroll the student in Dallas ISD full time. Specifically, no student with a disability parentally-placed in a private school has an individual right to receive in the private school some or all of the special education and related services that the student would receive if enrolled in a Dallas ISD school.

## Child Find Duty

A student with a disability parentally-placed in private school may receive some special education and related services if the District designates the student to receive service under a proportionate share services plan. See [CHILDREN IN PRIVATE SCHOOL]

### Consultation

Dallas ISD Special Education Personnel must consult with parents and representatives of private schools regarding:

- The Child Find process, including how parentally-placed private school students can be involved in the process and how parents, teachers, and private school officials will be notified about the process;
- The determination of how much proportionate share funding will be made available for services;
- The consultation process between Dallas ISD, private school officials, and the parent of a parentally-placed private school student to ensure meaningful opportunity to participate in the student's special education program; and
- The provision of special education and related services which will be provided for students with disabilities parentally-placed in private schools, including the types of services and alternative service delivery mechanisms, how services will be apportioned if funds are insufficient; and how and when decisions regarding services will be made.

If the private school officials disagree with Dallas ISD Special Education Personnel regarding the provision or types of services, Dallas ISD Special Education Personnel will provide the private school a written explanation of the reasons why Dallas ISD will not provide such services.

Dallas ISD Special Education Personnel will obtain a written affirmation signed by the private school officials stating that timely and meaningful consultation has occurred. If the private school fails to provide a written affirmation within a reasonable time, Dallas ISD Special Education Child Find Personnel will forward documentation of the consultation process to TEA.

### Right of Private School Official to Submit a Complaint

A private school official has the right to submit a TEA complaint that Dallas ISD did not engage in consultation that was meaningful and timely or did not give due considerations to the views of the private school official. The complaining private school official must provide the basis of the complaint to TEA and the Dallas ISD Special Education Administration will provide appropriate documentation in response. If the private school official is dissatisfied with the response, the private school official may submit a complaint to the United States Secretary of Education.

## Child Find and Youth Who Are Incarcerated

The obligation to make FAPE available to all students with disabilities, including the child find obligations, does not apply to individuals ages 18 through 21 who, in the last educational placement prior to their incarceration in an adult correctional facility were not identified as having a disability and who did not have an IEP. This exception to FAPE does not apply to individuals with disabilities ages 18 through 21 who (a) had been identified as a student with a disability and had received services in accordance with an IEP, but who left school prior to his/her incarceration or (b) did not have an IEP in their last educational setting, but who had been identified as a student with a disability under the IDEA

Dallas ISD Special Education Child Find Personnel will maintain a record of incarcerated youth within Dallas ISD. Except as explained above for individuals ages 18-21, Dallas ISD Special Education Assessment Personnel will identify, locate, and evaluate incarcerated youth with disabilities within Dallas ISD. To do so, Dallas ISD Special Education Child Find Personnel will communicate with individuals who are most likely to come into contact with incarcerated youth to identify students suspected of having a disability and ensure a timely evaluation is conducted where appropriate.

### Definitions

“Student with a disability” includes a student who was evaluated according to the FIE requirements and determined by an ARD Committee to have an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

“Special education” means specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability.

“Specially-designed instruction” means adapting, as appropriate to the needs of an eligible student under the IDEA, the content, methodology, or delivery of instruction:

- To address the unique needs of the student that result from the student’s disability; and
- To ensure access of the student to the general curriculum, so that the student can meet the educational standards within the jurisdiction of Dallas ISD.

“Related services” mean a wide array of developmental, corrective, and other supportive services that are required to assist the student to benefit from special education. Related

## Child Find Duty

services do not include a medical device that is surgically implanted, the optimization of that device's functioning (mapping), maintenance of that device, or the replacement of that device. Special education and related services are based on peer-reviewed research to the extent practicable. Related services include, but are not limited to audiology services, counseling services, interpreting services, medical services (only to evaluate a student's disability), music therapy, occupational therapy, orientation and mobility services, parent counseling and training, physical therapy, psychological services, recreation, rehabilitation counseling services, school health services, social work services in school, speech-language therapy, and transportation. In Texas, speech-language therapy is considered an instructional service. This means it can be a stand-alone service as well as a supportive service.

“Intervention strategy” means a strategy in a multi-tiered system of supports that is above the level of intervention generally used in that system with all students. The term includes response to intervention and other early intervening strategies.

“Parentally-placed private school students with disabilities” includes students with disabilities enrolled by their parents in private, including religious, schools or facilities.

“Private school” is a private elementary or secondary school, including any pre-school, religious school, and instructional day or residential school that:

- Is a nonprofit entity; and
- Provides elementary and secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of students' progress.

## **Additional Procedures**

### **Dallas ISD Child Find Program**

Dallas ISD's Child Find Program Personnel will actively look to identify and locate all students with exceptional needs living within Dallas ISD's jurisdiction by disseminating information to the community, including private schools, childcare centers, homeschools, residential treatment centers, day treatment centers, licensed day care centers or homes, hospitals, physician offices, mental health institutions, and detention and corrections facilities. Dallas ISD's Child Find Program Personnel will document and maintain records of all efforts to identify, locate, and evaluate students who may be in need of special education services, including the date of each activity and the result of each activity. Child find activities include, but are not limited to, the following activities:

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- Distributing written information to all schools, both public and private, in the area, as well as other agencies that may associate with students with special needs;
- Publishing information on the internet or Dallas ISD social media accounts, including Dallas ISD's website, Facebook page, Twitter and/or individual campus websites;
- Offering training and information to private schools and homeschool parents regarding child find obligations and the intervention strategies utilized by Dallas ISD;
- Drafting pamphlets about the availability of special education services and how to access them and provide them for posting in places where parents of a student with a disability are likely to be present, including doctor's offices, daycare centers, hospitals, therapy centers, treatment centers, detention and correctional facilities, etc.; and/or
- Otherwise providing outreach to the community through public service announcements, media advisories, and/or press releases.

## Dallas ISD Multi-Tiered Systems of Support (MTSS)

Dallas ISD's Multi-Tiered Systems of Support (MTSS) encompasses structures and procedures that campuses offer to help each child achieve success. The MTSS on each campus is run through the Student Support Team (SST). The MTSS framework is preventative in nature by providing all students with immediate support and offering campus personnel set procedures and guidelines to assist students in the areas of academics, language, and engagement.

The MTSS framework is an over-arching system of support that focuses not only on student achievement, but also the resources, structures, and practices that support implementation. In Dallas ISD, the MTSS framework focuses on all students. Additionally, there are six systems of support that include leadership, curriculum, problem solving teams, evidence-based instructional strategies, databased-decision making, and family and community engagement.

The supports/interventions are provided in three tiers:

- Tier I is the universal support level and includes any and all of the general education curricula, programs, and procedures. This level is the foundation for all other supports and optimizes the likelihood that all students will achieve school success. District and campus procedures, universal screening, and instructional practices and materials are the first line of preventing failure and provide the best opportunity to help all students access learning.
- Tier II includes secondary intervention measures that are put in place when students exhibit problems that could impact long-term success. In Dallas ISD, we

## Child Find Duty

understand that the Tier I core program should work well for most students, but we recognize that some students need additional intervention and specialized instruction. The interventions offered at the Tier II level are directly aligned with the areas identified through universal screening and are provided to students in addition to the Tier I core program.

- Tier III is the most intensive level of offered to students in terms of time, frequency, duration, and environment. This level includes more frequent and individualized intervention and may be offered in addition to the core and Tier II interventions. The number of students requiring Tier III intervention is typically small and may lead to additional referrals for specialized services outside of the MTSS structure.

### **Dallas ISD Student Support Team (SST)**

Dallas ISD has established a campus-based team to systematically and professionally respond to student problems as they are manifested in school, called the Student Support Team (SST). The SST is designed to provide at-risk students with academic and/or behavioral interventions/strategies in the regular setting that reduce and/or eliminate the area(s) of concern that adversely affects the students' ability to learn. The SST will utilize Dallas ISD's Multi-Tiered Systems of Support (MTSS) to provide a structured program of assistance to students experiencing academic, physical, emotional, behavioral, social, medical, familial, or chemical use problems to the extent that their academic or extracurricular performance is being adversely affected.

Each campus shall form and convene an SST that shall:

1. Meet to analyze data and discuss information about the student to identify appropriate interventions at Tier I, II, and III.
2. Refer a student from Tier III Intervention to Specialized Services, which may include counseling and guidance services, health services, psychological and social services, homeless education, youth and family services, drug and alcohol prevention, campus crisis response and support services, or child abuse and domestic violence prevention.
3. Discuss the referral to counseling of students who experience bullying and physical, emotional behavioral, social, medical, familial, or chemical use problems to the extent that their academic or extracurricular performance is adversely affected.
4. Respond to the request for special education or Section 504 services or request for evaluation made by a parent, the principal, or a teacher.
5. Develop an intervention plan to address a student who does not qualify or is being exited from a specialized service, special education or Section 504.

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6. Maintain a record of services that includes original copies of referral forms, data forms, team recommendations and intervention plans, and an indication of resolution.

The SST is a decision-making team that is convened to discuss at-risk students with academic and/or behavioral interventions in the general education setting. The SST should be led by a campus administrator (principal or assistant principal) and consist of the campus instructional coach(es) and classroom teacher(s), and based on the area of concern, the campus counselor (for social/emotional and behavioral needs), nurse (for health and physical needs), or school psychologist or social worker (for psychological, social, and behavioral needs). When conducting SST Meetings, the team should work together to do the following:

- Conduct a root cause analysis
- Review existing data that includes, but not limited to: existing interventions, universal screening reports, grades, attendance, discipline, anecdotal information from teachers, health, and information from parents.
- Discuss the development of a more intensive intervention plan or consider internal and external specialized services
- Set date to review progress.

However, implementation of any intervention program or supports by the campus will not serve to delay or deny a referral for a special education evaluation when students are suspected of having a disability and a need for special education services. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES].

When a student is referred to the Student Support Team, and at least once every subsequent school year that the student is receiving interventions, the parent must be provided a description of the assistance the student may receive, all information collected related to interventions that have been previously used with the student; an estimated duration for which the assistance will be provided; an estimated time frame for when the parent will receive reports on the student's progress; and Dallas ISD's Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services statement. In addition, the parent, upon request, will be provided with the TEA's Updates in Special Education, which describes the process for initiating a referral for special education services and includes the contact information and link on the District's website for the child find process. This information is also included in the Student Handbook and will be provided in the parent's native language, if at all possible.

If a student continues to demonstrate a lack of educational progress in the general education setting after the implementation of the early intervention services, and a

## Child Find Duty

disability and need for special education services is suspected, the campus Student Support Team will initiate a referral for a special education evaluation. However, when an evaluation is requested, the campus Student Support Team will commence the evaluation process while continuing to provide appropriate intervention services. Again, however, implementation of any intervention program or supports by the campus will not serve to delay or deny a referral for a special education evaluation when the student is suspected of having a disability and a need for special education services. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES].

School personnel, the parent or legal guardian of the student, or another person involved in the education or care of the student may initiate a request for a full and individual evaluation through the SST process.

Students who have previously received special education services and whose parents have subsequently revoked consent for special education and related services should not be treated any differently in the child find process than any other student, including a student who was determined eligible and whose parent refused to provide initial consent for services.

Dallas ISD may not require parents to obtain prescriptions for a student as a condition of attending school, receiving an evaluation or receiving special education services. Teachers and school personnel may consult with the parent, or student's physician (after obtaining consent from the parent), in order to share information regarding a student's academic, behavioral, emotional, and physical functioning in the school setting or to discuss eligibility requirements for special education or related services.

### Private School Students

In regard to students in private schools, Dallas ISD is responsible for identifying and locating students with disabilities attending private schools within Dallas ISD's boundaries even if the student does not live in Dallas ISD. Dallas ISD is not responsible for serving district resident students who attend a private school outside of Dallas ISD boundaries, but is still responsible for identifying, locating, and, with parent consent, evaluating those students. At the start of each school year, Dallas ISD Special Education Child Find Personnel will, to the extent possible, contact the parents of students with disabilities parentally-placed in private schools to notify them of the opportunity to receive an evaluation and possible special education services, including proportionate share services, for students who meet eligibility criteria.

Parents of students enrolled in a private school, or a representative or other individual otherwise qualified to make a referral, may contact Dallas ISD Special Education Child Find Office to initiate a referral for special education services. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES]. The Dallas ISD Special Education Child



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Find Office may request that the parent provide documentation related to the student's area of suspected disability, including, but not limited to, classwork, assessments, benchmark testing, health records, and information from the private school regarding the student's progress.

### *Private School Consultation*

Dallas ISD Special Education Child Find Personnel will maintain a list of all private schools, including home schools (if possible), within Dallas ISD attendance boundaries. Dallas ISD Special Education Child Find Personnel will consult in a timely and meaningful way with appropriate representatives of eligible private school students using one or more of the following methods:

- Dallas ISD Special Education Child Find Personnel may send written correspondence to all private schools known to Dallas ISD to be within its boundaries and/or to parents known to Dallas ISD to home school their students.
- Dallas ISD Special Education Child Find Personnel may schedule individual meetings with the representatives of eligible private school students.
- Dallas ISD Special Education Child Find Personnel may schedule a public meeting and invite representatives to provide input.
- Dallas ISD Special Education Child Find Personnel may, after notice through the news media and/or invitations to known private schools and private school parents, hold one or more group meetings with representatives of eligible private school students.
- Any other method appropriate for consultation.

Following the timely and meaningful consultation, Dallas ISD Special Education Child Find Personnel will obtain a written affirmation of consultation signed by the private school official of each of the private schools within Dallas ISD's attendance boundaries. A signature on an attendance sheet is not a sufficient form of written affirmation.

Dallas ISD Special Education Child Find Personnel will keep adequate records of the consultation process, including, but not limited to, a record of all contacts to the private school and/or parent, a record of any response, a record of the agenda of the consultation, a record of the minutes from the consultation, a record of all input provided by the private school official or parent, a record of any disagreement, and a record of Dallas ISD's response to the disagreement.

Dallas ISD Special Education Child Find Personnel will consult with representatives of eligible private school student on these issues as often as necessary based on the current circumstances of Dallas ISD, but at least once per academic year. The consultation will

## Child Find Duty

precede the design and development of the Dallas ISD plan to provide proportionate share services to private school students with disabilities.

### **Overidentification**

Dallas ISD Special Education Central Staff will also ensure compliance with all state policies and procedures to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of students as students with disabilities. The Dallas ISD Special Education Department will monitor and collect data on the race and ethnicity of all students referred to the campus Student Support Team as well as all students evaluated and identified as a student with a disability in need of special education services. Dallas ISD Teaching and Learning Division will also provide training to campuses and special education and regular education personnel regarding the needs of students from different linguistic and cultural backgrounds.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Materials Related to Child Find Published and Distributed by Dallas ISD
- Documentation of Campus Meetings of Student Support Team
- Documentation of Campus Interventions Used and Response
- Dallas ISD Electronic Special Education Data Management System data
- Documentation for the state in TSDS, PEIMS, and SPP
- Notice to Parents of Interventions
- Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services Statement
- Notice of Rights of Referral
- Referral for Special Education
- Consent for FIE
- FIE
- ARD/IEP
- Dallas ISD Data Regarding Race and Ethnicity of Students Referred and Identified
- Dallas ISD Child Find Outreach Logs
- Dallas ISD Child Find Referral Logs
- Private School Contact Database
- Database of Private School Students Evaluated and Identified as Students with Disabilities and Services Currently Received, If Any

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- Child Find Documentation/Information Provided to Private Schools or Parents
- A Record of All Private School Contacts in Dallas ISD and Response
- Consultation Agenda and Minutes
- Record of Disagreement and District Response
- Written Affirmation Statements
- Database of Incarcerated Youth
- Child Find Documentation Showing Contacts with Correctional Facilities in Dallas ISD

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Child Find Framework - Region 18](#)

[The Legal Framework for the Child-Centered Special Education Process: Children in Private Schools - Region 18](#)

[The Legal Framework for the Child-Centered Special Education Process: Children Who Are Incarcerated - Region 18](#)

[Guidance on Parentally Placed Private School Children with Disabilities - Texas Education Agency](#)

[Child Find - Texas Education Agency](#)

[FAQ Regarding Notice for Children Receiving Interventions](#)

[Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services - Handbook Statement \(TEA\)](#)

[TEA Notice to Families - Updates in Special Education](#)

[OSEP Policy Documents Regarding the Education of Infants, Toddlers, Children and Youth with Disabilities: Child Find - U.S. Department of Education](#)

[Response to Intervention \(TEA\)](#)

[OSERS Letter to Morath with Monitoring Visit Letter \(Jan. 11, 2018\)](#)

[RTI Cannot Delay Evaluation \(OSEP Memorandum\)](#)

[SPEDEX - Child Find \(TEA\)](#)

## Child Find Duty

[Guidance on Parentally Placed Private School Children with Disabilities - Texas Education Agency](#)

[Special Education in Nonpublic Schools - Texas Education Agency](#)

[FAQ: Parentally-Placed School Children with Disabilities - TEA](#)

[ESSA Private School Equitable Services - Texas Education Agency](#)

[Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools \(Apr. 2011\) - U.S. Department of Education](#)

[Dallas ISD Multi-Tiered Systems of Support \(MTSS\)](#)

[Dallas ISD Response to Intervention Process Flowchart](#)

[Dallas ISD Child Find](#)

## CITATIONS

Board Policy EHBA; Board Policy EHBAC; 20 USC 1401, 1412, 1412(a)(3)(A); 42 USC 11434a; 34 CFR 77.1, 300.8, 300.13, 300.19, 300.34(a), 300.36, 300.37, 300.39(a)(1),(b)(3), 300.102(a)(2), 300.111(a)(1)(i),(c), 300.130, 300.131, 300.132(a), (c), 300.133(b), 300.134, 300.135, 300.136, 300.137(a)-(c), 300.138, 300.139, 300.142, 300.148, 300.173 300.324(d); Texas Education Code 26.004(a), 26.0081, 29.004, 29.023; 19 TAC 89.1011(a), 89.1096.

# Child Find

## DISTRICT & CAMPUS IMPROVEMENT PLANS

August 31, 2022

Model operating procedures created by



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District and Campus Improvement Plans

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## DISTRICT AND CAMPUS IMPROVEMENT PLANS

### What Is Required

#### District Improvement Plan

The Board of Trustees for Dallas ISD must ensure that a district improvement plan is developed, reviewed, and revised annually by the Superintendent with the assistance of the district-level committee to improve the performance of all students.

The Superintendent shall work with the district-level planning and decision-making committee to develop and evaluate the district improvement plan. The plan must be reviewed and revised annually.

The district improvement plan should guide Dallas ISD and Campus Personnel in the improvement of student performance for all student groups to attain state standards.

The district improvement plan will include the following:

- A comprehensive needs assessment that addresses student performance on student achievement indicators for students across Dallas ISD, as well as any other appropriate measures of performance. This performance data will be separated by all student groups served by Dallas ISD, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, such as students in special education programs;
- Measurable performance objectives for Dallas ISD for all appropriate student achievement indicators, and other measures of student performance that may be identified through the comprehensive needs assessment. These will include all student populations, including students in special education programs;
- Strategies for Dallas ISD and Campus Personnel to improve student performance, that include instructional methods for addressing the needs of student groups not achieving their full potential, evidence-based practices that address the needs of students for special programs including, suicide prevention, conflict resolution, violence prevention, dyslexia treatment programs, dropout reduction, integration of technology in instructional and administrative programs, positive behavior interventions and support including interventions related to grief-informed and trauma-informed care, staff development, career education, and accelerated education, and implementation of a comprehensive school counseling program;
- Strategies to provide information to elementary, middle school, junior high school, and high school students, their parents, and their teachers and counselors related

## District and Campus Improvement Plans

to higher education admissions and financial aid opportunities, the TEXAS and Teach for Texas grant programs, and informed curriculum choices;

- Resources needed to implement identified strategies;
- Staff responsible for ensuring the accomplishment of each strategy;
- Timelines for ongoing monitoring of the implementation of each improvement strategy;
- A method for periodically determining whether strategies are successfully helping improve student performance;
- A policy addressing sexual abuse and other maltreatment of students; and
- A trauma-informed care policy.

The Board of Trustees shall evaluate the effectiveness of the plan to ensure that it is effectively structured to positively impact student performance at least once every two years.

At least once a year, the district-level committee must hold a public meeting after Dallas ISD receives its annual performance report from the Texas Education Agency. Dallas ISD's performance and its performance objectives shall be discussed at this meeting. Dallas ISD must ensure that the community, parents, and staff can provide input towards the district improvement plan. Dallas ISD should be transparent regarding any recommendations made by the district-level committee regarding the plan.

The Superintendent will regularly consult the district-level committee in the planning, operation, supervision, and evaluation of Dallas ISD's educational program. Dallas ISD must make this plan available to the Texas Education Agency upon request.

### **Campus Improvement Plan**

Dallas ISD must ensure that each campus is effectively planning and making decisions appropriate to direct and support improved performance for all students through a campus improvement plan. The campus improvement plan should be designed to improve student performance for all student populations, including students in special education programs, with respect to the achievement indicators and any other appropriate performance measures for special needs populations.

Each campus should have campus-level planning and decision-making committees. The principal of each campus will work with the campus-level committee to develop, review, and revise the campus improvement plan once per year. The campus-level committee must be involved in any decisions related to planning, budgeting, curriculum, staffing



## District and Campus Improvement Plans

patterns, staff development, and school organization and must approve any part of the campus plan addressing campus staff development needs.

Each campus improvement plan must:

- Assess the academic achievement for each student using the student achievement indicator system;
- Set the campus performance objectives based on the student achievement indicator system;
- Identify how the campus goals will be met for each student;
- Determine the resources needed to implement the plan;
- Identify staff needed to implement the plan;
- Set timelines for reaching the goals;
- Measure progress toward the performance objectives periodically to ensure the plan is resulting in academic improvement;
- Include goals and methods for violence prevention and intervention on campus;
- Provide for a program to encourage parental involvement at the campus; and
- Set goals and objectives for the coordinated health program on elementary, middle, or junior high school campuses.

The campus-level committee will be involved in decisions in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization, and must approve the portions of the campus plan addressing campus staff development needs. At least once a year, each campus-level committee must hold a public meeting after receiving the annual campus rating from the Texas Education Agency. The campus performance and campus performance objectives shall be discussed at this meeting. Dallas ISD must ensure that the community, parents, and staff can provide input towards campus improvement plans.

Each Dallas ISD principal will regularly consult the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program.

Dallas ISD must make these plans available to the Texas Education Agency upon request.

## **Additional Procedures**

### **District Improvement Plan**

Dallas ISD Special Education Administration will play an active role in the development of the district improvement plan. Dallas ISD Special Education Administration will serve on the district-level planning and decision-making committee and ensure that the district

## District and Campus Improvement Plans

improvement plan implements appropriate measurable objectives and identified strategies for the special education population and addresses the unique needs of Dallas ISD's special education population.

Dallas ISD Special Education Administration will meet with the Superintendent as needed, but no less than once per year, to review the district improvement plan. As a member of the district-level committee, Dallas ISD Special Education Administration will also attend the annual public meeting after Dallas ISD receives its annual performance report from TEA.

### Campus Improvement Plans

Each school year, the principal of each campus will work with the campus-level committee to develop, review, and revise a campus improvement plan to improve student performance for all student populations, including students in special education programs, with respect to student achievement indicators and any other appropriate performance measures for special needs populations.

Campus Special Education Personnel will serve on the campus-level committee to ensure that the campus improvement plan includes strategies for improving special education services based on data specific to their campus. As a member of the campus-level committee, Campus Special Education Personnel will attend the annual public meeting after the campus receives its annual campus rating from TEA.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### Evidence of Implementation

- District Improvement Plan
- Campus Improvement Plans
- Record of Annual Public Meeting Related to District Improvement Plan
- Record of Annual Public Meeting Related to Campus Improvement Plan
- Membership of Committee for District Improvement Plan
- Membership of Committee for Campus Improvement Plan
- Record of Superintendent Consultation with District-Level Committee
- Record of Superintendent Consultation with District Special Education Administration
- Records of Principal Consultation with Campus-Level Committees
- Response to Request from TEA for District Improvement Plan

## District and Campus Improvement Plans

- Response to Request from TEA for Campus Improvement Plan
- Documentation for the State in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: District and Campus Improvement Plans - Region 18](#)

[School Improvement - Texas Education Agency](#)

[Dallas ISD District Improvement Plan](#)

\* Campus Improvement Plans located on each campus website

## **CITATIONS**

Board Policy BQA; Board Policy BQB; Texas Education Code 11.251, 11.252, 11.253, 38.036, 39.053

# Child Find

## PARENT NOTIFICATION AND PERSONAL GRADUATION PLAN

August 31, 2022

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

Customized for Dallas ISD

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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Parent Notification and Personal Graduation Plan

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## PARENT NOTIFICATION AND PERSONAL GRADUATION PLAN

### What is Required

#### Parent Notification of Performance

Except for a student who is 18 years of age or older and living in a different residence than their parents, married, or who has had the disabilities of minority removed, Campus Personnel will notify parents of unsatisfactory student performance in accordance with Board policy.

Campus Personnel must:

- Provide written notice to a parent of a student's performance in each class or subject at least once every 12 weeks;
- Give written notice to a parent or legal guardian of a student's performance in English language arts, mathematics, science, and social studies, if the student's performance is consistently unsatisfactory at least every 3 weeks, or during the fourth week of each 9-week grading period; and
- Hold a conference between parents and teachers for all students with unsatisfactory performance.

In accordance with Board policy, the student's parent must sign the written notice of unsatisfactory performance and return it to the specified Campus Personnel within the time stated on the notice.

If the District uses an electronic platform for communicating student grade and performance information to parents, the District may permit a parent to sign the required notice electronically, so long as the District retains a record verifying the parent's acknowledgement of the required notice. However, if the District accepts electronic signatures for the required notice of performance, the District must offer parents the option to provide a handwritten signature.

#### Annual Parent Notification of STAAR Performance

Campus Personnel must also provide written notice to the student's parent or guardian which includes a record of the comparisons of annual improvement of the student's achievement on the STAAR from one school year to the next. For those students who failed to perform satisfactorily on the STAAR, this notice should also include information on how to access on-line educational resources at the student's appropriate assessment

## Parent Notification and Personal Graduation Plan

level, including released STAAR exams.

### **Personal Graduation Plan for Junior High and Middle School**

Campus Personnel must develop and implement a personal graduation plan for each student in junior high or middle school who has not performed satisfactorily on the STAAR or who is unlikely to receive a high school diploma before the fifth school year following the student's enrollment in the ninth grade.

The personal graduation plan must:

- Identify educational goals for the student;
- Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
- Include an intensive program of instruction;
- Address participation by the student's parent or guardian, including consideration of educational expectations for the student; and
- Provide innovative methods to promote the student's advancement, such as flexible scheduling, alternative learning environments, online instruction, and other interventions scientifically proven to improve learning and cognitive ability.

For students with disabilities who receive special education services through an IEP, the IEP may serve as the Personal Graduation Plan.

### **Personal Graduation Plan for High School**

Every high school student in Dallas ISD must have a personal graduation plan. Dallas ISD Administration must publish in English and Spanish on Dallas ISD website the information provided by TEA that explains the benefits of choosing a high school graduation plan that includes the distinguished level of achievement under the Foundation High School Program and includes one or more endorsements to enable the student to achieve a class rank in the top 10 percent of students at the campus and encourages parents, to the greatest extent practicable, to have the student choose these options. This information must be available to all high school students and their parents in the language in which the parents are most proficient only if at least 20 students in a grade level speak that language.

Each high school principal must choose a school counselor or school administrator to discuss personal graduation plan options with each student entering ninth grade, along with the student's parent. This plan must be confirmed and signed by both the student and the student's parent before the end of the student's ninth grade school year.

A personal graduation plan for a student in high school must identify a course of study

## Parent Notification and Personal Graduation Plan

that promotes college and workforce readiness and career placement and advancement. The personal graduation plan must also help the student transition from secondary to postsecondary education, where applicable. Campus Personnel cannot prevent the student and the student's parent or guardian from choosing a distinguished level of achievement or an endorsement.

The personal graduation plan can be amended by the student as the student progresses through high school, but Campus Personnel must send written notice to the student's parent regarding the change.

### Definitions

"Parent" refers to a biological or adoptive parent, a foster parent, a legal guardian, a properly appointed surrogate parents, or other person who has legal authority to make educational decisions for a student.

"Satisfactory Performance" is the level of performance considered to be satisfactory on assessment instruments as determined by the State Board of Education. The ARD Committee of a student receiving special education services may determine, in accordance with law, the level of performance considered to be satisfactory on the assessment instruments administered to that student.

## Additional Procedures

### Parent Notification of Performance for Special Education Students

In addition to the notification requirements above applicable to all students, the ARD Committee of a student with a disability who receives special education services will discuss the student's unsatisfactory performance or lack of expected progress at the student's ARD meeting.

Campus Special Education Personnel must convene an ARD meeting each grading period that a student is not making expected progress to review and revise a student's IEP as appropriate to address the lack of expected progress toward annual goals/objectives and/or have a grade below 70 in any subject or course.

### Personal Graduation Plan for Junior High and Middle School

Campus Special Education Personnel will be responsible for implementing a personal graduation plan for each student in junior high or middle school receiving special education services who has not performed satisfactorily on statewide assessments or who is unlikely to receive a high school diploma before the fifth school year following the student's enrollment in the ninth grade.



## Parent Notification and Personal Graduation Plan

The student's ARD Committee is responsible for developing and making decisions related to the student's personal graduation plan. The student's IEP itself will include all of the required elements of the personal graduation plan for general education students and will be used as the personal graduation plan for special education students. The ARD Committee will discuss and review the personal graduation plan annually at the ARD meeting. The Campus Counselor will attend the ARD meeting to discuss and share information about the Foundation High School Program, courses of student, and endorsements.

### **Personal Graduation Plan for High School**

The Campus Special Education Administrator will be responsible for reviewing the personal graduation plan options for each ninth-grade high school student receiving special education services, including the distinguished level of achievement option and endorsements. See [GRADUATION]. For a student with an IEP, the student's ARD Committee will develop and make decisions related to the student's personal graduation plan, with the input of the parent and the student and such information will be included in the student's IEP in a separate section related to graduation. The ARD Committee will work together to identify a course of study that promotes college and workforce readiness, promotes career placement and advancement, and facilitates the student's transition from secondary to post-secondary education, as appropriate.

The personal graduation plan will be discussed and reviewed at each annual ARD meeting, as well as upon request by the ARD Committee at any time, with the student's input. Campus Special Education Personnel will provide Prior Written Notice to the parent or guardian when any change to the student's personal graduation plan is made. See [PRIOR WRITTEN NOTICE]. The Campus Counselor will attend the ARD meeting to discuss and share information about the Foundation High School Program, courses of study, and endorsements.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Assessment Results
- Parent Notices of Unsatisfactory Performance Signed by Parent
- Parent Conference Documentation
- Notice of Comparisons of Student Performance
- STAAR Report Card

## Parent Notification and Personal Graduation Plan

- ARD/IEP
- Personal Graduation Plan
- Prior Written Notice
- Documentation for the State in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Parent Notification and Personal Graduation Plan - Region 18](#)

[State Graduation Requirements - Texas Education Agency](#)

[Graduation Toolkit - Texas Education Agency](#)

[The STAAR Report Card - Texas Education Agency](#)

## **CITATIONS**

Board Policy EIA, Board Policy EIF; Texas Education Code 28.0212, 28.02121, 28.022, 39.023, 39.024, 39.0241, 39.025, 39.034, 39.302–39.304

# Child Find

## CLOSING THE GAP

August 31, 2022

Model operating procedures created by



Student Solutions

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Customized for Dallas ISD

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Closing the Gap

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## CLOSING THE GAP

### What is Required

In 2015, Congress passed the Every Student Succeeds Act (ESSA), reauthorizing the Elementary and Secondary Education Act of 1965 (ESEA). Under ESSA, campuses must implement a targeted assistance school program to provide students identified as eligible for targeted assistance with methods and instructional strategies to strengthen the student's academic program.

Each campus in Dallas ISD should have a schoolwide program that includes a comprehensive plan related to the strategies that the campus will implement to address the needs of all students in the school, especially the needs of students at risk of not meeting state academic standards. This includes, but is not limited to, the following services:

- Early intervention services
- A bilingual education program
- After-school and summer intensive instruction programs
- Basic skills programs for high school students
- Life skills programs for student parents

This may also include a schoolwide tiered model to prevent and address problem behavior and early intervention services and should be in coordination with similar activities and services under the IDEA.

Dallas ISD has established the Multi-Tiered Systems of Support (MTSS) to address the needs of all students.

### **Early Intervention Services**

To reduce the need to label students as having a disability to the greatest extent possible, Dallas ISD provides a whole-school approach to early intervention services that address learning and behavior needs of all students through Dallas ISD's Multi-Tiered Systems of Support. See [CHILD FIND DUTY] and [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES]. In doing so, Dallas ISD and Campus Personnel will provide educational and behavioral evaluations, services, and supports to students whenever concerns arise, including scientifically-based literacy instruction. In addition, Dallas ISD Personnel should conduct professional development for Campus Personnel related to scientifically based academic instruction and behavioral interventions, including scientifically-based literacy instruction, and where appropriate, instruction on the use of

## Closing the Gap

adaptive and instructional software.

However, Campus Personnel may not provide early intervention services to avoid providing a student with a disability with a free appropriate public education under the IDEA. These services should not delay an appropriate evaluation of a student suspected of having a disability. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES].

### **Emergent Bilingual Education Program**

It is the policy of the state that every student in the state who has a primary language other than English and who is identified as an emergent bilingual student shall be provided a full opportunity to participate in a bilingual education or special language program.

Each school district with an enrollment of 20 or more students with limited English proficiency, in any language classification in the same grade level, must offer bilingual education or special language programs. Specifically, if the district is required to offer a bilingual education program, campuses within the district must offer the following for emergent bilingual students:

- Bilingual education in kindergarten through the elementary grades;
- Bilingual education, instruction in English as a second language (ESL), or other transitional instruction approved by TEA in post-elementary grades through 8<sup>th</sup> grade; and
- Instruction in ESL in grades 9-12.

Dallas ISD offers Bilingual education and English as a Second Language programs.

A Bilingual education program is designed to enable emergent bilingual students to become proficient in listening, speaking, reading, and writing in the English language through the development of literacy and academic skills in their primary language and English. The program provides emergent bilingual students with teachers certified in bilingual education to help students attain full proficiency in English in order to participate equitably in school.

Each student's level of proficiency shall be designated by the state-approved language proficiency assessment. The Language Proficiency Assessment Committee ("LPAC") will communicate the language proficiency results and monitor academic/linguistic progress for all students identified as emergent bilingual students. Dallas ISD shall accommodate the instruction, pacing, and materials to ensure that emergent bilingual students have full opportunity to master the essential knowledge and skills of the proficiency standards (ELPS). Students participating in bilingual education may demonstrate their mastery of the essential knowledge and skills in either their primary language or in English.

## Closing the Gap

### **After-School and Summer Intensive Math & Science Instruction Programs**

Dallas ISD Administration may offer an intensive after-school or summer program to provide mathematics and science instruction to the following:

- Students who are not performing at grade-level in mathematics and/or science and require assistance to perform at grade-level;
- Students who are not performing successfully in mathematics and/or science courses and require assistance to successfully complete the course(s); or
- Any other student as determined by Dallas ISD policy.

Before implementing these programs, Dallas ISD's Board of Trustees will adopt a policy to determine what grade level or course the student must be enrolled in to be eligible, decide whether teacher recommendations will be necessary for eligibility, ensure parents are provided notice of the program, ensure that eligible students are encouraged to attend the program, ensure that the program is offered at one or more locations in Dallas ISD that are easily accessible to eligible students, and measure student progress on completion of the program.

Dallas ISD Administration must use funds appropriated by the state legislature for intensive instruction designed to help students satisfy state and local high school graduation requirements.

### **Basic Skills Programs for High School Students**

Dallas ISD Administration may apply to the Commissioner of Education to request funding for the basic skills programs for students in ninth grade who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to tenth grade and who fail to meet minimum skills levels. If the Commissioner approves the request, Dallas ISD, with the consent of a student's parent or guardian, may assign a student to a basic skills program not to exceed 210 instructional days.

The goal of the program is to provide students the opportunity to increase credits required for high school graduation. The program will emphasize basic skills in English language arts, mathematics, science, and social studies. Campus Personnel must evaluate student progress annually and submit the results of the evaluation to the Commissioner at the end of each school year.

### **Life Skills Program for Student Parents**

Campuses may offer a life skills program to provide educational and support services for students who are pregnant or parents. If a campus offers a life skills program, it must include:

## Closing the Gap

- Individual counseling, peer counseling, and self-help programs;
- Career counseling and job readiness training;
- Day care for the students' children on the campus or at a day care facility in close proximity to the campus;
- Transportation for children of students to and from the campus or day care facility;
- Transportation for students, as appropriate, to and from the campus or day care facility;
- Instruction related to knowledge and skills in child development, parenting, and home and family living; and
- Assistance to students in the program in obtaining available services from government agencies or community service organizations, including prenatal and postnatal health and nutrition programs.

Program Coordinators should also seek community support for the students and their children.

Dallas ISD Administration may enter into a shared services arrangement with a public or private entity to provide these programs. See [SHARED SERVICES ARRANGEMENTS].

## Definitions

“Bilingual education program” is a program provided to Emergent Bilingual students by teachers certified in bilingual education to help students attain full proficiency in English in order to participate equitably in school. It includes:

- Bilingual education in kindergarten through the elementary grades;
- Bilingual education, instruction in English as a second language (“ESL”), or other transitional language instruction approved by the Texas Education Agency for junior high or middle school; and
- Instruction in English as a second language in grades 9 through 12

“Shared services arrangement” is a written contract that school districts may enter into to jointly operate their special education programs. The contract must be approved by the commissioner. Funds to which participating districts are entitled may be allocated to the districts jointly or in accordance with an agreement between the shared service arrangements.



## **Additional Procedures**

### **Dallas ISD Multi-Tiered Systems of Support (MTSS)**

Dallas ISD's Multi-Tiered Systems of Support (MTSS) encompasses structures and procedures that campuses offer to help each child achieve success. The MTSS on each campus is run through the Student Support Team (SST). The MTSS framework is preventative in nature by providing all students with immediate support and offering campus personnel set procedures and guidelines to assist students in the areas of academics, language, and engagement.

The MTSS framework is an over-arching system of support that focuses not only on student achievement, but also the resources, structures, and practices that support implementation. In Dallas ISD, the MTSS framework focuses on all students. Additionally, there are six systems of support that include leadership, curriculum, problem solving teams, evidence-based instructional strategies, databased-decision making, and family and community engagement.

The supports/interventions are provided in three tiers:

- Tier I is the universal support level and includes any and all of the general education curricula, programs, and procedures. This level is the foundation for all other supports and optimizes the likelihood that all students will achieve school success. District and campus procedures, universal screening, and instructional practices and materials are the first line of preventing failure and provide the best opportunity to help all students access learning.
- Tier II includes secondary intervention measures that are put in place when students exhibit problems that could impact long-term success. In Dallas ISD, we understand that the Tier I core program should work well for most students, but we recognize that some students need additional intervention and specialized instruction. The interventions offered at the Tier II level are directly aligned with the areas identified through universal screening and are provided to students in addition to the Tier I core program.
- Tier III is the most intensive level offered to students in terms of time, frequency, duration, and environment. This level includes more frequent and individualized intervention and may be offered in addition to the core and Tier II interventions. The number of students requiring Tier III intervention is typically small and may lead to additional referrals for specialized services outside of the MTSS structure.

## Closing the Gap

### **Dallas ISD Student Support Team (SST)**

Dallas ISD has established a campus-based team to systematically and professionally respond to student problems as they are manifested in school, called the Student Support Team (SST). The SST is designed to provide at-risk students with academic and/or behavioral interventions/strategies in the regular setting that reduce and/or eliminate the area(s) of concern that adversely affects the students' ability to learn. The SST will utilize Dallas ISD's Multi-Tiered Systems of Support (MTSS) to provide a structured program of assistance to students experiencing academic, physical, emotional, behavioral, social, medical, familial, or chemical use problems to the extent that their academic or extracurricular performance is being adversely affected. The MTSS framework is preventative in nature by providing all students with immediate support and offering the Student Support Team with set procedures and guidelines to assist students in the areas of academics, language, and engagement.

Where appropriate, the campus Student Support Team (SST) will ensure that early intervention services are provided in the general education setting prior to initiating a referral for possible special education and/or Section 504 services.

Each campus shall form and convene an SST that shall:

1. Meet to analyze data and discuss information about the student to identify appropriate interventions at Tier I, II, and III.
2. Refer a student from Tier III Intervention to Specialized Services, which may include counseling and guidance services, health services, psychological and social services, homeless education, youth and family services, drug and alcohol prevention, campus crisis response and support services, or child abuse and domestic violence prevention.
3. Discuss the referral to counseling of students who experience bullying and physical, emotional behavioral, social, medical, familial, or chemical use problems to the extent that their academic or extracurricular performance is adversely affected.
4. Respond to the request for special education or Section 504 services or request for evaluation made by a parent, the principal, or a teacher.
5. Develop an intervention plan to address a student who does not qualify or is being exited from a specialized service, special education, or Section 504.
6. Maintain a record of services that includes original copies of referral forms, data forms, team recommendations and intervention plans, and an indication of resolution.

## Closing the Gap

The SST is a decision-making team that is convened to discuss at-risk students with academic and/or behavioral interventions in the general education setting. The SST should be led by a campus administrator (principal or assistant principal) and consist of the campus instructional coach(es) and classroom teacher(s), and based on the area of concern, the campus counselor (for social/emotional and behavioral needs), nurse (for health and physical needs), or school psychologist or social worker (for psychological, social, and behavioral needs). When conducting SST Meetings, the team should work together to do the following:

- Conduct a root cause analysis
- Review existing data that includes, but not limited to: existing interventions, universal screening reports, grades, attendance, discipline, anecdotal information from teachers, health, and information from parents.
- Discuss the development of a more intensive intervention plan or consider internal and external specialized services
- Set date to review progress.

If a student continues to demonstrate a lack of educational progress in the general education setting after the implementation of the early intervention services, and a disability and need for special education services is suspected, the campus Student Support Team will initiate a referral for a special education evaluation. However, when an evaluation is requested, the campus Student Support Team will commence the evaluation process while continuing to provide appropriate intervention services. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES].

### **Bilingual Education Program for Special Education Students**

A student receiving special education services through an IEP may also be identified as an Emergent Bilingual (EB) student. Dallas ISD Special Education Assessment Personnel shall evaluate students using assessment procedures that differentiate between language proficiency and a potential disability. The student’s ARD Committee in conjunction with the student’s language proficiency assessment committee (“LPAC”) will determine appropriate entry and exit criteria for a bilingual education program or English as a Second Language (ESL) program. The ARD Committee must include a representative from the student’s LPAC if the student is identified as an EB student.

The student with a disability will be identified as an Emergent Bilingual student if the student’s ability in English is so limited or the student’s disabilities are so severe that the English language proficiency test for identification cannot be administered. The student will not be denied placement in a bilingual education or ESL program solely because the student has a disability. The campus is responsible for providing such services despite limited staffing, scheduling issues, or other elements of administrative inconvenience.

## Closing the Gap

The Emergent Bilingual student who receives special education services is entitled to both services and should not have to choose one over the other.

The bilingual or ESL, special education, and general education teachers will work in conjunction to monitor student's progress regularly. While the ARD Committee may review student progress and recommend an exit from bilingual education or ESL during the student's annual ARD meeting, such discussion must be in conjunction with the student's LPAC. Additionally, the ARD Committee in conjunction with the student's LPAC may reclassify a student with a disability as English proficient only at the end of the school year. The student's LPAC must provide written notification to the student's parent and seek written approval if the student is reclassified as English proficient and will no longer participate in the bilingual education program. Campus Special Education Personnel will continue to monitor these students and consult with other Campus Personnel if it is determined that reenrollment may be necessary.

Additionally, the ARD Committee in conjunction with LPAC may determine the state's English language proficiency assessment for the Emergent Bilingual student who receives special education services. In rare occasions, for an Emergent Bilingual student with a significant cognitive disability, the LPAC in conjunction with the ARD committee may determine that the state's English language proficiency assessment for reclassification is not appropriate because of the nature of the student's disabling condition. In these cases, the LPAC in conjunction with the ARD committee may recommend that the student take the state's alternate English language proficiency assessment and determine an exit criteria for a student with a significant cognitive disability. Where this is the case, these committees will meet to decide if the student should take the state's alternative English language proficiency assessment, determine an appropriate performance standard requirement for reclassification for the student, and consider the results of the evaluation using the state's standardized alternate rubric.

### **After-School and Summer Intensive Math & Science Instruction Programs**

If Dallas ISD offers after-school and summer intensive mathematics and/or science instruction programs, such programs will be available to students with disabilities under the same policy and criteria as general education students. If such programs are available, at each annual ARD meeting, the ARD Committee will consider whether the student with a disability requires an intensive after-school or summer program in mathematics and science instruction. This will require an analysis of the student's performance on the most recent statewide assessments, where applicable, and performance in mathematics and science. If the student is eligible for these general education programs, the ARD Committee will also determine what accommodations or

## Closing the Gap

modifications are needed in order for the student to appropriately access these programs, if any.

This program is different from ESY services and thus requires a different analysis as to whether the student qualifies than the traditional regression/recoupment analysis under ESY. See [EXTENDED SCHOOL YEAR SERVICES]. Furthermore, instruction through an intensive instruction program is not designed to replace special education and related services required by the student's IEP.

### **Basic Skills Programs for High School Students**

If Dallas ISD offers basic skills programs for high school students, such programs will be available to students with disabilities under the same policy and criteria as general education students. At the annual ARD meeting for a student in high school, if Dallas ISD offers a basic skills program for high school students, the ARD Committee will consider whether the student with a disability would benefit from such a program. This will require an analysis of whether the student is at risk or not earning or has not earned sufficient credit to advance to tenth grade and whether the student has met the minimum skills levels for a ninth-grade student. The basic skills program is separate and apart from any special education and related services provided to the student through the student's IEP and should not be provided as a replacement for such services.

The basic skills program may not be appropriate for a student depending on the student's unique needs. Should the ARD Committee determine that the basic skills program is beneficial for the student, the ARD Committee must also determine what accommodations or modifications are needed for the student to appropriately access the program, if any.

### **Life Skills Program for Student Parents**

With the support of the Teen Pregnancy and Parenting Services program, Dallas ISD students can continue their education without interruption and prepare for graduation, career, or college. Services include social and community health services, parenting skills and counseling, job readiness and career counseling, childcare assistance, and transportation assistance. See [www.dallasisd.org/Page/26548](http://www.dallasisd.org/Page/26548). An eligible student with a disability who receives special education and related services may not be denied the opportunity to participate in Dallas ISD's Teen Pregnancy and Parenting Services program on the basis of disability.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## Closing the Gap

### **Evidence of Implementation**

- Written Dallas ISD or Campus Plan Regarding Targeted Assistance Program
- Professional Development and Trainings
- Documentation Regarding Early Intervention Services
- Parent and Student Communications Regarding Programs
- FIE
- Bilingual Education Program Documentation
- Campus Improvement Plans
- After-School and Summer Intensive Instruction Programs Documentation
- Basic Skills Programs Documentation
- Life Skills Programs Documentation
- Documentation for the State in TSDS, PEIMS, and SPP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Closing the Gap - Region 18](#)

[Requirements of Coordinated Early Intervening Services - Texas Education Agency](#)

[Response to Intervention - Texas Education Agency](#)

[Early Intervention - U.S. Department of Education](#)

[Early Childhood Intervention Services - Texas Health and Human Services](#)

[Bilingual Education Program Brochure - Region 20](#)

[Bilingual and English as a Second Language Education Programs - Texas Education Agency](#)

[Developing Programs for English Language Learners - U.S. Department of Education](#)

[Accelerated Instruction and Intensive Programs of Instruction for Students in Special Education Programs - Texas Education Agency](#)

[Guidance Related to ARD Committee and LPAC Collaboration - Texas Education Agency](#)

Closing the Gap

[Learning Support - Texas Education Agency](#)

[Pregnancy and Parenting Education Resources - Texas Education Agency](#)

[Applying for a Grant - Texas Education Agency](#)

[Dallas ISD Multi-Tiered Systems of Support \(MTSS\)](#)

[Dallas ISD Response to Intervention Process Flowchart](#)

[Dallas ISD Child Find](#)

[Dallas ISD Teen Pregnancy and Parenting Services](#)

## **CITATIONS**

Board Policy EHBAA; Board Policy EHBE; Board Policy EHBC; Board Policy EHAD; 20 U.S.C. 1400(c), 6314, 6315; 34 CFR 300.226; Texas Education Code 29.053(c)–(d), 29.055, 29.057(b), 29.059, 29.085, 29.086, 29.088, 29.090; 19 TAC 89.1203, 89.1205, 89.1210, 89.1226, 102.1041

# Child Find

## DYSLEXIA SERVICES

August 31, 2022

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

Customized for Dallas ISD

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Dyslexia Services

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## DYSLEXIA SERVICES

### What is Required

Dallas ISD's Board of Trustees is responsible for ensuring that campuses are implementing procedures for identifying and providing appropriate, evidence-based instructional services to all students with dyslexia or related disorders. Dallas ISD's procedures must be implemented according to the approved strategies for screening, individualized evaluation, and techniques for treating dyslexia and related services as described in *The Dyslexia Handbook: 2021 Update - Procedures Concerning Dyslexia and Related Services* ("The Dyslexia Handbook"). Dallas ISD must report through PEIMS the number of students enrolled in Dallas ISD who are identified as having dyslexia.

### **Universal Dyslexia Screening**

Dallas ISD must screen or test all students for dyslexia and related disorders at appropriate times in accordance with The Dyslexia Handbook and state law. Specifically, the law requires that all kindergarten and first grade students be screened for dyslexia and related services. In addition, the law requires Dallas ISD to administer to students in kindergarten, first grade, and second grade a reading instrument to assess student reading development and comprehension. This law also requires Dallas ISD to administer a reading instrument at the beginning of seventh grade to students who did not demonstrate reading proficiency on the sixth-grade state reading STAAR.

Only Dallas ISD or Campus Personnel who are trained in valid, evidence-based assessments and who are trained to appropriately evaluate students for dyslexia and related disorders should conduct the screenings. This includes an individual who is certified/licensed in dyslexia or a classroom teacher who holds a valid certification for kindergarten and grade 1. Anyone that screens students with dyslexia and related disorders must be trained in instructional strategies that use individualized, intensive, multisensory, phonetic methods, as well as a variety of writing and spelling components.

Dallas ISD is required to consider prior screenings and testing before rescreening or retesting a student determined to have dyslexia during a prior screening or testing.

### **Dyslexia Evaluation and Identification**

Dyslexia is a specific learning disability under the IDEA. Therefore, the evaluation or identification of dyslexia is treated the same way as other IDEA eligible disability categories in terms of the referral process. Anytime Dallas ISD Personnel suspects or has reason to suspect that a student has dyslexia or a related disorder, and needs

## Dyslexia Services

services, Dallas ISD Special Education Personnel must seek parental consent for a full individual and initial evaluation (FIE) under the IDEA in accordance with its Child Find duties. See [PRIOR WRITTEN NOTICE] and [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES] and [CONSENT FOR INITIAL EVALUATION] and [CHILD FIND DUTY].

Dallas ISD cannot use early intervention strategies, such as Response to Intervention systems or other multi-tiered systems of support, to delay or deny the special education evaluation of a student suspected to have a specific learning disability, including dyslexia or a related disorder.

### Parent Notification

Parents or guardians of a student with dyslexia or related disorder must be informed of all services and options available to the student, including general education interventions under response to intervention and multi-tiered systems of support models as well as the option for an evaluation and services under the IDEA and/or Section 504.

Campus Personnel must provide written notification to the student's parent or guardian at least five days before any evaluation or identification procedure is used with a specific student suspected of having dyslexia or related disorder. This notice must be English or in the parent or guardian's native language and include the following:

- A reasonable description of the evaluation procedure to be used with the student;
- Information regarding instructional interventions or strategies provided to the student prior to the evaluation;
- An estimated time frame for completion of the evaluation; and
- Contact information for the Campus Dyslexia Personnel that the parent/adult student can contact regarding dyslexia services, relevant parent/adult student training and information projects, and any other appropriate parent/adult student resources.

In addition, before an initial FIE is conducted to determine whether a student who is suspected to have dyslexia or a related disorder has a disability under the IDEA, the Campus Special Education Personnel must comply with the special education procedures related to Child Find, Prior Written Notice and Referral for Possible Special Education Services, and provide the parent/adult student with all information indicated above, a copy of the Notice of Procedural Safeguards, an opportunity to give written consent for an initial FIE, and a copy of the required information for non-special student who receives assistance from Dallas ISD for learning difficulties. See [PRIOR WRITTEN NOTICE] and

## Dyslexia Services

[REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES] and [CONSENT FOR INITIAL EVALUATION] and [CHILD FIND DUTY].

### **Dyslexia Services**

Dallas ISD must provide a reading program for any student with dyslexia or a related disorder that is in accordance with the descriptors and implementation requirements found in The Dyslexia Handbook. All Dyslexia Providers must be trained in the instructional strategies that use individualized, multisensory, phonetic methods and a variety of writing and spelling components as described in The Dyslexia Handbook.

Dallas ISD must provide each student identified as having dyslexia access to Dallas ISD's dyslexia services with a provider trained in dyslexia and related disorders at the student's campus. Additional services can be offered at a centralized location if the parent or guardian agrees to the services, but centralized services must not prevent the student from receiving services at the student's campus.

### **Parent Education Program**

Campus Personnel must provide parents or guardians of students suspected of having dyslexia or a related disorder a copy or a link to the electronic version of The Dyslexia Handbook as soon as the suspicion arises.

Dallas ISD and/or Campus Personnel must also offer a parent education program for parents or guardians of students with dyslexia and related disorders. This program must include:

- Awareness and characteristics of dyslexia and related disorders;
- Information on testing and diagnosis of dyslexia and related disorders;
- Information on effective strategies for teaching students with dyslexia and related disorders;
- Information on qualifications of those delivering services to students with dyslexia and related disorders;
- Awareness of information on accommodations and modifications, including those for statewide assessments;
- Information on eligibility, evaluation requests, and services available to the student under Section 504 and IDEA, and information regarding intervention processes, such as Response to Intervention; and

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- Contact information for the relevant regional and/or Dallas ISD specialists for dyslexia and related disorders.

## Definitions

“Dyslexia” is a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity. Dyslexia is a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

“Related disorders” include disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

“Universal screening” is defined as a universal measure administered to all students by qualified personnel to determine which students are at risk for dyslexia or reading difficulties and/or a related disorder. Screening is not a formal evaluation.

## Additional Procedures

### Dyslexia Screening & Identification

The Campus Administrator is responsible for ensuring that all students in kindergarten and first grade are screened for dyslexia in an appropriate and timely manner. Before screening may take place, Dallas ISD will select a screening instrument from the Commissioner’s List of Reading Instruments or other Dallas ISD-adopted reading instrument for Campus Personnel to use that address the following skills:

- Kindergarten – letter sound knowledge or letter naming fluency; phonological awareness
- First Grade – word reading accuracy or fluency; phonological awareness

Dyslexia screenings for all kindergarten students will take place in the later part of the spring semester near the end of the school year, which will usually be the end of year assessment. Considerations for scheduling the kindergarten screener may include the following factors: (1) has adequate time for instruction been provided during the school

## Dyslexia Services

year; (2) has adequate time been provided to compile data prior to the end of the school year; (3) how will the timing of the screener fit in with the timing of other required assessments; (4) has sufficient time been provided to inform parent/adult student in writing of the results of the reading instrument and whether the student is at risk for dyslexia or other reading difficulties; (5) has adequate time been provided for educators to offer appropriate interventions to the student and (6) has sufficient time been provided for decision making regarding next steps in the screening process.

Screenings for all first grade students will take place no later than the middle of the school year and must conclude by January 31 of each year. Results of the dyslexia and related disorder screenings for students in Kindergarten and Grade 1 shall be reported through the Texas Student Data System Public Education Information Management System (TSDS PEIMS).

All Campus Personnel conducting screenings must understand and be able to identify primary characteristics of dyslexia, including challenges with reading words in isolation, decoding, reading orally, and spelling. In addition, data will be gathered during the assessment regarding the student behaviors exhibited during the administration of the instrument, including lack of automaticity, difficulty sounding out words left to right, guessing, self-correcting, inability to focus on reading, and avoidance behavior.

Campus Administration will verify that all Campus Personnel conducting screenings have undergone the required trainings and are properly certified to fill this role. Specifically, individuals who administer and interpret the screening instrument must, at a minimum, be an individual who is certified/licensed in dyslexia or a classroom teacher who holds a valid certification for kindergarten and Grade 1. Where possible, the student's current classroom teacher will administer the screening instrument for dyslexia and reading difficulties. Then, the teacher (or other Campus Personnel) conducting screenings will report the results of dyslexia and related disorder screenings required for each student in kindergarten and first grade through PEIMS. The results must also be provided to the parent of the student with an explanation of the scores.

Campus Personnel will continue to monitor students for common risk factors for dyslexia in second grade and beyond.

Based on the universal screener for reading and dyslexia, if a student is at low risk for reading difficulties, the campus will continue evidence-based core reading instruction and continue to monitor the student for reading difficulties in the future.

If the student is at risk for reading difficulties, Campus Personnel will gather both quantitative and qualitative information about the student. Quantitative information may include current dyslexia screening instruments, previous dyslexia screening instruments, formal and informal classroom reading assessments and/or other skill assessments,

## Dyslexia Services

vision and hearing screening, state assessment reports, curriculum-based assessments, and attendance records. Qualitative information may include observations of student during screening, other observations of student progress, teacher observations and reports, parent/guardian input (e.g., family history, early language skills), current student work samples, academic progress reports, work samples from earlier grades, and/or accommodations and intervention history and data.

Both quantitative and qualitative information will be reviewed by the campus Student Support Team which should include individuals who have knowledge of the student, are appropriately trained in the administration of the screening tool, are trained to interpret the results, and recognize characteristics of dyslexia. The Student Support Team may consist of the student's classroom teacher, the counselor, reading interventionist, the Campus or Dallas ISD dyslexia specialist, the individual who administered the screener, a representative of LPAC, assessment personnel, the parent/adult student, and/or an administrator. The Student Support Team is not the ARD Committee or a Section 504 Committee, although many of these individuals may be on a future committee if the student is referred for an evaluation and qualifies for services and/or accommodations. The Student Support Team shall analyze the data and make a decision as to whether the student's reading difficulties are or are not consistent with characteristics of dyslexia and related disorders.

If the Student Support Team determines that the data does not give the members reason to suspect that a student has dyslexia, a related disorder or other disability, the Student Support Team may decide to provide the student with additional supports in the classroom or through the Response to Intervention process or other Campus-based intervention system. However, the student is not referred for an evaluation at this time.

### Referral for Evaluation

If the Student Support Team suspects that the student has dyslexia or a related disorder, the Student Support Team should refer and seek parent consent for the student for a Full Individual Initial Evaluation (FIIE) under the IDEA. If the parent consents to the FIIE, Special Education Evaluation Personnel shall conduct the FIIE within 45 school days from receipt of consent. See [PRIOR WRITTEN NOTICE] and [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES] and [CONSENT FOR INITIAL EVALUATION] and [CHILD FIND DUTY]. During the pendency of the FIIE, Campus Personnel will continue to provide grade level, evidence-based core reading instruction (Tier 1) and providing appropriate tiered interventions to the student. The FIIE is then reviewed by the ARD Committee, who will make the determination as to whether the student has an IDEA eligible condition, such as dyslexia or a related disorder, and whether the student requires special education services. The presence of dyslexia alone is not sufficient to determine if the student is a student with a disability under the IDEA. Eligibility under the IDEA consists of both identification of the condition **and a corresponding need for specially**

## Dyslexia Services

**designed instruction as a result of the disability.** If the student has dyslexia or a related disorder, but does not require special education services (i.e., specially designed instruction), the student shall be referred to a Section 504 committee to determine eligibility for Section 504 services.

If the parent will not consent to a FIIE under the IDEA, the SST shall refer the student to Section 504 and request consent for a Section 504 evaluation. If, after a Section 504 evaluation, it is determined by the Section 504 Committee that the student’s dyslexia or related disorder substantially limits one or more of the student’s major life activities, such as learning, reading, writing, or spelling, the student should be provided appropriate Section 504 services to address the student’s dyslexia. If the parent will not consent to a Section 504 evaluation or a FIIE under the IDEA, Campus Personnel shall continue to provide the student with grade level, evidence-based core reading instruction and provide any other appropriate tiered interventions.

**It is important to remember that at any point in the data review process, a referral for an evaluation under the IDEA may be initiated. Progression through the intervention process is not required in order to begin the identification of dyslexia.** For example, Campus Personnel should refer a student for a dyslexia evaluation if regular progress monitoring reflects a difficulty with reading, decoding, and/or reading comprehension or when a student is not reaching grade-level benchmarks due to reading difficulty. In addition, parents or guardians have a right to request a referral for a dyslexia evaluation under the IDEA at any time. While the use of tiered interventions may be part of the identification and data collection process for dyslexia, Campus Personnel must ensure that evaluations of students suspected of having a disability are not delayed or denied because of implementation of tiered interventions, especially when parent/adult student or teacher observations reveal the common characteristics of dyslexia.

### Provision of Dyslexia Services

If a student is evaluated under the IDEA or Section 504 and the results of the evaluation show that the student has dyslexia or a related disorder, the student may be eligible for dyslexia services. If the student is determined to be eligible under the IDEA, and the ARD Committee determines the student requires specially designed instruction, the student will receive related services, supplementary aids and services, accommodations, or program modifications, as determined by his/her ARD Committee. If the student is determined to be eligible for dyslexia or a related disorder but does not require specially designed instruction as determined by the ARD Committee or the parent would only consent to a Section 504 evaluation, the student is eligible for Section 504 services, standard protocol dyslexia instruction, accommodations and/or related aids as determined by his/her Section 504 committee. Specially designed instruction under the IDEA differs from standard protocol dyslexia instruction in that it offers a more individualized program specifically designed to meet a student’s unique needs. However,



## Dyslexia Services

participation in standard protocol dyslexia instruction must be considered for all students, including those receiving dyslexia instruction under IDEA. Standard protocol dyslexia instruction could be part of the specially designed instruction and services provided to meet the student's needs.

Regardless of whether the student is receiving standard protocol dyslexia instruction under Section 504 or other specially designed instruction under IDEA, the dyslexia services provided must address all of the following critical, evidence-based components:

- Phonological awareness
- Sound-symbol association
- Syllabication
- Orthography
- Morphology
- Syntax
- Reading comprehension
- Reading fluency

In addition to the above content, it is also critical that the way the content is delivered is consistent with research-based principles. Campus Administration and the Dyslexia Service Provider will ensure that all of the following principles of effective intervention for students with dyslexia are utilized:

- Simultaneous, multisensory
- Systematic and cumulative
- Explicit instruction
- Diagnostic teaching to automaticity
- Synthetic instruction
- Analytic instruction

Dallas ISD Administration will ensure that dyslexia instruction is provided by individuals trained to deliver such instruction. Teachers, such as reading specialists, master reading teachers, general education classroom teachers, or special education teachers, who provide dyslexia intervention for students are not required to hold a specific license or certification. However, these educators must at a minimum have additional documented dyslexia training aligned to the requirements of The Dyslexia Handbook and must deliver the instruction with fidelity. This includes training in critical, evidence-based components of dyslexia instruction such as phonological awareness, sound-symbol association, syllabication, orthography, morphology, syntax, reading comprehension, and reading fluency. In addition, educators who teach students with dyslexia should be trained in new research and practices related to dyslexia as part of their continuing professional education (CPE) hours. In addition, they must deliver multisensory instruction that

## Dyslexia Services

simultaneously uses all learning pathways to the brain, is systematic and cumulative, is explicitly taught, uses diagnostic teaching to automaticity, and includes both analytic and synthetic approaches. However, a provider of dyslexia instruction does not have to be certified as a special educator when serving a student who also receives special education and related services if the provider is the most appropriate person to offer the dyslexia instruction.

Dallas ISD Administration will decide whether to purchase a reading program or develop its own evidence-based reading program for students with dyslexia and related disorders. If Dallas ISD decides to develop its own reading program, Dallas ISD Administration must ensure that the program is aligned with the procedures in The Dyslexia Handbook, including the required components and principles above.

Dallas ISD will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). Dallas ISD staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

Currently, Dallas ISD may offer the following programs or components of the following programs for dyslexia services for students identified with dyslexia or related disorders under Section 504 and/or IDEA:

- Wilson Reading System
- Esperanza Spanish Program
- Foundations
- Lexia
- Multisensory Teaching Approach (MTA)

## **Evidence of Implementation**

- Cumulative Student Data
- Instructional Strategies Provided and Student Response
- Dyslexia Screenings
- Student Support Team Documentation
- Notice and Consent for FIIE
- FIIE
- Consent for Section 504 Evaluation
- Section 504 Evaluation
- Evidence of Trainings and Certifications for Campus Personnel Administering Dyslexia Screenings
- Evidence of Training and Certifications for Dyslexia Service Providers

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- ARD/IEP
- Section 504 Plan
- Right to Information Provided to Parent
- Receipt From Parent of The Dyslexia Handbook
- Receipt From Parent of Procedural Safeguards Under IDEA and/or Section 504
- Dallas ISD Dyslexia Information and Parent Resources
- Approved Dyslexia Program
- Documentation of Dyslexia Services Provided to Student
- Dyslexia Trainings for Campus Staff
- Dyslexia Parent Information Meeting Documentation
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Dyslexia Services - Region 18](#)

[Texas Dyslexia Handbook: 2021](#)

[Dyslexia and Related Disorders - Texas Education Agency](#)

[Frequently Asked Questions: Dyslexia and Related Disorders \(March 2019\) - Texas Education Agency](#)

[Provision of Services for Students with Dyslexia and Related Disorders - Texas Education Agency](#)

[Dear Colleague Letter: Guidance on Dyslexia \(October 23, 2015\) - U.S. Department of Education](#)

[Region 10 ESC Dyslexia Statewide Program](#)

[Region 10 ESC Dyslexia Regional Program](#)

[Dallas ISD Dyslexia Services](#)

## **CITATIONS**

Board Policy EHB; 34 CFR Part 104, Subpart D; Texas Education Code 26.0081(d), 38.003, 48.009(b)(1); 19 TAC 74.28; *The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*, Texas Education Agency (2021 Update)

# Child Find

## REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

August 31, 2022

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

Customized for Dallas ISD

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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Referral for Possible Special Education Services

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## REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES

### What is Required

TEA will produce and provide Dallas ISD Administration a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. This includes the right of parent/adult student or guardians to request an evaluation for special education services at any time. Each school year, Dallas ISD Administration must provide this explanation to all parent/adult students in the student handbook or by another means. Referral of students for a special education evaluation must be part of Dallas ISD's overall general education referral or screening system. See [CHILD FIND DUTY]. In addition, students who are enrolled in private school or home school by their parents may also be referred for a special education evaluation in accordance with these procedures.

### Referral for Initial Evaluation

The parent of the student or the adult student, Dallas ISD or Campus Personnel, TEA, an educational service agency, or another political subdivision of the state that is responsible for providing education to students with disabilities may request an initial evaluation to determine whether a student is a student with a disability in need of special education services.

When a student is referred for an initial evaluation, Dallas ISD must provide Prior Written Notice to the parent/adult student of its proposal to do the evaluation or its decision not to evaluate the student. See [PRIOR WRITTEN NOTICE]. For students who are homeless or in substitute care, Dallas ISD must also provide this notice to the educational decision-maker and caseworker of the student.

Campus Personnel must refer a student for an initial evaluation if the student continues to have difficulty in the general education classroom after the provision of interventions and general education supports. See [CHILD FIND DUTY].

If a student is suspected of having a specific learning disability, Campus Personnel must promptly refer the student for an initial evaluation if the student has not made adequate progress after an appropriate period of time if:

- The student has been provided appropriate instruction in the general education setting, delivered by qualified personnel; and
- The student has been provided, data-based assessments of achievement at reasonable intervals, and a lack of adequate progress has been documented and

## Referral for Possible Special Education Services

provided to the student's parent or guardian.

Dallas ISD Assessment Personnel must promptly obtain consent for an initial evaluation prior to conducting an initial full and individual evaluation. See [CONSENT FOR INITIAL EVALUATION].

All documentation regarding a referral for an initial evaluation shall be maintained in the student's special education eligibility folder.

### **Additional Procedures**

For those students who are having difficulty in the regular classroom, Campus Personnel must consider tutorial, compensatory, and other academic or behavior support services that are available to all students through Dallas ISD's Multi-Tiered Systems of Support (MTSS). See [CHILD FIND DUTY] and [CLOSING THE GAP].

Each school year, Campus Administration will ensure that the written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education is included in the Student/Parent Handbook and on the District website in the form adopted by TEA. This notice as well as additional information about the interventions the student is receiving will also be provided to the parent or guardian when the student first begins receiving assistance for the school year and every school year thereafter that the student receives interventions. See [CHILD FIND DUTY].

### **Dallas ISD Student Support Team (SST)**

Dallas ISD has established a campus-based team to systematically and professionally respond to student problems as they are manifested in school, called the Student Support Team (SST). The SST is designed to provide at-risk students with academic and/or behavioral interventions/strategies in the regular setting that reduce and/or eliminate the area(s) of concern that adversely affects the students' ability to learn. The SST will utilize Dallas ISD's Multi-Tiered Systems of Support (MTSS) to provide a structured program of assistance to students experiencing academic, physical, emotional, behavioral, social, medical, familial, or chemical use problems to the extent that their academic or extracurricular performance is being adversely affected.

Each campus shall form and convene an SST that shall:

1. Meet to analyze data and discuss information about the student to identify appropriate interventions at Tier I, II, and III.

## Referral for Possible Special Education Services

2. Refer a student from Tier III Intervention to Specialized Services, which may include counseling and guidance services, health services, psychological and social services, homeless education, youth and family services, drug and alcohol prevention, campus crisis response and support services, or child abuse and domestic violence prevention.
3. Discuss the referral to counseling of students who experience bullying and physical, emotional behavioral, social, medical, familial, or chemical use problems to the extent that their academic or extracurricular performance is adversely affected.
4. Respond to the request for special education or Section 504 services or request for evaluation made by a parent, the principal, or a teacher.
5. Develop an intervention plan to address a student who does not qualify or is being exited from a specialized service, special education or Section 504.
6. Maintain a record of services that includes original copies of referral forms, data forms, team recommendations and intervention plans, and an indication of resolution.

The SST is a decision-making team that is convened to discuss at-risk students with academic and/or behavioral interventions in the general education setting. The SST should be led by a campus administrator (principal or assistant principal) and consist of the campus instructional coach(es) and classroom teacher(s), and based on the area of concern, the campus counselor (for social/emotional and behavioral needs), nurse (for health and physical needs), or school psychologist or social worker (for psychological, social, and behavioral needs). When conducting SST Meetings, the team should work together to do the following:

- Conduct a root cause analysis
- Review existing data that includes, but not limited to: existing interventions, universal screening reports, grades, attendance, discipline, anecdotal information from teachers, health, and information from parents.
- Discuss the development of a more intensive intervention plan or consider internal and external specialized services
- Set date to review progress.

However, implementation of any intervention program or supports by the campus will not serve to delay or deny a referral for a special education evaluation when students are suspected of having a disability and a need for special education services. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES].



## Referral for Possible Special Education Services

When a student is referred to the Student Support Team, and at least once every subsequent school year that the student is receiving interventions, the parent must be provided a description of the assistance the student may receive, all information collected related to interventions that have been previously used with the student; an estimated duration for which the assistance will be provided; an estimated time frame for when the parent will receive reports on the student's progress; and Dallas ISD's Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services statement.

If a student continues to demonstrate a lack of educational progress in the general education setting after the implementation of the early intervention services, and a disability and need for special education services is suspected, the campus Student Support Team will initiate a referral for a special education evaluation. However, when an evaluation is requested, the campus Student Support Team will commence the evaluation process while continuing to provide appropriate intervention services.

Students who have previously received special education services and whose parents have subsequently revoked consent for special education and related services should not be treated any differently in the child find process than any other student, including a student who was determined eligible and whose parent refused to provide initial consent for services.

### Referral for Initial Evaluation

When a student has not made sufficient progress despite having been provided interventions and supports or a written parental request for evaluation is received and approved, the Campus Student Support Team will gather all relevant data for a special education referral for an initial evaluation.

A request for an initial special education evaluation referral will include the following:

- The reason(s) for the request and the areas of concern;
- Test results, records, or reports that support the referral which may include all or some of the following: parent/adult student
- information, teacher information, counselor information, report cards, state assessment scores, work samples, dyslexia screening, communication skills checklist, home language survey, benchmark testing, criterion-based assessments, norm-referenced assessments, reading inventories, health information, hearing and vision screenings, behavior records, attendance records, LPAC information (if applicable), and/or Section 504 information (if applicable);

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- Description, implementation, and results documentation of intervention services, programs, or instructional methodologies provided to the student; and
- Parent information including any outside evaluations provided by the parent.

A copy of all referral information and data will be maintained by the campus and included in the referral section of the student's special education eligibility folder. See [SPECIAL EDUCATION ELIGIBILITY FOLDER].

When a referral for an initial evaluation is submitted, the campus Student Support Team (SST) designee/chairperson will notify the Campus Special Education Assessment Personnel via email. The Campus Special Education Assessment Personnel will review the referral documentation and will notify the SST chairperson if the data for the referral is incomplete so that all necessary information is submitted.

The SST chairperson will contact the parent/adult student to set up a mutually agreeable date to discuss the referral for an initial evaluation. Campus Special Education Assessment Personnel will provide the parent/adult student with an explanation and a copy of the Notice of Full and Individual Evaluation, the Notice of Procedural Safeguards and the Parent's Guide to the Admission, Review, and Dismissal Process and give the parent/adult student an opportunity to give informed written consent for the evaluation in all areas of disability and need. An Evaluation Case Manager (ECM) will be appointed to manage the initial evaluation. The ECM will contact appropriate special education personnel to assist and/or conduct the initial evaluation. See [EVALUATION PROCEDURES].

The initial evaluation will be completed no later than 45 school days from the day the school receives written consent from the parent/adult student. See [EVALUATION PROCEDURES]. If a student is absent for three or more school days during the 45 school days, this period will be extended by the number of school days equal to the number of school days the student is absent. However, this exception does not apply for students who are under the age of 5 by September 1 of the school year, for students not enrolled in public school, or for students enrolled in a private or home school setting.

### **Parent/Adult Student Requests**

A parent/adult student may submit a written request for an initial evaluation to Campus Administration or Dallas ISD Administration by hand delivery or through mail, email, or fax. The request from the parent/adult student does not need to include any specific language or magic words. If the parent/adult student requests an evaluation or is requesting special education or related services, Dallas ISD will consider that a request for an initial evaluation.

## Referral for Possible Special Education Services

For requests received via hand delivery, mail, email or fax, Dallas ISD or Campus Special Education Personnel receiving the documents will stamp the request with the school day it was received (or opened). If the request is received by email, print the email and stamp the hard copy with the school day the email is received. If the request is received after 5pm, the request should be stamped the following school day. If the request is sent on a weekend or on a school staff holiday, the date stamp should reflect the next school day that is not a weekend or a school staff holiday.

Any request whether oral or in writing given to non-administrative Campus Personnel should be immediately provided to Campus Administration. Should a parent/adult student or guardian make an oral request for an initial evaluation to Dallas ISD or Campus Personnel over the phone or in person, Campus Administration will promptly advise the parent or guardian regarding how to submit a proper written request. Campus Personnel will be trained to connect the parent to a Campus or District Administrator who can assist the parent in submitting a written request. If a parent does not follow an oral request for an initial evaluation with a written request, the staff to whom the oral request was made will document this information and immediately submit it to the Campus Special Education Administrator. Follow up to this request will occur in a timely manner (no more than 3 school days). District or Campus Special Education Administration will train all District staff on this process each year.

When a parent/adult student or legal guardian makes a written request for an initial evaluation to the Campus Administrator, the Campus Student Support Team will meet to decide whether a referral to special education is warranted. The Campus Student Support Team must invite the Campus Assessment Personnel to this meeting as well as the parent/adult student.

If Campus Student Support Team agrees with the parent request that an evaluation should be completed, the Campus Special Education Assessment Personnel will provide the parent/adult student with an explanation and a copy of the Notice of Full and Individual Evaluation, the Notice of Procedural Safeguards and the Parent's Guide to the Admission, Review, and Dismissal Process and give the parent/adult student an opportunity to give informed written consent for the evaluation no later than 15 school days after the request was received. 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 term (i.e., summer break). In addition, even if a special education evaluation is requested, the campus Student Support Team will commence the evaluation process while continuing to provide appropriate intervention services to address the parent's concerns.

If the Campus Student Support Team decides that an evaluation is not warranted at this time, Campus Special Education Assessment Personnel shall provide the parent/adult student with a Prior Written Notice of Proposal/Refusal of Services explaining the reasons for the refusal and a copy of the Notice of Procedural Safeguards by the 15-school day

## Referral for Possible Special Education Services

deadline. See [PRIOR WRITTEN NOTICE]. The Campus Student Support Team should continue to address the parent/adult student concerns, provide appropriate interventions, and monitor student progress.

The Campus Special Education Assessment Personnel must ensure that the parent/adult student signs written acknowledgement of receipt of the Notice of Evaluation, Prior Written Notice of Refusal of Services, the Notice of Procedural Safeguards, and/or the Parent's Guide to the Admission, Review and Dismissal Process. Such documentation will be kept in the Referral section of the student's special education eligibility folder if the student is referred for an initial evaluation or, if an evaluation is refused, in the student's campus SST folder. If written acknowledgement of receipt of Prior Written Notice and Procedural Safeguards is cannot be obtained, the manner in which these notices were provided to the parent will be documented and kept in the appropriate folder. See [PRIOR WRITTEN NOTICE] and [SPECIAL EDUCATION ELIGIBILITY FOLDER].

## Referrals from Other Sources

Dallas ISD and Campus Special Education Personnel will follow the same process outlined above for an initial referral from an authorized source that is not a Dallas ISD employee or parent/guardian of the student. Dallas ISD and Campus Special Education Personnel should contact Dallas ISD Special Education Administration to confirm that the referral is from an authorized source before initiating the referral.

## Consideration of Alternative Supports

Before referring a student for an initial special education evaluation, Dallas ISD and Campus Personnel will consider the following:

- All support services available to all students, including, but not limited to, tutorial, remedial, compensatory, response to intervention, classroom accommodations or other academic or behavior support services;
- Instructional methodologies; and
- Medical information related to the student, including vision and hearing tests, to determine if additional supports are necessary.

This consideration should involve a consultation with the student's general education teacher(s) and other professionals within Dallas ISD familiar with the student as well as consultation with the parent/adult student.

Dallas ISD and Campus Special Education Personnel will also consider if community-based services are available that could benefit the student and/or the student's family.

## Referral for Possible Special Education Services

Note that the availability of such support does not diminish Dallas ISD's obligation to provide FAPE if the student is eligible as a student with a disability. Furthermore, Dallas ISD and Campus Administration will provide professional development and/or supports to general education teacher(s) where appropriate to benefit the student.

However, Campus and Dallas ISD Personnel will not delay making or recording the initial referral for an evaluation, obtaining parental consent for the initial evaluation, or commencing the initial evaluation process in considering these alternative support services. This process will occur in addition to and at the same time as the special education initial referral process.

### **Students Who Withdraw During Referral**

If an enrolled student is referred for an initial evaluation and/or reevaluation, and during the pendency of the evaluation and prior to the ARD Committee meeting, the student is withdrawn from Dallas ISD, but is still a resident of the District, the evaluation process shall continue, if at all possible. Upon completion of the evaluation, each member of the evaluation team should sign the FIE. If the student meets the criteria for one or more of the IDEA eligibilities, a Disability Report in the area or areas will be completed and the FIE and the Disability Report(s) will be shared with the ARD Committee to determine eligibility. An ARD Committee shall be held to review the evaluation in accordance with state and District deadlines and the District's child find duties. See [CHILD FIND DUTY]. If a determination is made that the student has a disability and needs special education and related services, an IEP must be developed for the student at an initial ARD Committee Meeting. Or, if the re-evaluation indicates a need for changes to the student's IEP, an ARD Committee will meet to review and revise the student's current program. All procedures for the ARD Committee meeting will be followed, including ensuring parent participation. See [PARENT PARTICIPATION].

If the evaluation cannot be completed due to the withdraw of the student, the Evaluation Case Manager shall document the District's efforts to evaluate the student and send the parent/adult student a letter indicating the District's willingness to complete the evaluation and offer FAPE to the student. The Evaluation Case Manager shall document the delivery of this communication with the parent/adult student and the parent/adult student's response, if any.

### **Trainings Related to Special Education Referral Process**

Special Education Administration will provide yearly training related to the special education referral process to all Campus Personnel.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System

## Referral for Possible Special Education Services

(PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services
- Student Support Team Documentation
- Referral Documents Date-Stamped with School Day Received
- Documentation of General Education Interventions and Supports and Results
- Documentation of Parental Input or Request for Referral
- Prior Written Notice
- Notice of Procedural Safeguards and Receipt of Same
- Parent's Guide to the Admission, Review, and Dismissal Process and Receipt
- Written Consent for Initial Evaluation
- Professional Development and Supports for General Education Teachers
- Yearly Trainings for Campus Personnel Regarding Referrals (Presentation Materials and Sign-in Sheets)
- Documentation for the State in TSDS, PEIMS, and SPP
- Dallas ISD Referral Document Checklist and Documentation
- Child Find Intake Form

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Referral for Possible Special Education Services - Region 18](#)

[Parent's Guide to the Admission, Review, and Dismissal Process - Texas Education Agency](#)

[Requirements of Coordinated Early Intervening Services - Texas Education Agency](#)

[Response to Intervention - Texas Education Agency](#)

[Notice of Procedural Safeguards - Texas Education Agency](#)

[Letter to Ferrara \(Feb. 29, 2012\) - U.S. Department of Education](#)

[Memorandum: Response to Intervention and Evaluation for Preschool Special Education Services \(Apr. 29, 2016\) - U.S. Department of Education](#)

Referral for Possible Special Education Services

[Right to Information Concerning Special Education of Students with Learning Difficulties](#)

[FAQs on SB 1153 - Texas Education Agency](#)

[TEA Child Find & Evaluation](#)

[Dallas ISD Multi-Tiered Systems of Support \(MTSS\)](#)

[Dallas ISD Child Find](#)

## **CITATIONS**

Board Policy EHBAA; 34 CFR 300.33, 300.300(a), 300.301, 300.303, 300.309, 300.503(a); Texas Education Code 25.007(b)(10)(A), 26.0081(c), 29.0011(a); 19 TAC 89.1011(a)

# Child Find

**AGES 0-5**

**August 31, 2022**

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP

ATTORNEYS | COUNSELORS

Customized for Dallas ISD

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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## **AGES 0-5**

### **What is Required**

Dallas ISD must provide FAPE to all eligible students with disabilities ages 3 through 21. See [CHILD FIND DUTY]

Dallas ISD Special Education Administration must develop a system to inform parents of students from ages 3 to 5, including those students placed in private preschool or daycare, who are eligible for enrollment in a special education program of the availability of the program. See [CHILD FIND DUTY]

Students with visual impairments, or who are deaf or hard of hearing, must have FAPE made available as set out in an Individualized Family Service Plan (IFSP) for those students from birth through 2 years of age and an Individualized Educational Program (IEP) for those students aged 3 and older. See [VISUAL IMPAIRMENT] and [DEAF OR HARD OF HEARING] and [DEAF-BLINDNESS]

### **Noncategorical Early Childhood**

In addition to the other eligibility categories under the IDEA, students between the ages of 3 through 5 may qualify for special education services as having a noncategorical early childhood disability. See [NONCATEGORICAL EARLY CHILDHOOD]. “Noncategorical early childhood disability” may apply to a student between the ages of 3 to 5 that is evaluated as having an intellectual disability, an emotional disturbance, a specific learning disability, or autism.

### **Individualized Family Services Plan (“IFSP”) for VI and DHH Students Age 0-2**

An IFSP meeting should be held in place of an ARD meeting for students from birth through two years of age with a visual impairment and/or who is deaf or hard of hearing. See [VISUAL IMPAIRMENT and DEAF OR HARD OF HEARING]. The IFSP team must include the student’s parent or guardian, and other Campus and Dallas ISD Special Education Personnel.

The IFSP team must determine the appropriate setting for providing the services based on the student’s outcomes that are identified by the IFSP team at the IFSP meeting. Home instruction may be appropriate for students ages 0 through 2. The appropriate instructional setting for students ages 0 through 2 will be determined in accordance with the IFSP, current attendance guidelines, and the MOU between TEA and Early Childhood Intervention (ECI) services.

Ages 0-5

The IFSP must include:

- The student’s present levels of physical development—including vision, hearing, health status, cognitive development, communication development, social or emotional development, and adaptive development based on the information from the student’s evaluation and assessments;
- A statement about the family’s resources, priorities, and concerns relating to the student’s development;
- Expected measurable results or measurable outcomes that are developmentally appropriate for the student and the family, as well as the criteria, procedures, and timelines used to determine progress and whether modifications or revisions to the expected results or outcomes, or early intervention services, are necessary;
- Any specific early intervention services needed to meet the unique needs of the student or family, including the length, duration, frequency, intensity, and method of delivering the services;
- A statement that the early intervention services are provided in the student’s natural environment to the maximum extent possible—as well as the location of the early intervention services and payment arrangements, if any—or an explanation as to why they cannot be;
- An educational component promoting school readiness that includes pre-literacy, language, and numeracy skills (for those students ages 3 through 5 only);
- The date services will begin;
- The anticipated duration of each service; and
- The name of the service coordinator responsible for implementing the services;
- Steps and services that will be taken to encourage a smooth transition from IDEA-C services to IDEA-B services, if appropriate, or other appropriate services.

Where appropriate, the IFSP should also include:

- Any medical and other services that the student or family needs and is receiving through other sources not required or funded under Part C of IDEA; and
- Any steps that the service coordinator or family can take to help the student and family obtain such services if not currently provided.

### **Transition from ECI to Preschool Programs**

Dallas ISD Special Education Personnel must ensure a smooth and effective transition for students receiving ECI services under Part C of the IDEA to preschool special education programs under Part B of the IDEA.

Unless the parent of a student with a disability has notified the Health and Human Services Commission (“HHSC”) in writing of the decision to opt out, the HHSC will notify

## Ages 0-5

Dallas ISD Special Education Administration not fewer than 90 days before the student's third birthday that the student will soon reach the age of eligibility under Part B of the IDEA. If a student is determined to be eligible for services under Part C of the IDEA more than 45, but less than 90, days before the student's third birthday, HHSC will notify Dallas ISD Special Education Administration as soon as practicable. If a student is referred for special education services under Part C of the IDEA fewer than 45 days before the student's third birthday, HHSC will obtain parental consent to refer the student to Dallas ISD Special Education Administration but is not required to conduct an evaluation, assessment, or initial IFSP meeting.

Notification from HHSC will abide by state policies related to confidentiality of personally identifiable information—including the ability of a parent to object to disclosure of personally identifiable information—and early intervention records. Unless a parent objects to the HHSC notification, the notification must include the student's name and date of birth, as well as contact information for the parents.

Upon approval of the parent, HHSC will convene a transition conference with the parent not fewer than 90 days but not more than nine (9) months before the student's third birthday to discuss whether the student will receive services under Part B of the IDEA. The transition conference may be combined with initial and annual IFSP meetings where appropriate. Dallas ISD Special Education Personnel will participate in transition conferences arranged by HHSC to fully inform the parent of the possible services available under Part B and support parent and family involvement in the transition planning process prior to the child's third birthday.

In the case of a student who was previously served under Part C services, Dallas ISD Special Education Personnel will send an invitation to the initial ARD Committee meeting, at the request of the parent, to the student's service coordinator of Part C services or other appropriate representatives to assist with a smooth transition.

### **Individualized Education Program ("IEP") by Third Birthday**

District and Campus Special Education Personnel must ensure that an IEP is implemented by the third birthday of all eligible students with disabilities. The ARD meeting and the IEP developed at the ARD meeting must meet all requirements under state and federal law. See [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE] and [PRIOR WRITTEN NOTICE].

The IEP must provide special education and related services in the student's least restrictive environment. See [LEAST RESTRICTIVE ENVIRONMENT]. The ARD Committee may agree to provide home instruction for students ages 3 through 5 if it is determined to be the student's least restrictive environment. The student's ARD Committee must determine the date services will begin for a student turning three (3)

Ages 0-5

years old during the summer.

## **Dual Enrollment**

A student ages 3 or 4 may be dually enrolled in both public and private school beginning on the student's third birthday until the end of the school year in which the student turns five or until the student is eligible to attend Dallas ISD's kindergarten program, whichever comes first. If the parent of a student residing within Dallas ISD chooses dual enrollment, Dallas ISD Service Providers must provide special education and related services to the student. See [CHILDREN IN PRIVATE SCHOOLS].

## **Definitions**

"Individualized family service plan" or "IFSP" means a written plan for providing early intervention services to an infant or toddler with a disability and the infant's or toddler's family that is based on an evaluation and assessment, includes the content required by law, is implemented as soon as possible once parental consent for the early intervention services in the IFSP is obtained, and is developed in accordance with the procedures outlined in law.

"Private school" is a private elementary or secondary school, including any pre-school, religious school, and instructional day or residential school that is a nonprofit entity and provides elementary and secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of students' progress.

"Noncategorical early childhood disability" means a condition of developmental delay where a student between the ages of three to five has been identified as having an intellectual disability, an emotional disturbance, a specific learning disability or autism.

## **Additional Procedures**

At the beginning of each school year, Dallas ISD must have in effect an IEP for students identified with disabilities, ages three through five. Dallas ISD utilizes its child find process to locate, identify and evaluate students in the community and Dallas ISD who are at least three years of age, but younger than 6 years of age. See [CHILD FIND].

## **Noncategorical Early Childhood**

Following a referral for possible special education services for a student ages 3 through 5 or upon notice from HHSC, Dallas ISD Special Education Personnel will conduct an evaluation that assesses a student ages 3 to 5 [or about to turn 3] in all areas of suspected disability to determine if the student has a disability and is in need of special education

## Ages 0-5

and related services. See [EVALUATION PROCEDURES]. For students ages 3 to 5, the group of qualified evaluation professionals that collects or reviews evaluation data may determine that the student qualifies as noncategorical early childhood disability. See [NONCATEGORICAL EARLY CHILDHOOD]. A student may be eligible for special education services based on the noncategorical early childhood (NCEC) disability category if the student has a condition or developmental delay and meets eligibility criteria for an intellectual disability, an emotional disturbance, a specific learning disability, or autism.

If the student is identified as eligible to receive special education and related services based on a noncategorical early childhood disability, the ARD Committee will develop an IEP providing special education and related services in the student's least restrictive environment and meet annually to review and revise the plan. Noncategorical Childhood Disability eligibility may not be used after a student turns 6. Therefore, if a student is identified as eligible with a Noncategorical Early Childhood Disability, the ARD Committee will need to conduct a REED, and if formal evaluation is necessary, the student will need to be evaluated and an ARD Committee meeting held prior to the student's 6<sup>th</sup> birthday to determine if the student is eligible under another disabling condition and is still in need of special education and related services.

### **IFSP for VI and DHH Students Age 0-2**

For a student from birth through two years of age with a visual impairment and/or who is deaf or hard of hearing, an individualized family services plan (IFSP) meeting will be held in place of an ARD Committee meeting in accordance with the law and the Memorandum of Understanding between the Texas Education Agency and the Department of Assistive and Rehabilitation Services.

Dallas ISD will make special education services available to a student from birth to age 2 who has a visual impairment or who is deaf or hard of hearing and whom an IFSP committee has determined to be eligible for special education services. Such a student is eligible for average daily attendance (ADA) based on the amount of time that the student receives special education services from Dallas ISD.

### **Transition from ECI to Preschool Programs**

For those students already receiving ECI services, Dallas ISD Child Find Personnel will communicate on a regular basis at least monthly with the HHSC regarding students that will soon reach age 3. A time will be set monthly for the ECI service provider to schedule a transition planning conference with Dallas ISD Child Find Personnel and the parent(s) of a student served by ECI. A planning conference can occur when the student is 27 months of age, but no later than 33 months of age. If the parent(s) do not attend a Transition Planning Conference but do desire their student to transition to Dallas ISD for services, the ECI agency may provide referral information data to the Dallas ISD Child

## Ages 0-5

Find Office. Dallas ISD Child Find Personnel will then contact the parent in order to initiate the referral.

Dallas ISD Special Education Personnel will complete the student-centered process, including evaluation and ARD. A review of existing evaluation data, timelines and referral requirements will be conducted as follows:

- Dallas ISD Child Find Office will receive referrals from an ECI agency no less than 90 days or no more than 9 months prior to the student's third birthday. When referrals are received less than 90 days before the student's third birthday, the ECI agency should provide documentation of the reason for the delay to Dallas ISD.
- Dallas ISD Child Find Personnel will contact the parent to obtain the parent intake information needed for the referral, including signed parent consent to evaluate.
- An evaluation and the ARD process will be completed within the required timelines.
- The ARD Committee will determine eligibility. To ensure a smooth transition of services, Campus Special Education Personnel will invite the student's service coordinator of Part C services or other appropriate representatives to the initial ARD meeting if the parent requests it.
- An IEP that provides services in the least restrictive environment will be developed for students who meet eligibility requirements. The ARD Committee may provide home instruction for a student ages 3 to 5 if there is agreement that home instruction is the student's least restrictive environment.
- Eligible students who transition from Part C to Part B will receive services, as determined by the ARD Committee, beginning on or by their third birthday, with parental consent for initial provision of special education services.
- If an eligible student's birthday occurs during the summer, the ARD Committee will determine the date services under the IEP will begin.

### **Students Not Previously Served by an ECI Program**

Referrals for students age 3 to 5 who have not previously received ECI services may be initiated in a variety of ways. See [CHILD FIND DUTY]. Parent/guardians, medical personnel or other concerned individuals may make a referral to Dallas ISD's Special Education Department on behalf of a student who is suspected of having a disability and who is in need of special education services.

If Dallas ISD is contacted about a student, ages birth through two, with a suspected developmental delay, the parent/guardian or other concerned party will be referred to an ECI program within Dallas ISD attendance boundaries. For students referred between the ages of 2 years, 9 months and 5 years of age prior to September 1 of the current school year, Dallas ISD will complete the referral and evaluation process in a timely manner by following the required initial evaluation timelines. See [EVALUATION

## Ages 0-5

PROCEDURES]. Dallas ISD Child Find Personnel will contact the parent by phone, obtain the information required for a referral and complete the referral form. Information collected will include the parent's concerns, medical information, screening information and the results of any additional assessments the student may have been administered. A review of referral information by the Special Education Assessment Personnel is utilized to identify evaluation needs. The student's case is assigned for evaluation based on the needs and the suspected area of disability (developmental, communication, atypical behavioral). These procedures will also apply to students placed in private preschool or daycare.

### Dual Enrollment

Parents of an eligible student ages 3 or 4 may choose to be considered for a services plan or may choose to dual enroll their student in both Dallas ISD and a private school beginning on the student's third birthday. Dallas ISD will then be responsible for providing special education and related services to the student. The ARD Committee will develop an IEP for the student that is designed to provide the student FAPE in the least restrictive environment. The ARD Committee will determine which special education and/or related services will be provided to the student and whether the services will be provided on a Dallas ISD campus or at the private school. Services may be provided on the premises of a private school, including a religious private school, to the extent consistent with the law.

Unless the parent or guardian chooses to end the dual enrollment period early, Dallas ISD Special Education Personnel will continue to provide special education and related services in the location determined by the ARD Committee until either the end of the school year in which the student turns five or when the student is eligible to attend Dallas ISD's kindergarten program, whichever comes first.

Dallas ISD will respond to any TEA complaint by the parent regarding the implementation of the student's IEP in dual enrollment, but Dallas ISD will not be required to participate in a due process hearing related to such complaints.

If the parent chooses a service plan in lieu of dual enrollment, the student may receive limited services, as determined by representatives of the school district and private school. No parentally placed private school student with a service plan has a right to receive some or all the services the student would receive if enrolled in a Dallas ISD school. See [CHILDREN IN PRIVATE SCHOOLS].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.



Ages 0-5

## **Evidence of Implementation**

- ARD/IEP
- Individualized Family Service Plan
- Communications/Meetings with HHSC
- HHSC Notification to Parent or Guardian
- Written Consent for Initial Evaluation
- Evidence of Consultation with Private School Representatives
- Individualized Service Plan
- Documentation of Services Provided to Students Participating in Dual Enrollment
- Documentation of Child Find Efforts
- Initial FIE
- Documentation for the state in TSDS, PEIMS, and SPP
- Special Needs School Nurse Review form
- Dallas ISD DHH/VI Home Visit Logs

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Ages 0-5 - Region 18](#)

[Early Childhood Intervention Services - Texas Health and Human Services](#)

[Guidance on Parentally Placed Private School Children with Disabilities - Texas Education Agency](#)

[Early Childhood Special Education \(ECSE\) - Texas Education Agency](#)

[Key Elements of Early Transition - Texas Education Agency](#)

[Early Transition Memorandum of Understanding - Texas Education Agency](#)

[Questions and Answers on Response to Intervention and Early Intervening Services \(January 2007\) - U.S. Department of Education](#)

[Non-Categorical Early Childhood - SPEDTEX](#)

[Student Attendance Accounting Handbook – Texas Education Agency](#)

[Dallas ISD Early Childhood Special Education \(ECSE\)](#)

[Dallas ISD Deaf and Hard of Hearing Services](#)

Ages 0-5

[Dallas ISD Vision Program](#)

[ECI Transition to LEA Flowchart - Texas Education Agency](#)

## CITATIONS

Board Policy EHB; Board Policy EHBAA; Board Policy EHBAC; 20 U.S.C. 1436; 34 CFR 300.101, 300.124, 300.24, 300.344, 303.126, 303.13, 303.20, 303.209, 303.26, 303.321, 303.344, 303.420; Texas Education Code 29.009; 19 TAC 89.1035, 89.1050(b), 89.1096, 89.63(c)–(d); Texas Government Code 29.003, 392.002

# Child Find

## CHILDREN WHO TRANSFER

August 31, 2022

Model operating procedures created by



Student Solutions

and



ATTORNEYS | COUNSELORS

Customized for Dallas ISD

Children Who Transfer

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## CHILDREN WHO TRANSFER

### What is Required

Dallas ISD and Campus Special Education Personnel must ensure that students with disabilities transferring to and from another LEA (public school district, public charter school, or other public school system) located within Texas or outside of Texas continue to receive FAPE at all times.

### **Transmittal of Records**

When a student with a disability transfers into Dallas ISD from another LEA, Campus Personnel and/or Campus Special Education Personnel must take reasonable steps to promptly obtain the student's special education records, including all ARD/IEP documents, any evaluation information, and any other records relating to the provision of special education or related services to the student. The previous LEA is responsible for providing such records promptly, which is defined in Texas law as not later than the tenth working day after the date the request is received. Campus Personnel and/or Campus Special Education Personnel are not required to obtain parental consent before requesting the student's special education records if the records are requested for purposes related to the student's enrollment in Dallas ISD.

When a student with a disability transfers from Dallas ISD to another LEA, Campus Personnel and/or Campus Special Education Personnel must take reasonable steps to promptly respond to a request from the student's new school for the student's special education records, including all ARD documents, any evaluation information, and any other records related to the provision of special education or related services to the student. Campus Personnel and/or Campus Special Education Personnel should provide these records within ten (10) working days after the date Dallas ISD receives the request. Campus Personnel and/or Campus Special Education Personnel are not required to obtain parental consent before providing the student's special education records to the new school if the records are requested for purposes related to the student's enrollment in the new school.

### **In-State Transfers During School Year**

Dallas ISD and Campus Special Education Personnel must continue to provide special education services for a student who transfers to Dallas ISD from another LEA within Texas during the school year if:

- The student's parent or guardian or adult student verifies that the student received special education services in the previous LEA; or

## Children Who Transfer

- The previous LEA confirms in writing or by telephone that the student received special education services.

The ARD Committee has 30 school days from the date the student's eligibility for special education is confirmed to either:

- Adopt the student's IEP from the previous LEA; or
- Develop, adopt, and implement a new IEP.

In the interim, Dallas ISD and Campus Service Providers, in consultation with the parent/adult student, must provide the student with FAPE, including services comparable to those described in the IEP (or by the parent/adult student) from the previous LEA.

## Transfers from Another State During School Year

Dallas ISD and Campus Special Education Personnel must continue to provide special education services for a student who transfers to Dallas ISD from another district outside of Texas during the school year when:

- The student's parent or guardian or the adult student verifies that the student received special education services in the previous LEA; or
- The previous LEA confirms in writing or by telephone that the student received special education services.

If Dallas ISD or Campus Special Education Assessment Personnel determine that an evaluation is necessary, Dallas ISD Special Education Assessment Personnel must complete the initial FIE within 45 school days of receipt of written consent for the evaluation from the student's parent or guardian. The ARD Committee must then meet to develop an IEP for the student within 30 calendar days from the date of completion of the evaluation.

If Dallas ISD or Campus Special Education Assessment Personnel determine that an FIE is not necessary, the ARD Committee must develop, adopt, and implement a new IEP within 30 school days from the date the student's eligibility for special education is confirmed.

In the interim, Dallas ISD or Campus Service Providers, in consultation with the parent/adult student, must provide FAPE to the student including services comparable to those described in the IEP from the previous district.

## Enrollment During the Summer

A student with a disability who has an IEP in place from a previous in- or out-of state

## Children Who Transfer

school district and who enrolls in Dallas ISD during the summer is not considered a transfer student. For students who enroll in Dallas ISD during the summer, Dallas ISD must either (1) implement the student's IEP from the previous school district in full on the first day of class of the upcoming school year or (2) convene an ARD Committee meeting during the summer to revise the student's IEP for implementation on the first day of class of the upcoming school year.

### **Pending Initial Evaluations**

To ensure that evaluations of students who transfer from another LEA are completed in a timely manner, Dallas ISD or Campus Special Education Assessment Personnel must coordinate with the previous LEA, as necessary if an initial evaluation is pending for the student. Dallas ISD or Campus Special Education Assessment Personnel are responsible for completing an evaluation that the previous LEA was in the process of completing at the time the student enrolled in Dallas ISD, and must comply with all consent and evaluation procedures, including relevant timelines. See [CONSENT FOR INITIAL EVALUATION] and [EVALUATION PROCEDURES]. However, the 45-school day timeline required by the IDEA for completing an evaluation will not apply if Dallas ISD is making sufficient progress to ensure the evaluation is completed in a timely manner and the parent/adult student and Dallas ISD Special Education Personnel agree to a specific timeframe for completion of the evaluation.

### **Additional Procedures**

#### **Confirmation of Special Education and Obtaining Records**

Upon enrollment, the Campus Registrar or other Campus Personnel will review all information provided and notify the Campus Special Education Personnel if any information, including parent/adult student information, report cards, or other enrollment records, indicates that the student received special education services at his/her previous school. Campus Special Education Personnel or other Campus Personnel will then contact the student's previous school within a reasonable time of enrollment (no more than 2 school days) to confirm that the student participated in a special education program at the previous school and to request in writing or verbally the type and amount of special education and related services the student received. Specifically, Campus Personnel shall obtain oral or written verification of the student's:

- Disability;
- Instructional arrangement;
- Amount of time assigned to a special education classroom;
- Classes provided by special education;
- Related services; and

## Children Who Transfer

- Date of last FIE and ARD.

For students transferring into Dallas ISD, Campus Special Education Personnel will also request special education records from the prior school within a reasonable time of enrollment and ensure that all records are received within 10 school days of the prior district receiving the record request by following up at regular intervals. This includes:

- All ARD/IEP documentation/copies of all IEPs;
- All evaluations, including the most current FIE or psychological evaluation;
- Any current progress data; and
- Any other records relating to the student's disability and the provision of special education services.

Campus Special Education Personnel shall document efforts to contact the prior school to verify services and request records on the Dallas ISD Special Education Student Transfer Meeting Information form.

### **Transmittal of Records**

For students transferring from Dallas ISD to another public school in Texas, Campus Personnel and Campus Special Education Personnel will send all documentation, including special education records, through the Texas Record Exchange System (TREx) within 10 school days of the request. For students transferring from Dallas ISD to a public school not in Texas, Campus Personnel and Campus Special Education Personnel will respond to all request for records, including special education records, by mailing via U.S. mail or confirmed email, the records to the school within 10 school days of the request. However, Campus Personnel must ensure that any method used for sharing special education document is done through a secure system to ensure confidentiality.

### **In-State Transfers During School Year**

A student who transfers into Dallas ISD from another public school district or charter school within the state of Texas, the following process will be followed:

#### Step One – Verification

- Campus Special Education Personnel or other Campus Personnel will contact the student's previous school no more than 2 school days of enrollment to verify special education services as stated above (see Transmittal of Records and Confirmation of Special Education section above).



## Children Who Transfer

### Step Two – Transfer Meeting

- Within three (3) school days after verification of special education services from the previous school, Campus Special Education Personnel shall initiate and hold a Transfer Meeting.
- Persons in attendance at the Transfer Meeting should include a Campus Administrator, a member of the LPAC if language dominance is a consideration, the parent/adult student, a general education teacher, and/or a special education teacher or service provider certified in the child’s area of disability. If the previous services are not offered on the home campus, a receiving campus representative should also be invited to the Student Transfer Meeting.
- At the Transfer Meeting, Dallas ISD and Campus Special Education Personnel, in consultation with the parent/adult student, will document the special education and related services the campus will provide during the interim period that are comparable to those described in the previous IEP. As applied with respect to a student who transfers to Dallas ISD from a previous LEA, “comparable” services mean services that are “similar” or “equivalent” to those that were described in the student’s IEP from the previous LEA. If the services from the prior IEP cannot be provided during the interim period, the reason for such refusal will be specified in the Transfer Meeting documentation. Comparable services should be provided based on the needs of the student, and no change in prior services should be made due to administrative or service provider convenience.
- At the Transfer Meeting, Campus Special Education Personnel shall provide and explain to the parent/adult student the Notice of Procedural Safeguards and obtain a signature from the parent/adult student on the Receipt for Explanation of Procedural Safeguards. Campus Special Education Personnel shall also request that the parent/adult student sign a Consent for Disclosure of Confidential Information in order to obtain records from any identified physician or private service provider.
- Campus Special Education Personnel will contact Special Education Campus Support Personnel immediately upon verification of special education eligibility if services cannot be provided at the student’s home school. Temporary placement in the student’s home school must be provided until transfer arrangements can be made to the new Dallas ISD school where services will be provided.
- If a transfer student was enrolled in a Regional Day School for the Deaf (RDSD) or received any deaf and hard of hearing services, contact the RDSD Manager.

## Children Who Transfer

### Step Three – Review of Outside LEA Data

- Immediately after the Transfer Meeting, Campus Special Education Personnel will contact the Campus Assessment Personnel and any Instructional/Related Service Personnel and provide these individuals with the Transfer Meeting documentation, the Dallas ISD Special Education Student Transfer Meeting Information Sheet, and all special education records received from the prior school (as they are received).
- The Campus Special Education Assessment Personnel will also attempt to obtain the current evaluation from the prior school if it has not already been received.
- The Evaluation Case Manager (ECM) shall review the evaluation and service information received from the prior school and complete the Review of Outside LEA data to determine if additional evaluation is needed. An evaluation from another district within the state of Texas is acceptable if the evaluation is current and appropriate. An evaluation is current and appropriate if it was done within the last three (3) years, and it includes all the required elements for a FIE [see EVALUATION PROCEDURES].
- If the evaluation from the prior school is not current and appropriate or if the evaluation is not received within ten school days of the student's enrollment, the Campus Special Education Assessment Personnel shall obtain consent from the parent/adult student and conduct its own evaluation. If for some reason the evaluation from the previous school is received after ten school days and is found to be current and appropriate, the Evaluation Case Manager may choose to adopt the prior school's evaluation in whole or part as part of Dallas ISD's FIE.
- Only if the prior school's evaluation is not current and appropriate should the student be evaluated, at this time, by Dallas ISD. An evaluation is current and appropriate if it was done within the last three (3) years, and it includes all the required elements for an FIE. See [EVALUATION PROCEDURES] and [REVIEW OF EXISTING EVALUATION DATA].

### Step Four – ARD Meeting Following Transfer Placement

- Within 30 school days from the date the student is verified to be eligible for special education services, Campus Special Education Personnel will conduct an Annual ARD meeting to either (1) adopt the student's IEP from the previous LEA or (2) develop, adopt, and implement a new IEP based on Dallas ISD's own evaluation or the evaluation information received from the prior school.
- ARD Meetings following transfer placements may not occur until the student has been enrolled in Dallas ISD and receiving comparable services for a minimum of

## Children Who Transfer

4 school weeks. For a transfer student for whom Dallas ISD FIE was not conducted, if the ARD Committee’s recommendation is to make a material change to the student’s IEP from the previous LEA, the student must be enrolled in Dallas ISD for at least 4 school weeks and have at least 4 school weeks of data to support the change. A material change includes a change in placement, a change in the amount of or addition of an instructional/related service, and/or a dismissal of any instructional/related service. The justification for any material changes to the student’s IEP must be documented in the deliberations/minutes of the ARD Committee meeting.

### Transfers from Another State During School Year

A student who transfers into Dallas ISD from another public school district or charter school outside of Texas, the following process will be followed:

#### Step One - Verification

- Campus Special Education Personnel or other Campus Personnel will contact the student’s previous school no more than 2 school days of enrollment to verify special education services as stated above (see Transmittal of Records and Confirmation of Special Education section above).

#### Step Two – Transfer Meeting

- Within three (3) school days after verification of special education services from the previous school, Campus Special Education Personnel shall initiate and hold a Transfer Meeting.
- Persons in attendance at the Transfer Meeting should include a Campus Administrator, a member of the LPAC if language dominance is a consideration, the parent/adult student, a general education teacher, and/or a special education teacher or service provider certified in the child’s area of disability. If the previous services are not offered on the home campus, a receiving campus representative should also be invited to the Student Transfer Meeting.
- At the Transfer Meeting, Dallas ISD and Campus Special Education Personnel, in consultation with the parent/adult student, will document the special education and related services the campus will provide during the interim period that are comparable to those described in the previous IEP. As applied with respect to a student who transfers to Dallas ISD from a previous LEA, “comparable” services mean services that are “similar” or “equivalent” to those that were described in the student’s IEP from the previous LEA. If the services from the prior IEP cannot be provided during the interim period, the reason for such refusal will be specified in

## Children Who Transfer

the Transfer Meeting documentation. Comparable services should be provided based on the needs of the student, and no change in prior services should be made due to administrative or service provider convenience.

- At the Transfer Meeting, Campus Special Education Personnel shall provide and explain to the parent/adult student the Notice of Procedural Safeguards and obtain a signature from the parent/adult student on the Receipt for Explanation of Procedural Safeguards. Campus Special Education Personnel shall also request that the parent/adult student sign a Consent for Disclosure of Confidential Information in order to obtain records from the prior out of state school and any identified physician or private service provider.
- Campus Special Education Personnel will contact Special Education Campus Support Personnel immediately upon verification of special education eligibility if services cannot be provided at the student's home school. Temporary placement in the student's home school must be provided until transfer arrangements can be made to the new Dallas ISD school where services will be provided.
- If a transfer student was enrolled in a Regional Day School for the Deaf or received any deaf and hard of hearing services, contact the Manager of the Regional Day School for the Deaf.

### Step Three – Review of Outside LEA Data

- Immediately after the Transfer Meeting, Campus Special Education Personnel will contact the Campus Assessment Personnel and any Instructional/Related Service Personnel and provide these individuals with the Transfer Meeting documentation, the Dallas ISD Special Education Student Transfer Meeting Information Sheet, and all special education records received from the prior school (as they are received).
- The Campus Special Education Assessment Personnel will also attempt to obtain the current evaluation from the prior school if it has not already been received.
- The Evaluation Case Manager shall review the evaluation and service information received from the prior school and complete the Review of Outside LEA data to determine if additional evaluation is needed. An evaluation from another school outside of Texas is acceptable if the evaluation is current and appropriate. An evaluation is current and appropriate if it was done within the last three (3) years, and it includes all the required elements for a FIE [see EVALUATION PROCEDURES] under both federal and Texas law.
- If the evaluation from the prior school is not current and appropriate or if the evaluation is not received within ten school days of the student's enrollment, the

## Children Who Transfer

Campus Special Education Assessment Personnel shall obtain consent from the parent/adult student and conduct its own evaluation. If for some reason the evaluation from the previous school is received after ten school days and is found to be current and appropriate, the Evaluation Case Manager may choose to adopt the prior school's evaluation in whole or part as part of Dallas ISD's FIE.

- Only if the prior school's evaluation is not current and appropriate should the student be evaluated, at this time, by Dallas ISD. An evaluation is current and appropriate if it was done within the last three (3) years, and it includes all the required elements for an FIE [see EVALUATION PROCEDURES] under both federal and Texas law.
- If the Campus Special Education Assessment Personnel determines that an evaluation is necessary, it will be a full individual and initial evaluation (FIIE), consent will be obtained and the FIIE must be completed within 45 school days from the consent. See [EVALUATION PROCEDURES]. In addition, the initial ARD meeting will be held within 30 calendar days from the completion of the FIIE.

### Step Four – ARD Meeting Following Transfer Placement

- If an FIIE is determined to be necessary by Dallas ISD, an initial Annual ARD will be held within 30 calendar days from the date the FIIE is complete.
- If an FIIE is determined not to be necessary, within 30 school days from the date the student is verified to be eligible for special education services, Campus Special Education Personnel will conduct an Annual ARD meeting to develop, adopt, and implement a new IEP based on the evaluation information received from the prior school.
- ARD Meetings following transfer placements may not occur until the student has been enrolled in Dallas ISD and receiving comparable services for a minimum of 4 school weeks.
- For a transfer student for whom Dallas ISD FIIE was not conducted, if the ARD Committee's recommendation is to make a material change to the student's IEP from the previous LEA, the student must be enrolled in Dallas ISD for at least 4 school weeks and have at least 4 school weeks of data to support the change. A material change includes a change in placement, a change in the amount of or addition of an instructional/related service, and/or a dismissal of any instructional/related service. The justification for any material changes to the student's IEP must be documented in the deliberations/minutes of the ARD Committee meeting.

## Children Who Transfer

### **Pending Initial Evaluations**

Dallas ISD Special Education Administration will carefully review the records of all transfer students to determine if an evaluation is pending and communicate with the parent/adult student or guardian or the previous school if more information is needed.

Where an evaluation is pending for a student transferring into Dallas ISD, Dallas ISD or Campus Special Education Assessment Personnel will coordinate with the student's previous district to ensure the evaluation is completed in a timely manner and to gather any and all information about the pending evaluation.

Dallas ISD or Campus Assessment Personnel will meet with the parent/adult student to obtain consent and establish a new timeframe for completing the evaluation, with the parent/adult student's consent, which shall not exceed 45 school days from the date of the new consent. The evaluation must be completed within the timeframe established. Dallas ISD or Campus Assessment Personnel will document all student absences during the evaluation process.

### **Enrollment During the Summer**

A student who enrolls in Dallas ISD during the summer is not considered a transfer student. For students who enroll in Dallas ISD during the summer, Dallas ISD must either (1) implement the student's IEP from the previous school district in full on the first day of class of the upcoming school year or (2) convene an ARD Committee meeting during the summer to revise the student's IEP for implementation on the first day of class of the upcoming school year.

Dallas ISD will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Communication with Previous District for Student Transferring into Dallas ISD
- Records on Texas Records Exchange System
- Records Received from Prior Schools
- Documentation of All Contacts to Prior School
- Documentation of All Contacts with Parent/Adult Student
- Dallas ISD Special Education Student Transfer Meeting Information Sheet
- Student Transfer Meeting Documentation
- Review of Outside LEA Data

## Children Who Transfer

- Consent for Initial Evaluation
- Prior Written Notice
- Notice of Procedural Safeguards
- Receipt for Explanation of Procedural Safeguards
- Consent for Disclosure of Confidential Information
- Notice of Full and Individual Evaluation
- FIE
- ARD/IEP After Transfer Placement

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Children Who Transfer - Region 18](#)

[OSERS Letter to State Directors of Special Education \(July 19, 2013\) - U.S. Department of Education](#)

[OSERS Letter to Finch \(Aug. 5, 2010\) - U.S. Department of Education](#)

[OSERS Letter to Champagne \(Nov. 17, 2008\) - U.S. Department of Education](#)

[Questions and Answers on Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(Sept. 2011\) - U.S. Department of Education](#)

[Notice of Procedural Safeguards - Texas Education Agency](#)

[Texas Records Exchange \(TREx\)](#)

## **CITATIONS**

Board Policy EHBA; Board Policy EHBAB; 20 U.S.C. 1414; 34 CFR 99.31, 99.34, 300.301(d)–(e), 300.304(c), 300.323; Texas Education Code 25.002; 19 TAC 89.1011(f), 89.1050

# Child Find

## CHILDREN WHO ARE INCARCERATED

August 31, 2022

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

Customized for Dallas ISD

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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## CHILDREN WHO ARE INCARCERATED

### What is Required

The obligation to make FAPE available to all students with disabilities, including the child find obligations, does not apply to individuals ages 18 through 21 who, in the last educational placement prior to their incarceration in an adult correctional facility were not identified as having a disability and who did not have an IEP. This exception to FAPE does not apply to individuals with disabilities ages 18 through 21 who (a) had been identified as a student with a disability and had received services in accordance with an IEP, but who left school prior to his/her incarceration or (b) did not have an IEP in their last educational setting, but who had been identified as a student with a disability under the IDEA.

### **Students in Adult Prisons**

For students with disabilities who are convicted as adults under state law and incarcerated in adult prisons the requirements related to state and districtwide assessments and transition services do not apply to students whose age eligibility under the IDEA will end before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

If the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated, the student's ARD Committee may modify the student's IEP or placement notwithstanding LRE and IEP content requirements of the IDEA.

### **Transfer of Parental Rights**

All rights provided to parents under the IDEA transfer to adult students at age 18 who are incarcerated in an adult or juvenile federal, state, or local correctional institution, unless the parent or other individual has been granted guardianship under Texas law. See [GRADUATION, TRANSITION, AND ADULT STUDENT AND TRANSFER OF RIGHTS].

### **Definitions**

"Correctional facility" is a place designated by law for the confinement of a person arrested for, charged with, or convicted of a criminal offense.

"Bona fide security or compelling penological interest" includes a state interest relating to the treatment of the student convicted of the crime(s).

## **Additional Procedures**

The Hospital/Homebound ARD Committee will determine the special education services to be provided to incarcerated enrolled Dallas ISD special education students to ensure that the students continue to receive FAPE in a special education setting. The ARD Committee will ensure that a student with a disability in a correctional facility is not placed in classes that include only other students with disabilities if that is not the student's LRE.

### **Provision of FAPE to Students Age 18-21**

Dallas ISD Special Education Hospital/Homebound Personnel will maintain a database of all students between the ages of 18 and 21 that have been identified as a student with a disability that are currently incarcerated. Dallas ISD Special Education Personnel will ensure that FAPE is offered to any student age 18-21 that has received special education services in accordance with an IEP from Dallas ISD and left school prior to incarceration. Dallas ISD Special Education Personnel will also ensure that FAPE is offered to any student age 18-21 who is incarcerated that did not have an IEP while last enrolled in a Dallas ISD campus but who had been identified by Dallas ISD as a student with a disability.

The Hospital/Homebound Department will document all services provided to students with disabilities in correctional facilities.

### **Child Find and Youth Who Are Incarcerated**

Except as explained above for individuals ages 18-21, Dallas ISD Special Education Personnel will identify, locate, and evaluate incarcerated youth with disabilities within Dallas ISD. To do so, Dallas ISD Special Education Personnel will communicate with individuals who are most likely to come into contact with incarcerated youth to identify students suspected of having a disability and ensure a timely evaluation is conducted where appropriate.

### **Students in Adult Prisons**

The ARD Committee of an incarcerated youth with a disability who is in an adult prison will hold an ARD meeting to develop an appropriate IEP at the beginning of the period of incarceration. The ARD Committee may modify the student's IEP or placement notwithstanding the LRE and IEP content requirements under the IDEA if a bona fide security or compelling penological interest cannot be accommodated. For example, Dallas ISD will not violate the IDEA if it cannot provide special education services to an incarcerated student with a disability if it is prevented from accessing the student due to safety concerns.

## Children Who Are Incarcerated

The ARD Committee may incorporate the services necessary to obtain a GED into the student's IEP where a bona fide security or compelling penological interest prevents the student from receiving a high school diploma.

### **Transfer of Parental Rights**

Dallas ISD Special Education Personnel will provide the parent and the incarcerated student with a disability the notice of the transfer of parental rights not later than one year before the student's 18th birthday and on the student's 18<sup>th</sup> birthday. See [GRADUATION, TRANSITION, AND ADULT STUDENT AND TRANSFER OF RIGHTS].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Procedure**

- Database of Incarcerated Youth
- Child Find Documentation Showing Contacts with Correctional Facilities in Dallas ISD
- ARD/IEP
- FIE
- Communications Between Dallas ISD and the Correctional Facility
- Transfer of Rights
- Documentation for the state in TSDS, PEIMS, and SPP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Children Who Are Incarcerated - Region 18](#)

[OSERS Dear Colleague Letter \(Dec. 5, 2014\) - U.S. Department of Education](#)

[OSERS Letter to Yudien \(Aug. 19, 2003\) - U.S. Department of Education](#)

[OSERS Letter to Mahaley \(Mar. 2, 2011\) - U.S. Department of Education](#)

[Supporting Youth with Disabilities in Juvenile Corrections - U.S. Department of Education](#)

Children Who Are Incarcerated

[Notice of Procedural Safeguards - Texas Education Agency](#)

[Guide to the ARD Process - Texas Educational Agency](#)

## CITATIONS

Board Policy EHBAC; 20 USC 1412; 34 CFR 300.8, 300.102(a)(2), 300.324(d)

# Child Find

## CHILDREN IN PRIVATE SCHOOLS

August 31, 2022

Model operating procedures created by



Student Solutions

and



ATTORNEYS | COUNSELORS

Customized for Dallas ISD

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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Children in Private Schools

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## CHILDREN IN PRIVATE SCHOOLS

### What is Required

#### Child Find

Dallas ISD must locate, identify, and evaluate all students with disabilities who are parentally placed in private schools—including religious, elementary, and secondary schools—located in its jurisdiction. To do so, Dallas ISD Special Education Personnel must timely and meaningfully consult with representatives of private schools located within Dallas ISD and conduct a thorough and complete child find process. Dallas ISD must conduct the child find process for students parentally-placed in private schools in a manner comparable to that of students with disabilities enrolled in Dallas ISD campuses. See [CHILD FIND DUTY]. Dallas ISD Special Education Personnel will maintain records and provide information to TEA indicating the number of students parentally-placed in private school students within the boundaries of Dallas ISD that have been evaluated, determined to be students with disabilities, and served. All child find efforts must comply with requirements related to proportionate share funding for students parentally-placed in private schools. See [PROPORTIONATE SHARE FUNDING FOR CHILDREN PARENTALLY-PLACED IN PRIVATE SCHOOLS].

If Dallas ISD is the student's district of residence, rather than the district in which the private school is located, Dallas ISD cannot refuse to conduct the evaluation and determine the student's eligibility for FAPE just because the student attends a private school in another district.

A home school in Texas may be considered a private school. In order to be considered a private school, a home school must provide elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of students' progress, but is not required to be a nonprofit entity.

#### Referral to Dallas ISD

When a student with a disability who has been placed directly by the parent in a private school is referred to Dallas ISD, Dallas ISD Special Education Assessment Personnel will evaluate the student in accordance with the evaluation procedures and hold an ARD Committee meeting to consider the evaluation and determine whether Dallas ISD can offer the student FAPE. See [EVALUATION PROCEDURES].



## Children in Private Schools

However, Dallas ISD is not responsible for providing FAPE until such time as the student's parent/adult student chooses to enroll the student in Dallas ISD full time. Specifically, no student with a disability parentally-placed in a private school has an individual right to receive in the private school some or all of the special education and related services that the student would receive if enrolled in a Dallas ISD school.

A student with a disability parentally-placed in private school may receive some special education and related services if Dallas ISD designates the student to receive services under a proportionate share services plan. *See Proportionate Share Services below.*

### Consultation

Dallas ISD Special Education Personnel must consult with parents/adult students and representatives of private schools regarding:

- The Child Find process, including how parentally-placed private school students can be involved in the process and how parents, teachers, and private school officials will be notified about the process;
- The determination of how much proportionate share funding will be made available for services;
- The consultation process between Dallas ISD, private school officials, and the parent of a parentally-placed private school student to ensure meaningful opportunity to participate in the student's special education program; and
- The provision of special education and related services which will be provided for students with disabilities parentally-placed in private schools, including the types of services and alternative service delivery mechanisms, how services will be apportioned if funds are insufficient; and how and when decisions regarding services will be made.

If the private school officials disagree with Dallas ISD Special Education Personnel regarding the provision or types of services, Dallas ISD Special Education Personnel will provide the private school a written explanation of the reasons why Dallas ISD will not provide such services.

Dallas ISD Special Education Personnel will obtain a written affirmation signed by the private school officials stating that timely and meaningful consultation has occurred. If the private school fails to provide a written affirmation within a reasonable time, Dallas ISD Special Education Personnel will forward documentation of the consultation process to TEA.

## Developing the Proportionate Share Services Plan

After consultation, Dallas ISD designated Special Education Personnel is the final decision-maker regarding the services to be provided to a parentally-placed private school student with a disability. If Dallas ISD Special Education Personnel decides that a parentally-placed private school student is eligible to receive special education and related services, Dallas ISD Special Education Personnel will convene a meeting to develop, review, and revise an Individual Services Plan (“ISP”) for the student based on services that Dallas ISD has agreed to provide the student. A representative of the private school will be in attendance at the meeting or participate through another method, such as through a telephone call. Dallas ISD is not required to provide the same amount of services to the parentally-placed private school student as it would to students with disabilities enrolled in a Dallas ISD campus.

## Implementation of the Proportionate Share Services Plan

Should Dallas ISD decide to provide services through an ISP, such services may be provided at the private school, including religious schools, either by Dallas ISD Special Education Personnel or through a contract with an individual, association, agency, organization, or other entity. Such services will be implemented in accordance with proportionate share funding and equipment rules. See [PROPORTIONATE SHARE FUNDING FOR CHILDREN PARENTALLY-PLACED IN PRIVATE SCHOOLS] and [ADMINISTRATION OF EQUIPMENT]. Dallas ISD may use special education funds to make Campus Special Education Personnel or Dallas ISD Special Education Personnel available to the extent necessary to provide services to a parentally-placed private school student so long as those services are not normally provided by the private school. Dallas ISD may also use Part B funding to pay for services provided by a private school employee if the services are performed outside of the employee’s regular hours of duty and under public supervision and control. See [USE OF IDEA PART B FORMULA AMOUNTS IN GENERAL].

## Transportation Services

Where transportation is necessary for the parentally-placed private school student to benefit from or participate in the services offered by Dallas ISD, Dallas ISD will provide transportation (a) from the student’s school or the student’s home to a site other than the private school; and (b) from the service site to the private school, or to the student’s home, depending on the timing of the services. Dallas ISD is not required to provide transportation from the private school to the student’s home.

## Right of Private School Official to Submit a Complaint

A private school official has the right to submit a TEA complaint that Dallas ISD did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. The complaining private school official must provide the basis of the complaint to TEA and Dallas ISD Special Education Personnel will provide appropriate documentation in response. If the private school official is dissatisfied with the response, the official may submit a complaint to the United States Secretary of Education.

## Dual Enrollment

The parent of an eligible student ages 3 or 4 may dually enroll their student in both public and private school beginning on the student's third birthday until either: (1) the end of the school year in which the student turns 5 or when the student is eligible to attend Dallas ISD's kindergarten program. For more information on Dual Enrollment, see [AGES 0-5].

## Private School Placement When FAPE Is An Issue

If a parent elects to place a student with a disability in a private school or facility due to disagreements about FAPE, the parent has additional protections set out in the *Notice of Procedural Safeguards*.

## Definitions

"Parentally-placed private school students with disabilities" includes students with disabilities enrolled by their parents in private, including religious, schools or facilities.

"Private school" is a private elementary or secondary school, including any pre-school, religious school, and instructional day or residential school that:

- Is a nonprofit entity; and
- Provides elementary and secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of students' progress.

"individual Services Plan" or "ISP" means a written statement that describes the special education and related services the district will provide to a student with a disability parentally-placed in a private school who has been designated to receive services, including the location of the services and any transportation necessary.

## **Additional Procedures**

Dallas ISD is responsible for identifying and locating students with disabilities attending private schools within Dallas ISD's boundaries even if the student does not live within Dallas ISD. Dallas ISD is not responsible for serving district resident students who attend a private school outside of Dallas ISD boundaries, but is still responsible for identifying, locating, and, with parent consent, evaluating those students. Preschool students ages 3 to 4 are still covered under dual enrollment, served under an IEP and are not considered private school students unless the parent has rejected dual enrollment. In that case, the student may have a service plan instead of an IEP.

At the start of each school year, District Special Education Child Find Personnel will, to the extent possible, contact the parents of students with disabilities parentally-placed in private schools to notify them of the opportunity to receive an evaluation and possible special education services, including proportionate share services, for students who meet eligibility criteria.

Parents of students enrolled in a private school, or a representative or other individual otherwise qualified to make a referral, may contact Dallas ISD Special Education Child Find Office to initiate a referral for special education services. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES]. Dallas ISD Special Education Child Find Office may request that the parent provide documentation related to the student's area of suspected disability, including, but not limited to, classwork, assessments, benchmark testing, health records, and information from the private school regarding the student's progress.

### **Proportionate Share Services**

Dallas ISD will use a portion of the federal money it receives each year under the IDEA for participation in Dallas ISD's special education and related services by eligible private school students. If the parent chooses to voluntarily enroll the student in a private school, the student has no individual right or guarantee to special education and related services provided by Dallas ISD. Instead, the student will be considered for participation in Dallas ISD's special education services along with all eligible private school students.

Dallas ISD's Special Education Department will develop a Dallas ISD-wide plan for use of the proportionate share amount that identifies the type of service, or range of services, to be provided. If an eligible private school student is designated to participate in Dallas ISD's special education services in a specific school year, Special Education Personnel will hold a meeting to develop or review and revise an ISP for the student. Representatives of both the private school and Dallas ISD Special Education Personnel, as well as the parent or representative of the parent, may be present at this meeting, and

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the parent should be given a meaningful and timely opportunity to express their views before developing the plan. The ISP will include the specific special education and/or related services that Dallas ISD will offer to the student, including the location of the service and whether transportation will be provided. The ISP may provide for direct services or indirect services such as equipment, instructional materials, or consultation and training. The content of the ISP will vary from student to student and may contain one or more of the components included in an IEP.

The ISP will be implemented as soon as possible after the services plan meeting and will be available to any Dallas ISD staff and/or private school staff who implement any portion of the student's ISP. The ISP will be reviewed at least annually by the services plan team. An eligible private school student with an ISP in one school year has no right to a services plan in a subsequent school year.

### Consultation

Dallas ISD Special Education Child Find Personnel will maintain a list of all private schools, including home schools (if possible), within Dallas ISD attendance boundaries. Dallas ISD Special Education Child Find Personnel will consult in a timely and meaningful way with appropriate representatives of eligible private school students using one or more of the following methods:

- Dallas ISD Special Education Child Find Personnel may send written correspondence to all private schools known to Dallas ISD to be within its boundaries and/or to parents known to Dallas ISD to home school their students.
- Dallas ISD Special Education Child Find Personnel may schedule individual meetings with the representatives of eligible private school students.
- Dallas ISD Special Education Child Find Personnel may schedule a public meeting and invite representatives to provide input.
- Dallas ISD Special Education Child Find Personnel may, after notice through the news media and/or invitations to known private schools and private school parents, hold one or more group meetings with representatives of eligible private school students.
- Any other method appropriate for consultation.

Following the timely and meaningful consultation, Dallas ISD Special Education Child Find Personnel will obtain a written affirmation signed by the private school official of each of the known private schools within Dallas ISD's attendance boundaries. A signature on an attendance sheet is not a sufficient form of written affirmation.

Dallas ISD Special Education Child Find Personnel will keep adequate records of the consultation process, including, but not limited to, a record of all contacts to the private

## Children in Private Schools

school and/or parent, a record of any response, a record of the agenda of the consultation, a record of the minutes from the consultation, a record of all input provided by the private school official or parent, a record of any disagreement, and/or a record of Dallas ISD’s response to the disagreement.

Dallas ISD Special Education Child Find Personnel will consult with representatives of eligible private school students on these issues as often as is necessary based on the current circumstances of Dallas ISD, but at least once per academic year. The consultation will precede the design and development of the Dallas ISD plan to provide proportionate share services to private school students with disabilities.

Dallas ISD will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Private School Contact Database
- Database of Private School Students Evaluated and Identified as Students with Disabilities and Services Currently Received, if Any
- Child Find Documentation Provided to Private Schools or Parents
- Proportionate Share Amount Calculation
- District-wide Plan for Proportionate Share Amount
- A Record of all Private School Contacts and Response
- Consultation Agenda and Minutes
- Record of Disagreement (if any) and District Response
- Written Affirmation Statement(s)
- Consent for FIE
- FIE
- ISP or ARD/IEP for Private School Student
- Documentation for the State in TSDS, PEIMS, and SPP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Children in Private Schools - Region 18](#)

[Guidance on Parentally Placed Private School Children with Disabilities - Texas Education Agency](#)

[Special Education in Nonpublic Schools - Texas Education Agency](#)

[FAQ: Parentally-Placed School Children with Disabilities - TEA](#)

[ESSA Private School Equitable Services - Texas Education Agency](#)

[Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools \(Apr. 2011\) - U.S. Department of Education](#)

[OSERS Letter to Sarzynski \(July 6, 2015\) - U.S. Department of Education](#)

[OSERS Letter to Sutton and Rubel \(Sept. 29, 2014\) - U.S. Department of Education](#)

[OSERS Letter to Apostle \(Aug. 8, 2012\) - U.S. Department of Education](#)

[OSERS Letter to Corwell \(Feb. 4, 2013\) - U.S. Department of Education](#)

[OSERS Letter to Luger and Weinberg \(Dec. 6, 2011\) - U.S. Department of Education](#)

[OSERS Letter to Eig \(Jan. 28, 2009\) - U.S. Department of Education](#)

[Dallas ISD Child Find](#)

## **CITATIONS**

Board Policy EHBAA; 20 USC 1412; 34 CFR 77.1, 300.13, 300.36, 300.37, 300.130, 300.131(a), 300.132(a),(c), 300.133(b), 300.134, 300.135, 300.136, 300.137(a)-(c), 300.138, 300.139, 300.142, 300.148; 19 TAC 89.1096

# Child Find

## PARENT

August 31, 2022

Model operating procedures created by



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## PARENT

### What is Required

The parent plays an active role in making educational decisions related to the student's special education program and must be ensured the opportunity for meaningful participation. See [PARENT PARTICIPATION]

For the purpose of special education decision-making, a parent means:

- A biological or adoptive parent of the student;
- A foster parent of the student who meets the requirements for a foster parent to act as a parent;
- A guardian, but not the state itself, if the student is a ward of the state;
- An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or
- An individual assigned to be a surrogate parent.

The Department of Family and Protective Services ("DFPS") itself is not considered the parent.

### **Requirements for Foster Parent to Act as Parent**

A foster parent may act as a parent if DFPS is appointed as the temporary or permanent managing conservator of the student, as long as there is no court order limiting the rights and duties of DFPS to make educational decisions on behalf of the student. The foster parent must agree to be the educational decision maker for the student. Furthermore, the foster parent must complete the required training program for foster and surrogate parents before the next scheduled ARD meeting for the student but not later than the 90<sup>th</sup> day after the date the foster parent begins acting as the parent for the purpose of making special education decisions. Dallas ISD or Campus Special Education Administration must ensure that the foster parent has received the training and, although Dallas ISD may offer additional training, Dallas ISD may not require that a foster parent take additional training in order to serve as the parent for the student.

Not later than the 5<sup>th</sup> day after the date a student with a disability is enrolled in a school, the DFPS must inform Dallas ISD or Campus Special Education Administration if the student's foster parent is unwilling or unable to serve as the student's parent.

In addition, Dallas ISD or Campus Special Education Personnel may deny a foster parent

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the right to serve as a parent, but written notice of such refusal must be provided to the foster parent within 7 calendar days after the decision is made and must specifically explain why the foster parent is being denied the right to serve as the student's parent and informs the foster parent of the right to file a complaint with TEA.

### **Appointment of a Surrogate Parent**

A surrogate parent is a person who is legally entitled to take the place of a parent under certain circumstances to make educational decisions for a student with a disability. The appointment of a surrogate parent applies to students with disabilities for whom the DFPS is appointed as the temporary or permanent managing conservator of the student and the rights and duties of the DFPS to make educational decisions for the student have not been limited by court order. In some situations, a judge will appoint a surrogate parent. However, Dallas ISD Special Education Administration must make reasonable efforts to appoint a surrogate parent not more than 30 days after Dallas ISD Special Education Administration determines that the student needs a surrogate parent if the judge has not appointed a surrogate.

Dallas ISD Hospital/Homebound Program will assign a surrogate parent for students when:

- A parent for the student cannot be identified;
- A parent for the student cannot be located, after reasonable efforts;
- The foster parent of the student is unwilling or unable to serve as a parent;
- The student does not reside in a foster home setting;
- The student is a ward of the state; or
- The student is an unaccompanied homeless youth.

Dallas ISD Hospital/Homebound Program will not appoint the following individuals as a surrogate parent of a student:

- An employee of the state;
- An employee of TEA;
- An employee of Dallas ISD;
- An employee of any other agency that is involved in the education or care of the student; or
- A person with any interest that conflicts with the interest of the student the surrogate parent represents.

Dallas ISD Hospital/Homebound Program Personnel will screen the potential surrogate parent to determine whether he/she has an interest that conflicts with the interests of the student. This does not include issues concerning quality of care of the student, although

## Parent

concerns regarding quality of care must be communicated to DFPS. Dallas ISD Special Education Administration are required to consult with DFPS regarding the possibility of appointing another individual to serve as the surrogate parent if Dallas ISD Special Education Personnel determine that a court-appointed surrogate parent is not properly fulfilling this role. The Dallas ISD Hospital/Homebound Program may appoint a person who has been appointed to serve as the student's guardian ad litem or as a court-certified volunteer advocate as the student's surrogate parent.

The Dallas ISD Hospital/Homebound Program Personnel are responsible for ensuring that any Dallas ISD-appointed surrogate parent is willing and able to serve in that capacity and exercises independent judgment in pursuing the student's interests. The Dallas ISD Hospital/Homebound Program must appoint a surrogate parent that will not violate the student's due process rights under applicable state and federal laws. Furthermore, Dallas ISD Hospital/Homebound Program Personnel will ensure that the surrogate parent visits the student and the student's school, reviews the student's educational records, attends ARD meetings, and consults with individuals involved in the student's education, including, but not limited to teachers, caseworkers, court-appointed volunteers, guardians ad litem, attorneys ad litem, foster parents, and caregivers.

Finally, the Dallas ISD Hospital/Homebound Program will ensure that an appointed surrogate parent completes a training program for foster and surrogate parents before the student's next scheduled ARD meeting but no later than 90 days after the date of initial appointment as the student's surrogate parent. While Dallas ISD Special Education Administration may choose to offer additional trainings for the surrogate parent, they cannot require the surrogate parent to take additional training before serving as a surrogate parent of a student with disabilities.

### **Students Who Are Homeless or in Substitute Care**

For students who are homeless or in substitute care, Dallas ISD or Campus Special Education Personnel must provide notice to the student's educational decision-maker and caseworker related to any ARD meetings, manifestation determination reviews, and the appointment of a surrogate parent.

### **Training Program for Foster and Surrogate Parents**

All individuals seeking to become a foster or surrogate parent must participate in a mandatory training that outlines federal and state laws, rules, and regulations related to special education before the foster parent can act as the parent or the Dallas ISD Hospital/Homebound Program can appoint the individual to be a surrogate parent for the

## Parent

purpose of making educational decisions on behalf of the student. Specifically, this training must explain:

- The identification of the student with a disability – see [CHILD FIND];
- The evaluation and reevaluation process – see [EVALUATION];
- The ARD process – see [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE];
- The process for developing and implementing an IEP, as well as transition services for a student ages 16 or older – see [TRANSITION SERVICES];
- The determination of Least Restrictive Environment – see [LEAST RESTRICTIVE ENVIRONMENT];
- The *Notice of Procedural Safeguards*;
- Resources for the surrogate parent to seek assistance in understanding the provisions of federal and state laws, rules, and regulations related to special education; and
- The duties and responsibilities of surrogate parents under state law.

The training must be provided in the potential surrogate or foster parent’s native language or other mode of communication used by the individual, where practicable. The training may be conducted or provided by the DFPS, Dallas ISD Personnel, an education service center, or any other entity receiving federal funding to provide special education training to parents.

## **Additional Procedures**

Dallas ISD and Campus Special Education Personnel will ensure that the parents of students with disabilities are provided meaningful opportunity to participate at every stage of the special education process. Campus Administration will seek to obtain documentation verifying that the parent, or the individual representing themselves as the parent, has legal authority to make educational decisions for the student. Campus Personnel should presume that a student’s birth or adoptive parent is the parent for the purposes of special education decision-making unless the Campus is aware that the parent does not have legal authority to make such decisions. However, it will not be presumed that the individual with whom the student lives is automatically a parent with the legal authority to make educational decisions for the student, even if that person is a relative.

Dallas ISD and Campus Special Education Personnel will ensure that an individual representing themselves as the parent has legal rights to make education decisions for the student before obtaining consent for an evaluation or conducting an ARD. Furthermore, should a concern regarding the legal rights of individual assumed to be the parent or educational decision-maker arise after consent has been obtained for an evaluation or after an ARD has commenced, Dallas ISD or Campus Special Education

## Parent

Personnel must immediately stop the evaluation or ARD process and determine if a surrogate is needed.

### **Appointment of a Surrogate Parent**

Campus Administration will make and document efforts to identify or locate the parent or an individual who can be considered a parent. This may include, but is not limited to, telephone calls, emails, mailings, home visits, and contact with caseworkers. If the Campus cannot locate the parent and needs a surrogate parent appointed, the Campus Case Manager or Special Education Department Chair will complete a Request for Trained Surrogate and Verification form.

The Dallas ISD Hospital/Homebound Program will ensure that an individual appointed to be a surrogate parent is not employed by any of the prohibited agencies. Additionally, Dallas ISD Hospital/Homebound Personnel will create and implement a process for determining whether a potential surrogate parent has interests that conflict with the interests of the student. The Dallas ISD Hospital/Homebound Program Personnel will appoint a surrogate parent and complete the Verification form.

The Dallas ISD Hospital/Homebound Program will ensure that the surrogate has received the required training and provide the Notification to Serve as Trained Surrogate Parent form to the surrogate parent once the training has been completed and it has been determined that the individual meets all of the requirements to serve as a surrogate parent for the student with disabilities.

Campus Special Education Personnel will maintain a surrogate parent visitation log for each student on the campus with a Dallas ISD-appointed Surrogate Parent. Furthermore, Campus Special Education Personnel will maintain a surrogate parent communication log which documents all involvement by the surrogate parent in the student's special education program, including, but not limited to, phone calls with Campus Special Education Personnel, reviewing educational records, attending the student's ARD meetings, and reviewing and receiving progress reports

### **Training Program for Foster and Surrogate Parents**

The Dallas ISD Hospital/Homebound Program will conduct the training program for foster and surrogate parents. The Dallas ISD Hospital/Homebound Program Personnel will ensure that the training program is provided in the individual's native language or other mode of communication and addresses the required areas. Where appropriate, Dallas ISD Special Education Department will offer optional ongoing or supplemental training so long as it is not mandatory for surrogate parents of students with disabilities. The Dallas ISD Hospital/Homebound Program will maintain documentation of the individuals who have completed the required training program for foster and surrogate parents and

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provide certificates of completion to those who have done so. The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Documentation of a Parent’s Legal Authority to Make Educational Decisions for the Student
- Communication Between Dallas ISD and a Student in Foster Care’s Caseworker or Foster Care Agency
- Documentation Related to the Training Program Provided
- Certification of Completion of Training for Each Foster Parent or Surrogate Parent
- Dallas ISD Request for Trained Surrogate Parent and Verification Form
- Dallas ISD Designation of Surrogate Parent Form
- Dallas ISD Notification to Serve as Trained Surrogate Parent
- Dallas ISD Surrogate Parent Visitor Logs
- Dallas ISD Surrogate Parent Documentation Logs
- ARD/IEP
- Prior Written Notice
- Notice of Procedural Safeguards
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Parent - Region 18](#)

[Foster Care & Student Success - Texas Education Agency](#)

[Parent And Family Resources - Texas Education Agency](#)

[Parent Resources for Students in Special Education - Texas Education Agency](#)

[OSERS Letter to Cox \(Aug. 21, 2009\) - U.S. Department of Education](#)

[Questions and Answers on Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(Sept. 2011\) - U.S. Department of Education](#)

[OSERS Letter to Ward \(Aug. 31, 2010\) - U.S. Department of Education](#)

[OSERS Letter to Serwecki \(Feb. 28, 2005\) - U.S. Department of Education](#)

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[Surrogate Parent Information - Region 20](#)

[Surrogate Parent Training - TEXASCASA](#)

[Education For Children Resource Guide - Texas Department of Family and Protective Services](#)

[Notice of Procedural Safeguards - Texas Education Agency](#)

[Guide to the ARD Process - Texas Education Agency](#)

[Surrogate Parent Training - SPEDTEX](#)

[Dallas ISD Surrogate Parent Process](#)

[Dallas ISD Surrogate Parent One Pager](#)

## **CITATIONS**

Board Policy EHBAB; Board Policy EHBAR; 20 U.S.C. 1401, 1415, 1143(a); 42 U.S.C. 11434a(6); 34 CFR 99.3, 300.30(a), 300.519; Texas Education Code 25.007(b), 29.001(10), 29.015, 29.0151; Texas Family Code 107.031(c), 263.0025; 19 TAC 89.1047



# EVALUATION

# Evaluation

## REVIEW OF EXISTING EVALUATION DATA

August 31, 2022

Model operating procedures created by



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## REVIEW OF EXISTING EVALUATION DATA

### What is Required

A review of existing evaluation data (“REED”) is required as part of a reevaluation and may be done as part of an initial evaluation (if appropriate). The REED must be conducted by the ARD Committee members and other qualified professionals, as appropriate. In conducting the REED, the ARD Committee must review 1) evaluation and information provided by the parent/adult student; 2) current classroom-based, local, or state assessments, and classroom-based observations; and 3) observations by teachers and related services providers.

On the basis of the REED, and with the input from the parent/adult student, the ARD Committee must identify what additional data, if any, are needed to determine:

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

If the ARD Committee determines additional data is needed, the appropriate Dallas ISD Assessment Personnel must administer such assessments and other evaluation measures that are needed. If the ARD Committee determines no additional data is needed, the Campus Special Education Personnel must notify the parent/adult student of that determination and the reasons for such determination, and notify the parent/adult student of their right to request an evaluation. Dallas ISD is not required to conduct formal evaluations, unless the parent/adult student requests it. See [EVALUATION PROCEDURES].

## **Additional Procedures**

Although a REED may be appropriate as part of an initial evaluation, it will be a very unusual case for an initial evaluation to consist only of a REED. In most situations, formal assessments will be conducted for an initial evaluation. However, as part of the referral process, Special Education Assessment Personnel, with input from the student's teacher(s) and parent/adult student, will review existing data to determine what formal testing is indicated to ensure that a student is assessed in all areas of suspected disability and educational need.

When a reevaluation of a student is due or needed, the ARD Committee, including qualified Dallas ISD Assessment Personnel, will conduct a REED. The REED should not occur more than once a year unless the parent/adult student and Dallas ISD agree otherwise, or unless circumstances change. A REED must be conducted at least once every three years. Nothing in statute, rule, or regulations allow Dallas ISD and parent/adult student to agree to extend the three-year deadline for a REED and possible reevaluation. Dallas ISD is not required to obtain parental or adult student consent before conducting a REED as part of an initial evaluation or a reevaluation. However, consent will be obtained if the REED indicates that a formal reevaluation is needed. See [CONSENT FOR REEVALUATION].

The Evaluation Case Manager in coordination with the Campus Case Manager will arrange and schedule the REED meeting. A REED is conducted by an ARD Committee and may include other members with knowledge of the student, as appropriate. Specifically, the following individuals must be involved in the REED: the parent or the adult student, a Campus Administrator, a general education teacher of the student, a special education teacher of the student, a related service provider, if any, and Dallas ISD Assessment Personnel. In the case of a student with a visual impairment, the REED must include an appropriately certified orientation and mobility specialist. In addition, the REED must include input from the parent/adult student. As such, the Evaluation Case Manager must document the school's efforts to ensure the parent's participation in the REED, including a summary of the parent's input, any documents or information provided by the parent, and the way the input was gathered from the parent.

The REED must contain specific data in all areas required by the FIE (health, vision, hearing, social, emotional/behavior, cognitive functioning, academic performance, communications status, motor abilities, adaptive behavior, and assistive technology), as appropriate. A REED will include a review of some or all of the following information:

- The student's evaluations, including independent evaluations conducted by outside agencies or any evaluations provided by the parent/adult student;
- Other information provided by the student's parent/adult student;

## Review of Existing Evaluation Data

- The student's current classroom-based, local, or state assessments;
- Teacher input;
- Classroom-based observations;
- Related Service Providers input and observations;
- Curriculum-based measurements (CBMs);
- Criterion-referenced assessments;
- STAAR results;
- Report cards;
- Discipline reports;
- Attendance records;
- Medical and health records; and
- Any other pertinent student information.

The ARD Committee may rely on the determination that no additional assessment is needed after conducting a REED. However, Dallas ISD Personnel involved in the decision should carefully consider when the last formal assessment was conducted and whether formal assessment should be completed because of the passage of time, changes in the student's performance, or other relevant factors. Some or all of the following should be considered:

- What is the history of the assessment?
- Has there been a thorough evaluation conducted previously?
- How long ago was the last complete evaluation?
- What special education services is the student receiving and for how long?
- Are significant changes in placement/services being considered?
- What is the nature of the disability?
- What is the age of the student?

If the ARD Committee determines that no additional assessments are needed, the REED becomes the evaluation report and specific eligibility and need for services should be reviewed at the ARD meeting. The date that the REED is reviewed and accepted by the ARD Committee will be entered as the new FIE date. A copy of the REED should be included in the student's file along with any needed documentation for eligibility. In addition, Dallas ISD or Campus Assessment Personnel must send a Prior Written Notice to the parent/adult student indicating the reasons for the REED decision and providing the parent/adult student the opportunity to request an evaluation. See [PRIOR WRITTEN NOTICE] and [EVALUATION PROCEDURES].

All Campus and District Personnel participating in drafting a REED for a student will be trained annually regarding how to complete a REED, including tracking IEP progress over time to include in the REED. This training will include training on the components of the

## Review of Existing Evaluation Data

REED, the information reviewed for the REED, and how to determine whether additional data is needed.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant

## **Evidence of Implementation**

- REED Document
- REED ARD Meeting
- Parent Input in REED
- Determination of REED
- Prior Written Notice
- FIE
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Review of Existing Evaluation Data Framework - Region 18](#)

[Letter to Anonymous, 48 IDELR 136 \(OSEP 2007\) – U.S. Department of Education](#)

[OSEP Letter to Copenhaver \(October 19, 2007\) - U.S. Department of Education](#)

[Review of Existing Evaluation Data Frequently Asked Questions – Texas Education Agency](#)

[Guidance Relating to Evaluations: Review of Existing Evaluation Data - Texas Education Agency](#)

[Evaluation and Reevaluation - SPEDTEX](#)

## **CITATIONS**

34 CFR 300.305; 19 TAC 89.1040(c)(12)(E); Texas Educ. Code 30.002(c-2)

# Evaluation

## EVALUATION PROCEDURES

August 31, 2022

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

Customized for Dallas ISD

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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Evaluation Process

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## EVALUATION PROCEDURES

### What Is Required

An evaluation under the IDEA is the collection of information to determine whether a student is a student with a disability, and to determine the educational needs of the student. Before conducting an evaluation of a student, Dallas ISD must complete a REED (for a reevaluation, but only for an initial evaluation, if appropriate), provide the parent/adult student with a Prior Written Notice regarding the evaluation, and comply with the parent/adult student consent requirements. See [REVIEW OF EXISTING EVALUATION DATA] and [PRIOR WRITTEN NOTICE] and [CONSENT].

### **Initiation of Evaluation Process**

A request for an initial evaluation to determine whether a student is a child with a disability may be made by either the parent or the District. If a parent submits a written request to the District or Campus Special Education Administrator or District or Campus Assessment Personnel for a full and initial evaluation of a student, District or Campus Assessment Personnel must, not later than the 15th school day after the date the District received the request, provide the parent with Prior Written Notice of its proposal or refusal to conduct an evaluation and a copy of the Notice of Procedural Safeguards. If the District proposes to conduct an evaluation in accordance with the parent, District or Campus Assessment Personnel must also provide the parent an opportunity to provide written consent for the evaluation no later than the 15th school day after the date the District received the request.

### **Group of Qualified Professionals**

The evaluation is conducted by a multi-disciplinary team of qualified professionals. Upon completion of the administration of assessment and other evaluation measures by the evaluators, a group of qualified professionals and the parent of the child determines whether the child is a child with a disability and the educational needs of the child. In Texas, the group of qualified professionals that makes this determination is the student's ARD Committee. The team of qualified professionals, or the ARD Committee, that collects or reviews evaluation data in connection with the determination of eligibility must include, but is not limited to an educational diagnostician and/or LSSP, and other appropriately certified persons with experience and training in the area of the disability. Additional professionals may be required as defined under each eligibility category. See *all procedures under* [EVALUATION].

## Evaluation Process

### Initial Evaluations

Dallas ISD Assessment Personnel must conduct a full and individual initial evaluation (FIIE) before providing special education and related services to a student with a disability. Before Dallas ISD Assessment Personnel conduct an initial evaluation, Dallas ISD Assessment Personnel must make reasonable efforts to obtain informed parent/adult student consent. If the parent/adult student does not provide consent for an initial evaluation, or if the parent/adult student fails to respond to a request to provide consent, Dallas ISD may, but is not required to, pursue the initial evaluation by utilizing the due process hearing procedures. See [CONSENT].

The initial evaluation must consist of procedures to determine:

- Whether the student is a student with a disability; and
- The educational needs of the student.

### Timeline for Conducting Initial Evaluations

A written report of an initial evaluation must be completed:

- Not later than the 45th school day following the date on which Dallas ISD Assessment Personnel receive written consent for the evaluation from the parent/adult student. If a student has been absent from school during that period on three or more school days, the period may be extended by a number of school days equal to the number of school days during that period in which the student has been absent; or
- For students under five years of age by September 1 of the school year and not enrolled in public school, and for students enrolled in a private or home school setting, not later than the 45th school day following the date on which Dallas ISD Assessment Personnel receive written consent for the evaluation from the parent/adult student.

If Dallas ISD Assessment Personnel receive written parent/adult student consent at least 35, but less than 45, school days before the last instructional day of the school year:

- the written report of the FIIE must be provided to the parent/adult student not later than June 30 of that year; or
- If the student was absent from school during that time three or more days, the written report of the FIIE must be completed not later than the 45<sup>th</sup> school day following the date on which consent was received plus the number of school days the student was absent.

## Evaluation Process

A student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of Dallas ISD or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in TRS.

In determining evaluation timelines, a “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 term (i.e., summer break) or other student holidays.

If the student was in the process of being evaluated for special education eligibility by another district and enrolls in Dallas ISD before the previous district completes the initial evaluation, Dallas ISD must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation. See [CHILDREN WHO TRANSFER].

## Reevaluations

Dallas ISD Assessment Personnel will complete a reevaluation of a student with a disability:

- if the ARD Committee determines that the educational or related services needs of the student warrant a reevaluation, including improved academic achievement and functional performance;
- if a reevaluation is requested by the parent/adult student or teacher; or
- before determining that the student is no longer a student with a disability.

A reevaluation must occur not more frequently than once a year, unless the parent/adult student and the ARD Committee, through the REED, agree otherwise, and at least every three years, unless the parent/adult student and the ARD Committee, through the REED, agree that a reevaluation is unnecessary. See [REVIEW OF EXISTING EVALUATION DATA]

## Evaluation Procedures

When conducting the evaluation, Dallas ISD Assessment Personnel must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent/adult student, that may assist in determining:

## Evaluation Process

- Whether the student is a student with a disability; and
- The content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum, or for the preschool student, to participate in appropriate activities.

Dallas ISD Assessment Personnel must use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. These assessments and other evaluation materials include those tailored to assess areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

The assessments and other evaluation materials used to assess the student must be selected and administered so as not to be discriminatory on a racial or cultural basis. In addition, the assessments and other evaluation materials must be provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally (unless it is not feasible to provide or administer in that fashion).

The assessment instruments must be used for the purposes for which the assessments or measures are valid and reliable and must be administered by trained and knowledgeable personnel who administer the assessments in accordance with any instructions provided by their producers.

The assessments used by Dallas ISD Assessment Personnel must be selected and administered so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure). The procedures used will differentiate between language proficiency and disability.

The evaluation must be sufficiently comprehensive to ensure that the student is assessed in all areas of suspected disability, including, if appropriate:

- Health;
- Vision;
- Hearing;
- Social and emotional status;
- General intelligence;
- Academic performance;
- Communicative status; and

## Evaluation Process

- Motor abilities.

The evaluation must also be sufficiently comprehensive to identify all the student's special education and related service needs, whether or not commonly linked to the disability category in which the student has been classified.

Once the FIE is completed, the ARD Committee must review the evaluation. If a determination is made that the student has a disability and needs special education and related services, an IEP will be developed for the student. See [FAPE – Determination of Eligibility].

### **Additional Procedures**

Dallas ISD Assessment Personnel will ensure that all timelines are followed and that evaluations are completed in accordance with federal and state law. In that regard, Dallas ISD Assessment Lead Personnel will track the initiation, assignment, and completion of all initial referrals, initial evaluations, and reevaluations utilizing the District's evaluation tracking system. Dallas ISD Assessment Lead Personnel will monitor and manage all of the evaluations for their area or team and provide weekly and/or monthly progress updates to the Special Education Director or designee in order to ensure that SPP 11 and 12 timelines are met.

For all evaluations, Dallas ISD Assessment Personnel will ensure that current versions of applicable assessments are used and that those administering the assessments have adequate familiarity with how the test is to be administered. This includes ensuring that the instruments used in an evaluation are valid, reliable, and administered in accordance with the instructions provided by the producer of the assessment. Dallas ISD Assessment Personnel will also consider whether any extenuating circumstances exist that might impact the assessment such as the health of the student, environmental factors, absences, or other outside influences.

Evaluations help ARD Committees identify the specialized instruction and related services students with disabilities need to receive FAPE, in addition to being used for eligibility purposes. It is imperative for staff working directly with the student to share information about the student's progress or lack of progress or changed circumstances so that an ARD Committee can determine if additional assessment is indicated.

Dallas ISD Assessment Personnel will ensure that all assessments are comprehensive and address all concerns and suspected areas of disabilities. Prior to beginning the evaluation, Dallas ISD Assessment Personnel will communicate with the student's parent(s), teachers, and other relevant Campus Personnel regarding the student current performance and behaviors to ensure that the student is assessed in all suspected areas of disabilities and need. The following are components of a full and individual evaluation:

## Evaluation Process

- Reason for Referral
- Sources of Data
- Sociological
- Family History
- Educational History
- Test Conditions and Behavior
- Language/Communication
- Physical/Developmental/Medical
- Academic Achievement/Educational Performance Levels
- Intellectual/Cognitive Functioning
- Adaptive Behavior
- Emotional/Behavioral/Social Functioning
- Assistive Technology
- Post-Secondary Transition
- Conclusions
- Recommendations
- Assurances
- Signatures of Multidisciplinary Team Members

Dallas ISD Assessment Personnel will summarize the pertinent findings in all of the above areas, if appropriate, in the FIE and will document the members of the multi-disciplinary team as participants in the FIE. For any related services being considered (i.e., OT, PT, Counseling, AT, etc.), Dallas ISD Assessment Personnel will ensure that the FIE includes an assessment and information relevant for the ARD Committee to determine whether that related service is appropriate for the student. Based on the conclusions of the FIE, all evaluators will make appropriate recommendations for services, accommodations, and include information about the student's strengths and weaknesses, as well as characteristics of placement appropriate to meet the student's assessed needs to provide the ARD Committee with information to determine an appropriate IEP, including placement, for the student.

Dallas ISD Assessment Personnel will place the final, signed FIE and any relevant supporting data in the student's eligibility folder on the campus. All original protocols or other assessment materials will be maintained in a central location and will not be copied. If the parent/adult student requests copies of the protocols, Dallas ISD Assessment Personnel will instead sit down with the parent/adult student at a mutually agreeable time to review the protocols and information with the parent/adult student.

The FIE will be provided to the parent/adult student within a reasonable time before the ARD meeting. For an initial evaluation, Dallas ISD Assessment Personnel will review the results of the evaluation prior to the ARD meeting with the parent/adult student, when

## Evaluation Process

possible. For reevaluations, the results of the evaluation may also be reviewed with the parent/adult student prior to the ARD.

Upon completion of the evaluation, each member of the evaluation team should sign the FIE. If the student meets the criteria for one or more of the IDEA eligibilities, a Disability Report in the area or areas will be completed and the FIE and the Disability Report(s) will be shared with the ARD Committee to determine eligibility. If a determination is made that the student has a disability and needs special education and related services, an IEP must be developed for the student at an initial ARD Committee Meeting. Or, if the re-evaluation indicates a need for changes to the student's IEP, an ARD Committee will meet to review and revise the student's current program.

If the student does not meet one of the eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, as determined by the student's ARD Committee, Campus Personnel should refer the student to the Campus Section 504 Coordinator for compliance with Section 504 to determine whether the student is eligible for accommodations or services under Section 504. All students who do not qualify for special education under the IDEA and/or Section 504 should be referred back to the Campus Student Support Team for regular education interventions, if needed.

### Parent Request for Evaluation

A parent may submit a written request for an initial evaluation to Campus or District Administration by hand delivery or through mail, email, or fax. The request from the parent does not need to include any specific language or magic words. If the parent requests an evaluation or is requesting special education or related services, the District will consider that a request for an initial evaluation.

For requests received via hand delivery, mail, email or fax, District or Campus Special Education Personnel receiving the documents will stamp the request with the school day it was received (or opened). If the request is received after 5pm, the request should be stamped the following school day. If the request is sent on a weekend or on a school staff holiday, the date stamp should reflect the next school day that is not a weekend or a school staff holiday. For enrolled students, all written request for evaluation should then be immediately sent to the Campus Special Education Administrator at the campus where the student is enrolled.

Should a parent or guardian make an oral request for an initial evaluation to District or Campus Personnel over the phone or in person, Campus Special Education Administration will promptly advise the parent or guardian regarding how to submit a proper written request. Campus Personnel should be trained to connect the parent to a Campus or District Administrator who can assist the parent with the written request. If a parent does not follow an oral request for an initial evaluation with the written request, the



## Evaluation Process

staff to whom the oral request was made will document this information and immediately submit it to the Campus Special Education Administrator. Follow up to this request will occur in a timely manner. District or Campus Special Education Administration will train all District staff on this process each year.

Dallas ISD Special Education Personnel will respond no later than fifteen (15) school days after a written request from the parent or guardian is received by the Campus or District Administration whether the District agrees to or refuses to evaluate the student. 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 term (i.e., summer break).

If District Special Education Personnel propose that an evaluation should be completed, Dallas ISD Assessment Personnel will provide the parent with a Prior Written Notice, a copy of the Notice of Procedural Safeguards and a copy of the Parent's Guide to the Admission, Review, and Dismissal Process and give the parent an opportunity to give written consent for the evaluation no later than 15 school days after the written request was received.

If District Special Education Personnel decide that an evaluation is not warranted at this time, Campus Special Education Personnel shall provide the parent with a Prior Written Notice and a copy of the Notice of Procedural Safeguards by the 15-school day deadline. In addition, Campus Personnel shall refer the student to the Student Support Team and/or Campus Administration to address the parent concerns and monitor student progress.

The Campus Special Education Personnel should ensure that the parent signs written acknowledgement of receipt of the Prior Written Notice, the Notice of Procedural Safeguards, and the Parent's Guide to the Admission, Review and Dismissal Process. Such documentation will be kept in the Referral section of the student's special education eligibility folder if the student is referred for an initial evaluation or, if an evaluation is refused, in the student's cumulative folder. If written acknowledgement of receipt of the Prior Written Notice and Procedural Safeguards is unable to be attained, the manner in which the Notice and Procedural Safeguards was provided will be documented and kept in the folder. See [PRIOR WRITTEN NOTICE] and [SPECIAL EDUCATION ELIGIBILITY FOLDER]

## Initial Evaluations

For initial evaluations, Dallas ISD Assessment Personnel will meet with parents to explain the evaluation process and attain informed consent to evaluate. Dallas ISD Assessment Personnel will track the date consent was signed and the date on which the assessment must be completed and communicate these dates to the Campus Special Education Personnel. A student's absences during the assessment process will be monitored by the Dallas ISD Assessment Personnel in conjunction with the Campus Special Education

## Evaluation Process

Personnel in case the assessment deadline needs to be adjusted due to student absences.

Dallas ISD Assessment Personnel will collect and review relevant information before deciding what specific assessments will be administered for an initial FIE. This collection of information will include some or all of the following:

- Concerns from parent/adult student regarding the student's academic, developmental, emotional, or functional performance, including any suspected disability
- Concerns from teacher(s) or other Campus Personnel regarding the student's academic, developmental, emotional, or functional performance in the classroom, including any suspected disability
- Parent/Adult Student Information Form
- Teacher Observation Form
- Documentation of all interventions or accommodations provided to the student and the result of those interventions or accommodations
- Hearing and vision information
- Report card or other grade reports
- Attendance records
- Student profile information
- State & Dallas ISD assessment results
- Dyslexia screenings/evaluations
- Work samples
- Communication skills documentation
- Behavior logs and/or disciplinary referrals
- LPAC information (if applicable)
- Home language survey
- Section 504 documents (if applicable)
- Information received from outside sources (i.e., medical or psychological reports and/or information from private providers)

This data will inform the type of formal and informal assessments that will be conducted/utilized. However, Dallas ISD Assessment Personnel will inform the parent/adult student and consent will be obtained to conduct a comprehensive evaluation in all areas of suspected disability and need. **The parent/adult student may not limit the scope of the evaluation.** If during the pendency of an evaluation, additional information supports expanding the evaluation into an area which was not originally suspected, the multi-disciplinary Dallas ISD Assessment team that reviews and conducts the evaluation will collaborate regarding the scope of the evaluation and ensure that all areas of suspected disability and need are fully evaluated within the applicable timelines.

## Evaluation Process

Once the initial FIE is completed, the ARD Committee will meet to review the evaluation. The ARD Committee will meet to review an initial FIE within 30 calendar days from the date of the completion of the initial FIE. If the 30<sup>th</sup> day falls during the summer and the school is not in session, the ARD Committee will have until the first day of classes in the fall to meet unless ESY is recommended, and then, the ARD Committee should meet as soon as possible. If the 30<sup>th</sup> calendar day falls on a weekend, holiday, or teacher workday, the ARD Committee will meet before the 30<sup>th</sup> day.

## Reevaluations

A reevaluation may occur not more than once a year, unless the parent and the District agree otherwise, and must occur at least once every 3 years. Unlike initial evaluations, there is no deadline from the date of parental consent for the completion of the reevaluation. The ARD Committee should determine the evaluation completion date. As part of all reevaluations, the ARD Committee will conduct a REED to determine the scope of the reevaluation. See [REVIEW OF EXISTING EVALUATION DATA]. All REED meetings should be conducted at least 90 days prior to the 3-year reevaluation due date, or sooner, if the student's circumstances warrant an earlier timeframe. If formal assessment is recommended as part of the REED by the ARD Committee, parent/adult student consent will be obtained by Dallas ISD Assessment Personnel and all components of the FIE will be completed. See [PRIOR WRITTEN NOTICE] and [CONSENT FOR REEVALUATION]. If the ARD Committee determines that no additional formal assessments are needed, unless the parent/adult student requests an evaluation, the REED becomes the reevaluation report and should then be presented at an ARD Committee meeting (if the REED meeting was not at an ARD meeting) and specific eligibility and need for services should be reviewed. The date the REED is reviewed and accepted by the ARD Committee (when no formal evaluation is needed or requested by the parent) will be entered as the new FIE date.

## Students Who Withdraw During Evaluation

If an enrolled student is referred for an initial evaluation and/or reevaluation, and during the pendency of the evaluation and prior to the ARD Committee meeting, the student is withdrawn from Dallas ISD, but is still a resident of the District, the evaluation process shall continue, if at all possible. Upon completion of the evaluation, each member of the evaluation team should sign the FIE. If the student meets the criteria for one or more of the IDEA eligibilities, a Disability Report in the area or areas will be completed and the FIE and the Disability Report(s) will be shared with the ARD Committee to determine eligibility. An ARD Committee shall be held to review the evaluation in accordance with state and District deadlines and the District's child find duties. See [CHILD FIND DUTY]. If a determination is made that the student has a disability and needs special education and related services, an IEP must be developed for the student at an initial ARD Committee Meeting. Or, if the re-evaluation indicates a need for changes to the student's

## Evaluation Process

IEP, an ARD Committee will meet to review and revise the student's current program. All procedures for the ARD Committee meeting will be followed, including ensuring parent participation. See [PARENT PARTICIPATION].

If the evaluation cannot be completed due to the withdraw of the student, the Evaluation Case Manager shall document the District's efforts to evaluate the student and send the parent/adult student a letter indicating the District's willingness to complete the evaluation and offer FAPE to the student. The Evaluation Case Manager shall document the delivery of this communication with the parent/adult student and the parent/adult student's response, if any.

### **Contracting With Outside Evaluation Providers**

The District may contract with outside providers to conduct initial evaluations and reevaluations for District students, if necessary. The District will comply with all procurement policies and procedures regarding these contracts, including solicitation of request for proposals, if required by Board policy.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Referral Packet
- Assessment Plan
- Notice of FIE
- Consent for FIE
- REED
- FIE
- ARD/IEP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Evaluation Procedures Framework - Region 18](#)

[Technical Assistance: Child Find and Evaluation- Texas Education Agency](#)

[OSEP Letter to Mintz \(Feb. 10, 2011\) - U.S. Department of Education](#)

[OSEP Letter to Blodgett \(Nov. 12, 2014\) - U.S. Department of Education](#)

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[OSEP Letter to Unnerstall \(Apr. 25, 2016\) - U.S. Department of Education](#)

[Letter to Zirkel \(Dec. 11, 2008\) - U.S. Department of Education](#)

[Letter to Zirkel \(Jan. 6, 2011\) - U.S. Department of Education](#)

[Evaluation and Reevaluation - SPEDTEX](#)

## CITATIONS

Board Policy EHBAA; 34 CFR 300.8(a)(1), 300.301, 300.303, 300.304(b)–(c), 300.306(a)(1); Texas Education Code 29.004; 19 TAC 89.1011, 89.1040(b)–(c), 89.1050(a), 89.1070(h), 89.1230

# Evaluation

## SUMMARY OF PERFORMANCE

August 31, 2022

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

Customized for Dallas ISD

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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Summary of Performance

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## Summary of Performance

# SUMMARY OF PERFORMANCE

## What is Required

A summary of performance (“SOP”) generally refers to a summary of the student’s academic achievement and functional performance, which includes recommendations on how to assist the student with a disability in meeting the student’s postsecondary goals. An SOP is required for the student whose eligibility under special education terminates due to graduation from secondary school with a regular high school diploma or due to exceeding the age of eligibility for FAPE. The summary of performance must include:

- Information about the student’s academic achievement;
- Information about the student’s functional performance; and
- Recommendations on how to assist the student in meeting their postsecondary goals.

The SOP must consider, as appropriate, the views of the parent, the views of the student, and written recommendations for adult service agencies (such as the Department of Assistive and Rehabilitative Services) on how to assist the student in meeting postsecondary goals.

An evaluation must be included as part of the SOP for students graduating based on:

- Completion of the credit requirements for graduation under the Foundation High School Program or the Minimum High School Program through courses, one or more of which contain modified curriculum;
- Satisfactory performance on required state assessments, unless the ARD Committee has determined that satisfactory performance on the assessments is not necessary for graduation; and
- Completion of the individualized education program. See [GRADUATION] and [REVIEW OF EXISTING EVALUATION DATA].

## Additional Procedures

When the SOP will be completed may vary depending on the student’s post-secondary goals, but must be completed no later than the final year of a student’s high school education. The SOP is critical as a student transitions from high school to higher education, training and/or employment. Students may share their SOP with colleges, adult agencies, vocational and rehabilitative centers, employers, and others. The SOP helps entities identify services and accommodations the student may require in the classroom, the workplace, or the community. In some instances, it may be most



## Summary of Performance

appropriate to wait until the spring of a student's final year to provide an entity, agency, or employer the most updated information on the performance of the student.

The completion of the SOP may require the input of the student's special education teacher, regular education teacher, school psychologist, and/or related service personnel. The SOP should include information about the student, including the most recent formal and informal assessment reports that document the student's disability and provide information to assist in post-high school planning. The SOP should also provide information about the student's performance in at least three areas: functional, academic, and cognitive. The SOP should identify, if applicable, the accommodations, modifications, assistive technology, or general areas of need that were essential in high school to assist the student in making progress and which are needed for the student to be successful in a post-high school environment.

The Special Education Case Manager will meet with the parent/adult student prior to the student's annual ARD to explain and discuss the SOP and solicit the parent and/or adult student's input. The student's contribution to the SOP can help the student better understand the impact of his/her disability on academic and functional performance in the postsecondary setting. The SOP will then be completed at the student's annual ARD or a review ARD that occurs no later than the final year of a student's high school education. The student will be given a copy of the SOP at the student's final annual or review ARD Committee meeting the year the student's IDEA eligibility under special education terminates due to graduation from secondary school with a regular high school diploma or due to exceeding the age of eligibility for FAPE.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Documentation of Meetings to Complete SOP
- Information About Student Academic & Functional Performance
- Summary of Performance Document
- Transition Plan
- Graduation Plan
- Graduation ARD document
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

Summary of Performance

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Summary of Performance Framework - Region 18](#)

[Secondary Transition Guidance-Texas Education Agency](#)

[OSEP Letter to Green-Churchwell \(Oct. 19, 2007\) - U.S. Department of Education](#)

[OSERS Questions and Answers on Secondary Transition \(Revised 2011\) - U.S. Department of Education](#)

## **CITATIONS**

Board Policy EHBAA; 34 CFR 300.305(e); 19 TAC 89.1070

# Evaluation

## ELIGIBILITIES

August 31, 2022

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

Customized for Dallas ISD

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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### ELIGIBILITES

A student must be assessed under the IDEA in all areas of suspected disability. There are 13 areas of eligible disabilities under the IDEA. In order to receive FAPE under the IDEA, a student must be assessed and determined to be eligible for special education and related services in one or more of the following areas:

- (1) Autism (AU)
- (2) Deaf Blindness (DB)
- (3) Deaf or Hard of Hearing (DHH)
- (4) Emotional Disturbance (ED)
- (5) Intellectual Disability (ID)
- (6) Multiple Disabilities (MD)
- (7) Noncategorical Early Childhood (NCEC)
- (8) Orthopedic Impairment (OI)
- (9) Other Health Impairment (OHI)
- (10) Specific Learning Disability (SLD)
- (11) Speech or Language Impairment (SI)
- (12) Traumatic Brain Injury (TBI)
- (13) Visual Impairment (VI)

Eligibilities

## AUTISM

### What is Required

A student must be assessed under the IDEA in all areas of suspected disability and educational need. Autism or AU is one of the areas of eligible disabilities under the IDEA.

Autism (AU) is a developmental disability significantly affecting verbal and nonverbal communication and social interaction, which may adversely affect the student's educational performance. Other characteristics often associated with autism include engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. While the characteristics of autism are generally evident before age 3, age 3 is not a cut-off point for IDEA eligibility for AU. A student who manifests these characteristics after age 3 could be identified as having autism if the student meets the other eligibility criteria. Students with pervasive developmental disorders are included under the disability category of autism. A student does not meet the eligibility criteria for autism if the student's educational performance is adversely affected primarily because the student has an emotional disturbance. See *below* [DISABILITIES – Emotional Disturbance].

To assess for AU, Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, for AU, the written report of the evaluation by this group of qualified professionals must include specific recommendations for behavioral interventions and strategies.

### Additional Procedures

A referral for an autism evaluation may be indicated when Dallas ISD or Campus Personnel working with the student and/or the parent of the student suspect the student is exhibiting social and behavioral characteristics of autism and is in need of special education services.

An evaluation for a student suspected of being a student with autism often includes the following areas: academic achievement, adaptive behavior, autism screening, cognition, developmental, emotional and behavioral, functional behavioral, motor, sensory, social relationships, speech language, and transition/vocational. A multi-disciplinary team will complete the evaluation for AU, which may include, as appropriate, an educational diagnostician, an LSSP, a Speech/Language Pathologist, and/or an Occupational Therapist. The multi-disciplinary team should collaborate to create an evaluation plan to identify the procedures/assessments to be used in each area of the evaluation, to identify

## Eligibilities

the person(s) responsible for collecting the data, to set a date for a follow-up discussion to review the data, and to make recommendations as to how the report will be integrated into one report. The resulting FIE should present a coherent rationale to either support or negate a recommendation for special education eligibility as a student with AU and rule out alternative educational disorders and environmental explanations for the student's observed behavioral and/or academic difficulties.

In addition to the general evaluation procedures, as part of an AU assessment, the Dallas ISD Assessment Personnel should consider some or all of the following:

- Emphasis on pragmatic/social language skills and assessments
- Emotional, behavioral or social functioning should be assessed across a variety of times or settings and should include both structured and unstructured observations
- Student interviews should be exploration or play-based, as appropriate
- Include assessment and recommendations to address all areas contained in the AU Supplement/Section of the IEP, including extended educational programming, daily schedules, in-home and community-based training, parent/family training, futures training, positive behavior support strategies, suitable staff-to-student ratios, communication, and social skills. See [FAPE-SPECIAL FACTORS – Students With Autism]

In addition, If the student's behavior is impeding the student's learning or that of others and to be able to consider positive behavior support strategies if the student is determined to be AU, the Dallas ISD Assessment Personnel should consider conducting a Functional Behavioral Assessment (FBA) as part of the evaluation. An FBA is a process for collecting data to determine the possible cause of problem behaviors and to identify strategies to address the behaviors. An FBA is generally understood to be an individualized evaluation of a student to assist in determining eligibility and/or the nature and extent of the special education and related services that the student needs, including the need for a Behavior Intervention Plan (BIP). As such, in most cases, parental consent is required for an FBA. See [EVALUATION PROCEDURES], [CONSENT FOR INITIAL EVALUATION] and [CONSENT FOR REEVALUATION]. The scope and nature of the FBA will depend on the nature and severity of the student's behaviors. The Assessment Personnel will observe the student in various school settings and collect input from staff and members of the ARD Committee, including the parent. The Assessment Personnel will consider the data, including interviews conducted with the student and/or parents that provides information about how the student's environment contributes to positive and problem behaviors, including the antecedents to the behavior. This information will be used to develop a hypothesis about why problem behaviors occur (the function of the behaviors) and will identify replacement behaviors that can be taught and that serve the same purpose for

## Eligibilities

the student.

The FBA will provide the ARD Committee with information regarding the function of the student's behavior, factors that may trigger certain behavior, and interventions identified to decrease negative behaviors and increase appropriate behaviors. This information will be reviewed by the ARD Committee when developing a BIP and or behavior goals or accommodations for the student. A BIP is a written plan developed as part of the IEP to address behavioral concerns affecting the student's educational progress. A BIP is based on the problem behaviors identified in the FBA, identifies events that predict these behaviors from the FBA, and includes positive interventions to change behaviors and methods of evaluation. If the ARD Committee develops a BIP, a copy of the BIP will be provided to each of the student's teachers. The purpose of a BIP is to redirect the student's targeted behaviors to ensure the student can make appropriate progress in light of the student's unique circumstances.

Additionally, Dallas ISD Assessment Personnel will consider the presence of any cultural and/or linguistic differences when evaluating a student for autism and whether the differences may impact the evaluation results. For students with AU, specific strategies must be considered by the ARD Committee based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, such practices must be addressed in the IEP: See [FAPE - SPECIAL FACTORS – Students With Autism].

Upon completion of the evaluation, each member of the evaluation team should sign the FIE. If the student meets the eligibility criteria for Autism, a Disability Report in this area will be completed and the FIE and the Disability Report will be shared with the ARD Committee to determine eligibility.

A medical diagnosis of autism will not in itself entitle a student to receive special education and related services. To meet the IDEA's definition of autism, the student's disability must meet the criteria set out in state and federal law and have an adverse effect on the student's educational performance. If the student does not meet the eligibility criteria for AU, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or Dallas ISD Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

All students who do not qualify for special education should be referred back to the Campus Student Support Team.

Dallas ISD will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION

Eligibilities

PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow-up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Autism Supplement/Section
- FIE
- Functional Behavior Assessment
- Disability Report: Autism
- ARD/IEP
- Behavior Intervention Plan
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Autism Framework - Region 18](#)

[Autism Resources -Texas Education Agency](#)

[Texas Autism Resource Guide for Effective Teaching \(TARGET\) - Region 13](#)

[Autism - SPEDTEX](#)

## **Citations**

Board Policy EHBAB; 34 CFR. 300.8(c), 300.304; 19 TAC 89.1040(b)–(c), 89.1050(a)(5); 89.1055

## Eligibilities

# DEAF-BLINDNESS

## What is Required

A student must be assessed in all areas of suspected disability and educational need. Deaf-blindness refers to a student with both hearing and visual disabilities. The IDEA defines deaf-blindness as “concomitant [simultaneous] 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.”

A student with deaf-blindness is one who has been determined to meet one or more of the following eligibility criteria for deaf-blindness:

- Meets the eligibility criteria for deaf or hard of hearing (DHH) and visual impairment (VI);
- Meets the eligibility criteria for a student with a visual impairment and has a suspected hearing loss that cannot be demonstrated conclusively, but there is no speech at an age when speech would normally be expected, as determined by a speech/language therapist, a certified speech and language therapist, or a licensed speech language pathologist;
- Has documented hearing and visual losses that, if considered individually, may not meet the requirements for deaf or hard of hearing or visual impairment, but the combination of such losses adversely affects the student's educational performance; or
- Has a documented medical diagnosis of a progressive medical condition that will result in related auditory and visual losses that, without special education intervention, will adversely affect the student's educational performance.

To assess for deaf-blindness, Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, the evaluation data reviewed by the Assessment Personnel in connection with the determination of the student's disability based on deaf-blindness must comply with the evaluation procedures of deaf or hard of hearing and visual impairment. See *below* [EVALUATION – DISABILITIES – Deaf or Hard of Hearing and Visual Impairment]. Further, the procedures and materials used for the assessment and placement of the student who is deaf or hard of hearing must be in the student's preferred mode of communication.

## Eligibilities

For a student from birth through 2 with a visual impairment and/or who is deaf or hard of hearing, an IFSP meeting must be held, and Dallas ISD must comply with the procedures for students ages 0-5. See [CHILD FIND - AGES 0-5].

## **Additional Procedures**

When a referral for a student suspected of having a visual impairment and/or being deaf or hard of hearing is first received, the Diagnostician/LSSP should contact a professional certified in DHH/VI for assistance in determining the types, levels, and procedures for assessment of the student. However, the Diagnostician/LSSP, with the assistance of the DHH/VI Professional, remains responsible for ensuring that the FIE and eligibility assessment is completed appropriately. When determining a student's disability based on deaf-blindness, Dallas ISD Assessment Personnel will comply with the procedures outlined in state and federal law. See below [EVALUATION – DISABILITIES – Deaf or Hard or Hearing and Visual Impairment].

If the parent does not provide to Dallas ISD an examination report by an otolaryngologist or a licensed medical doctor and/or an audiologist that provides the required evaluation data, the District is responsible for obtaining such information at no expense to the parent. See *below* [EVALUATION – DISABILITIES – Deaf or Hard of Hearing]. The District or Campus Assessment Personnel should first request these reports from the parent and request that the parent sign and return a Consent to Release Confidential Information form so that the Dallas ISD Assessment Personnel can contact the student's medical provider for information and/or questions regarding the reports. See [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION]. If the parent refuses, or does not have a current report, and/or is not responsive to the request, the Dallas ISD Assessment Personnel should contact the Dallas ISD Manager for the Regional Day School for the Deaf for assistance in setting up the appropriate examination(s). This may be accomplished by contracting with an otolaryngologist or a licensed medical doctor and/or an audiologist, asking the parent to obtain the report and reimbursing the parent, or any other appropriate method to obtain the evaluation data at the District's discretion. A hearing screening conducted by a school nurse is not sufficient.

Similarly, if the parent does not provide to Dallas ISD an examination report(s) by a licensed ophthalmologist or optometrist that provides the required evaluation data, the District will obtain such information at no expense to the parent. See *below* [EVALUATION – DISABILITIES - Visual Impairment]. Dallas ISD Assessment Personnel should first request this report from the parent and request that the parent sign and return a Consent to Release Confidential Information form so that the Assessment Personnel can contact the student's medical provider for information and/or questions regarding the reports. See [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION]. If the parent refuses, or does not have a current report, and/or is not responsive to the

## Eligibilities

request, the Assessment Personnel should contact the Supervisor for VI/O&M Services for assistance in setting up the appropriate examination. This may be accomplished by contracting with an ophthalmologist or optometrist, asking the parent to obtain the report and reimbursing the parent, or any other appropriate method to obtain the evaluation data at the District's discretion. A vision screening conducted by a school nurse is not sufficient.

Upon completion of the evaluation, each member of the evaluation team shall sign the FIE. If the student meets the eligibility criteria for Deaf-Blindness, a Disability Report in this area will be completed and the FIE and the Disability Report will be shared with the ARD Committee to determine eligibility.

For a student with a suspected or documented deaf-blindness, the ARD Committee, which determines whether the student is a student with a disability and the educational needs of the student, must include a teacher certified in the education of students who are deaf or hard of hearing and a teacher certified in the education of students with visual impairments or a dually-certified teacher in those areas.

Dallas ISD must register all students who are eligible for special education as visually impaired or deaf-blind on TEA's annual Registration of Students with Visual Impairments. Dallas ISD must register all students with combined hearing and vision loss on TEA's annual Deaf-blind Census, including students where combined vision and hearing loss are suspected, but assessment is not yet completed in one or both sensory areas.

If the student does not meet the eligibility criteria for VI, AI and/or Deaf-Blindness, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or Dallas ISD Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

All students who do not qualify for special education should be referred back to the Campus Student Support Team.

Dallas ISD will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

Dallas ISD will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.



Eligibilities

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Consent to Release Confidential Information
- Otological Examination
- Audiological Evaluation
- Communication Evaluation Report
- Ophthalmologist/Optomtrist Report
- Functional Vision Evaluation
- Learning Media Assessment
- Orientation and Mobility Evaluation
- FIE
- Disability Report: Deaf-Blindness
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child Centered Special Education Process: Deaf-Blindness - Region 18](#)

[Texas Deafblind Project](#)

[IEP Quality Indicators for Students with Deaf-Blindness - Texas Deafblind Outreach](#)

[2020 Guidelines and Standards for Educating Students with Visual Impairments in Texas - Texas School for the Blind and Visually Impaired](#)

[Sensory Impairments - Texas Education Agency](#)

## **Citations**

Board Policy EHBAA; Board Policy EHBAB; Board Policy EHBAC; Board Policy EHBH;  
34 CFR 300.8(c)(2), 300.304(c)(4); Texas Education Code 29.310(c); 19 TAC  
89.1040(b)–(c); 89.1050(a)–(c)

## Eligibilities

# DEAF OR HARD OF HEARING

## What is Required

A student must be assessed under the IDEA in all areas of suspected disability and educational need. Deaf or Hard of Hearing or “DHH” is one of the areas of eligible disabilities under the IDEA.

A student who is deaf or hard of hearing (DHH) is one who has been determined to meet the criteria for deafness or for hearing impairment under the IDEA. Deafness means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects the student's educational performance. Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects the student's educational performance but that is not included under the definition of deafness.

To assess for DHH, Dallas ISD Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, the procedures and materials used for the assessment and placement of the student who is deaf or hard of hearing must be in the student's preferred mode of communication. The evaluation data must also include:

- An otological examination performed by an otolaryngologist or by a licensed medical doctor, with documentation that an otolaryngologist is not reasonably available;
- An audiological evaluation performed by a licensed audiologist;
- A description of the implications of the hearing loss for the student's hearing in a variety of circumstances with or without recommended amplification; and
- An assessment of the student's potential for communications through a variety of means, including:
  - Oral (spoken) and aural (hearing);
  - Fingerspelling; or
  - Sign language.

For a student from birth through two years of age who meets the criteria for deafness or for hearing impairment under the IDEA, an IFSP meeting must be held in place of an ARD Committee meeting and Dallas ISD must comply with the evaluation procedures for students ages 0-5. See [AGES 0-5].

## Eligibilities

### Additional Procedures

The terms “auditory impairment,” “hearing impairment,” and “deaf or hard of hearing” are all terms referred to in Texas law and have the same meaning while federal law generally uses the term “deafness” and “hearing impairment.” However, the Texas legislature in 2019 passed a law directing the legislature and the Texas Legislative Council to avoid using in any new statute or resolution the terms “hearing impairment,” “auditory impairment,” and “speech impaired” in reference to a deaf or hard of hearing person, and to replace those phrases with “deaf” or “hard of hearing.” Dallas ISD Personnel should attempt to use the terms “deaf” or “hard of hearing.”

When evaluating a student to determine if the student is DHH, Assessment Personnel will follow the procedures set out state and federal law. See [EVALUATION PROCEDURES]. Assessment Personnel will also ensure that all assessment information is summarized in the appropriate sections of the FIE, and that doctor’s signatures are on the audiological and otological reports.

When conducting the communication part of the assessment, Assessment Personnel may:

- Review the otological and audiological evaluations of the student and consider:
  - at what age the student was identified as having a hearing loss;
  - what type of hearing loss the student has;
  - what is the student’s aided hearing, including speech recognition and discrimination;
  - whether the student uses amplification and whether the amplification is consistently worn; and
  - other relevant and current information, if any, from the student’s otolaryngologist, audiologist, or ENT.
- Ensure collaboration among the evaluation professionals to determine what areas will be addressed and by whom;
- Review a communication evaluation report provided by a speech-language pathologist, a person certified in deaf education, or another qualified individual that assesses the student’s ability to use a variety of methods of communication such as sign language, speech, speech reading, or fingerspelling in the areas of receptive and expressive language/communication skills;
- Assess the student’s functional listening skills, with or without recommended amplification, including
  - how the student uses his/her hearing in different settings,

## Eligibilities

- student's hearing fluctuation,
  - student's ability to generalize previously taught auditory skills; and
  - skills that need to be taught or reviewed;
- Assess speechreading and determine whether it is functional and ensure that the means of communication the student commonly uses is incorporated into the assessment;
  - Assess intelligibility across a variety of people and consider motor dexterity for signing;
  - Collect video or audio recordings of the student to evaluate the student's language and communication skills, including, if applicable, the student's use of an interpreter;
  - Collect parent/adult student information, including the primary language used in the home and the skill and consistency of family communication with student;
  - Determine the student's primary/preferred mode of communication and ensure the procedures and materials used for assessing and placing the student are in the student's preferred mode of communication.
  - Consider the student's language and communication needs, opportunities for direct communication with peers and professional personnel in the student's preferred communication mode, and student's academic level; and
  - Write the communication section of the evaluation report; ensuring that the assessment professionals know where to include the specific information in the FIE. If a "Part C/Communication Assessment" form is utilized as part of the evaluation, ensure that key points are highlighted on the form, but that the form by itself does not constitute the assessment of the student's language and communication. All members of the assessment team should receive a copy of the form.

If the parent/adult student does not provide to Dallas ISD an examination report by an otolaryngologist or a licensed medical doctor and/or an audiologist that provides the required evaluation data, Dallas ISD is responsible for obtaining such information at no expense to the parent/adult student. Assessment Personnel should first request this report from the parent/adult student and request that the parent sign and return a Consent to Release Confidential Information form so that the Dallas ISD Assessment Personnel can contact the student's medical provider for information and/or questions regarding the reports. See [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION]. If the parent/adult student refuses, or does not have a current report, and/or is not

## Eligibilities

responsive to the request, the Assessment Personnel should contact the Dallas ISD Manager for the Regional Day School Program for the Deaf for assistance in setting up the appropriate examination. This may be accomplished by contracting with an otolaryngologist or a licensed medical doctor and /or an audiologist, asking the parent to obtain the report and reimbursing the parent, or any other appropriate method to obtain the evaluation data at the District's discretion. A hearing screening conducted by a school nurse is not sufficient. Additionally, should a parent submit documentation from a licensed medical professional rather than a licensed otolaryngologist, Dallas ISD Assessment Personnel will determine if the documentation provides sufficient information to effectively evaluate the student. If the Assessment Personnel determine that this information is sufficient, it will be documented in the FIE. Otherwise, District or Campus Assessment Personnel may contract with an otolaryngologist, ask the parent to obtain a report from an otolaryngologist and reimburse the parent, or any utilize other appropriate method to obtain the evaluation data at the District's discretion. If a licensed otolaryngologist is not reasonably available, this information and the efforts the Dallas ISD Assessment Personnel took to find a licensed otolaryngologist should be noted in the report. In addition, with the consent of the parent, the Assessment Personnel should consult with the medical provider to obtain additional information if necessary for the assessment.

Upon completion of the evaluation, each member of the evaluation team should sign the FIE. If the student meets the eligibility criteria for Deaf or Hard of Hearing, a Disability Report in this area will be completed and the FIE and the Disability Report will be shared with the ARD Committee to determine eligibility. The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

An ARD meeting (or IFSP Team if the student is 0-2) will review the completed evaluation and determine whether the student is a student with a disability and the services the student needs. See [SPECIAL FACTORS – Deaf or Hard of Hearing] and [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING]. If the student does not meet the eligibility criteria for DHH, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or Dallas ISD Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504. All students who do not qualify for special education should be referred back to the Campus Student Support Team.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

Eligibilities

## **Evidence of Implementation**

- Notice & Consent for Evaluation
- Referral Information
- Assessment Plan
- Consent for Release of Confidential Information
- Otological Examination
- Audiological Evaluation
- Communication Evaluation Report
- Medical Information Related to Hearing Loss
- FIE
- ARD/IEP or ISFP
- Disability Report: Deaf or Hard of Hearing
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Deaf or Hard of Hearing - Region 18](#)

[Evaluating Students with Auditory Impairments - Region 4](#)

[Registry of Interpreters for the Deaf](#)

[OSEP Letter to Blodgett \(Nov. 12, 2014\) - U.S. Department of Education](#)

[OSEP Letter to Anonymous \(Nov. 28, 2007\) - U.S. Department of Education](#)

[DOJ/OSERS/OCR Frequently Asked Questions on Effective Communication with Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools \(Nov. 12, 2014\) - U.S. Department of Education](#)

[Deaf and Hard of Hearing - SPEDTEX](#)

## **Citations**

Board Policy EHBH; Board Policy EHBAC; Board Policy EHBAA; Board Policy EHBAB;  
20 USC 1414(d)(3)(b)(IV); 34 CFR 300.8(c), 300.29(b), 300.324(a)(2)(IV); Texas  
Education Code 29.303, 29.310(c), 30.004, 30.057(a)(2); 19 TAC 89.1050(b)–(c);  
89.1085, 89.1090

## Eligibilities

# EMOTIONAL DISTURBANCE

## What is Required

A student must be assessed under the IDEA in all areas of suspected disability and educational need. Emotional Disturbance or “ED” is one of the areas of eligible disabilities under the IDEA.

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 student's educational performance:

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

A student need not meet all of these five criteria to be eligible for special education and related services under the IDEA as a student with ED. The student need only exhibit one of the five criteria of the definition of an emotional disturbance. ED includes schizophrenia. However, ED does not apply to a student who is socially maladjusted, unless the student also meets the criteria for having an emotional disturbance.

Assessment Personnel will comply with all requirements set out in state and federal law when conducting an evaluation to determine if a student meets eligibility for an emotional disturbance. See [EVALUATION PROCEDURES]. In addition, the written report of evaluation must include specific recommendations for behavioral supports and interventions. 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 Texas Occupations Code. Therefore, the assessment must be conducted by a Licensed Specialist in School Psychology (LSSP) or other qualified personnel who is licensed to practice psychology.

## Eligibilities

### Additional Procedures

A referral for an evaluation to determine if a student meets the eligibility criteria as a student with ED may be indicated when Dallas ISD Personnel and/or the parent of a student suspects the behavioral characteristics of a student have been significant over time and are adversely affecting the student's educational performance. Dallas ISD Assessment Personnel will utilize standard evaluation procedures in accordance with the law when planning an initial evaluation and a reevaluation for ED. See [EVALUATION PROCEDURES].

Before referring a student for an ED evaluation, the Student Support Team, Campus Special Education Personnel or ARD Committee may consider the following, if appropriate:

- Would consultation with the LSSP or other professionals potentially be effective in addressing the problem?
- Would a Behavior Intervention Plan (BIP) or other behavior interventions address the concern?
- Would other Dallas ISD resources effectively improve classroom performance or address the behaviors of concern?
- What measures have been tried for a sufficient period of time, in a consistent manner, and what has been the impact on behavior?
- Has Dallas ISD's general education positive behavior interventions and supports (PBIS) through the District's Multi-Tiered Systems of Support (MTTS) been tried and what were the results of these interventions? See [CHILD FIND – REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES]

A psychological evaluation is normally part of an ED assessment. As such, upon parent/adult student request, the Assessment Personnel must provide the name and type of test to the parent/adult student and how the assessment will be used to develop an appropriate IEP.

In conducting the ED evaluation, information regarding the student's behavior across various environments will be collected. Dallas ISD Assessment Personnel will consider the presence of any cultural and/or linguistic differences when evaluating a student for ED and whether these differences may impact the evaluation results. The written report of evaluation should also include:



## Eligibilities

- The type and severity of the emotional disturbance;
- 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.

Within the evaluation, the behaviors that significantly interfere with the learning or educational progress of the student or that of others must also be identified. Therefore, the evaluation report will frequently include a Functional Behavioral Assessment (FBA).

An FBA is a systematic process for describing problem behavior and identifying the environmental factors and surrounding events associated with the problem behavior. The scope and nature of the FBA will depend on the nature and severity of the student's behaviors. The Assessment Personnel will observe the student in various school settings, collect data regarding the student's past behaviors, and gather input from staff who work closely with the student and the parent. The Assessment Personnel will consider the data, including interviews conducted with the student and/or parents that provides information about how the student's environment contributes to positive and problem behaviors, including the antecedents to the behavior. This information will be used to develop a hypothesis about why problem behaviors occur (the function of the behaviors) and will identify replacement behaviors that can be taught and that serve the same purpose for the student. In the FBA, the Assessment Personnel will explain the antecedents and consequence of targeted behaviors, the hypothesis regarding the function of the behaviors, and recommend replacement behaviors. An FBA is generally understood to be an individualized evaluation of a student to assist in determining eligibility and/or the nature and extent of the special education and related services that the student needs, including the need for a Behavior Intervention Plan (BIP). As such, in most cases, parental consent is required for an FBA. See [EVALUATION PROCEDURES], [CONSENT FOR INITIAL EVALUATION] and [CONSENT FOR REEVALUATION]. The FBA will provide the ARD Committee with information regarding the function of the student's behavior, factors that may trigger certain behavior, and interventions identified to decrease negative behaviors and increase appropriate behaviors. This information will be reviewed by the ARD Committee when developing a BIP and or behavior goals or accommodations for the student.

In addition, if counseling as a related service is recommended to address any of the targeted behaviors, a counseling evaluation will be included in the FIE. IDEA defines counseling services as services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel. A counseling evaluation should assess the social, emotional, and behavioral problems that are interfering with the student's ability to benefit from education.

## Eligibilities

In Dallas ISD, a Licensed Specialist in School Psychology (LSSP) is responsible for conducting the psychological evaluation. The resulting report should present a coherent rationale to either support or negate a recommendation for special education eligibility as a student with an emotional disturbance and rule out alternative educational disorders and environmental explanations for the student's observed behavioral and/or academic difficulties. The report should include recommendations to the ARD Committee regarding eligibility, and, if appropriate, instructional, behavioral, and environmental recommendations for services and supports. Upon completion of the evaluation, each member of the evaluation team shall sign the FIE. If the student meets the eligibility criteria for Emotional Disturbance, a Disability Report in this area will be completed and the FIE and the Disability Report will be shared with the ARD Committee to determine eligibility.

When the Assessment Personnel completes the evaluation, an ARD Committee meeting, which must include appropriately qualified Assessment Personnel who can interpret the results, will be held to review the evaluation. Based on the results of the evaluation, the ARD Committee will determine whether the student meets one or more of the five specific characteristics listed above, and whether the student requires special education supports and related services.

Should the ARD Committee determine, upon review of the FIE and, where applicable, FBA, that a Behavior Intervention Plan ("BIP") is necessary to address behaviors for a student with ED, the ARD Committee will develop a BIP or revise a current BIP to reflect the student's current behavior needs. A BIP is a written plan developed as part of the IEP to address behavioral concerns affecting the student's educational progress. A BIP is based on the problem behaviors identified in the FIE, identifies events that predict these behaviors, and includes positive interventions to change behaviors and methods of evaluation. If the ARD Committee develops a BIP, a copy of the BIP will be provided to each of the student's teachers. The purpose of a BIP is to redirect the student's targeted behaviors to ensure the student can make appropriate progress in light of the student's unique circumstances. Students with ED typically require a BIP to appropriately address behaviors and provide FAPE.

The diagnosis of a mental health condition alone does not determine eligibility for special education services as a student with an emotional disturbance. Additionally, mood, behavior, or academic problems related solely to drug abuse do not qualify a student as a student with an emotional disturbance. If the student does not meet the eligibility criteria for ED, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or Dallas ISD Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504. All students who do not qualify for special education

## Eligibilities

should be referred back to the Campus Student Support Team.

Dallas ISD will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

Dallas ISD will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice and Consent for Evaluation
- Referral Information
- Assessment Plan
- Functional Behavioral Assessment
- Notification of Psychological Tests to Parent/Adult Student
- Functional Behavioral Assessment
- FIE
- BIP
- Disability Report: Emotional Disturbance
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Emotional Disturbance Framework - Region 18](#)

[Quick Guide: Emotional Disturbance - Region 14 ESC](#)

[§ 89.1040 Eligibility Criteria - FAQ - Texas Education Agency](#)

[OSEP Letter to Anonymous \(Nov. 28, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Delisle \(Dec. 20, 2013\) - U.S. Department of Education](#)

[OSEP Memorandum 15-08 to State Directors of Special Education \(April 17, 2015\) - U.S. Department of Education](#)

[Emotional Disturbance - SPEDTEX](#)

Eligibilities

## [Dallas ISD Multi-Tiered Systems of Support](#)

### Citations

34 CFR 300.8(c)(4), 300.111(a)(1)(i), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5); 22 TAC 465.38(b)(2); Texas Occupations Code 501.503

## Eligibilities

# INTELLECTUAL DISABILITY

## What is Required

A student must be assessed under the IDEA in all areas of suspected disability and educational need. Intellectual Disability or “ID” is one of the areas of eligible disabilities under the IDEA.

A student with an intellectual disability is one who meets all of the following criteria:

- Has been determined to have significantly subaverage intellectual functioning as measured by a standardized, individually administered test of cognitive ability in which the overall test score is at least two standard deviations below the mean, when taking into consideration the standard error of measurement of the test;
- Concurrently exhibits deficits in at least two of the following areas of adaptive behavior:
  - Communication,
  - Self-care,
  - Home living,
  - Social and interpersonal skills,
  - Use of community resources,
  - Self-direction,
  - Functional academic skills,
  - Work,
  - Leisure,
  - Health, or
  - Safety.
- Is manifested during the developmental period; and
- Adversely affects the student’s educational performance.

To assess for ID, Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, the evaluation data reviewed by Assessment Personnel must include:

- A standardized individually administered test of cognitive ability; and
- 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, or safety.

## Eligibilities

### **Additional Procedures**

A referral for an intellectual disability evaluation may be indicated when the Campus Personnel and/or the parent of the student suspects the student is exhibiting significant intellectual and adaptive deficits that adversely affect educational performance. A student suspected of ID may exhibit one or more of the following:

- Difficulties in communicating efficiently and effectively that effect self-determination, behavior, social interactions and participation in multiple learning environments;
- Alternate methods of demonstrating his/her abilities and knowledge;
- Uneven learning patterns in all domains including cognition, communication, socialization and self-help;
- Multiple disabling conditions that may occur concurrently with an intellectual disability, including physical or orthopedic impairments, and/or sensory impairments/challenges;
- Medical needs that impact health, stamina and engagement in learning tasks;
- Difficulty learning new tasks, maintaining new skills, and generalizing skills to new environments;
- Difficulty demonstrating problem solving skills when new skills or information are presented in a traditional academic curriculum; and/or
- Individualized methods of accessing information and demonstrating knowledge in alternative ways (tactile, visual, auditory, and multi-sensory).

During the evaluation process, Dallas ISD Assessment Personnel will consider the presence of any cultural and/or linguistic differences when evaluation a student for ID and whether these differences may impact the evaluation results. In addition, to avoid over identifying students, Assessment Personnel will exercise caution in making an intellectual disability determination. This determination of an intellectual disability must be made with consideration of professional judgment and multiple information/data sources. Examples of information/data sources include statewide assessment results, Rtl progress monitoring data and anecdotal reports, in addition to formal evaluation test scores, such as intellectual quotient or IQ, adaptive behavior, achievement, and/or cognitive function/processing.

Upon completion of the ID evaluation, each member of the evaluation team should sign

## Eligibilities

the FIE. If the student meets the eligibility criteria for Intellectual Disability, a Disability Report in this area will be completed and the FIE and the Disability Report will be shared with the ARD Committee to determine eligibility.

If the student does not meet the eligibility criteria for ID, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or Dallas ISD Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504. All students who do not qualify for special education should be referred back to the Campus Student Support Team.

Dallas ISD Assessment Personnel will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES]. In most circumstances, Assessment Personnel should complete two or more comprehensive evaluations determining a student to be eligible for special education services as a student with ID before allowing a Review of Existing Educational Data (“REED”) to serve as the reevaluation for a student with ID. Doing so helps avoid overidentifying students as ID and helps support the validity of the prior evaluation results.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow-up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- FIE
- Disability Report: Intellectual Disability
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Intellectual Disability Framework - Region 18](#)

Eligibilities

[Quick Guide: Intellectual Disability- Region 14](#)

[Intellectual Disability - SPEDTEX](#)

**Citations**

20 USC 1401, 1414; 34 CFR 300.8(c), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5)



## Eligibilities

# MULTIPLE DISABILITIES

## What is Required

A student must be assessed in all areas of suspected disability and educational need. A student may be identified under the IDEA as a student with multiple disabilities (MD). In meeting the criteria for multiple disabilities, a student with MD is one who has a combination of disabilities occurring at the same time, and who meets all of the following conditions:

- The disabilities are expected to continue indefinitely; and
- The disabilities severely impair the student's performance in two or more of the following areas:
  - Psychomotor skills;
  - Self-care skills;
  - Communication;
  - Social and emotional development; or
  - Cognition.

Multiple disabilities means impairments occurring at the same time (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. The term does not include deaf-blindness (because deaf-blindness is defined separately and is a disability category of its own under the IDEA). See [DEAF-BLINDNESS]. A student who has more than one disability, but who does not meet the criteria above, must not be classified or reported as having multiple disabilities.

Assessment Personnel will comply with all requirements set out in state and federal law when conducting an evaluation to determine if a student meets eligibility criteria for multiple disabilities. See [EVALUATION PROCEDURES]. In addition, the group of qualified professionals that collects or reviews evaluation data in connection with the determination of the student's disability based on multiple disabilities impairment must include the members required in two or more of the applicable specific eligibility evaluation procedures. See [EVALUATION].

## Additional Procedures

In determining if a student qualifies as a student with multiple disabilities, it is important to know which individual disabilities are involved, how severe each disability is, and how

## Eligibilities

each disability can affect learning and daily living. Assessment Personnel will also consider how the combination of disabilities affect the student’s learning and functioning. A key part to the eligibility criteria for multiple disabilities is that the *combination of disabilities* causes the student to have severe educational needs. A referral for a multiple disabilities evaluation may be indicated when the Campus Personnel and/or the parent/adult student suspects the student is exhibiting characteristics of more than one disability the combination of which severely affects the student’s educational performance.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

Upon determination of the student’s eligibility in the area of Multiple Disabilities, each member of the evaluation team shall sign the FIE. If the student meets the eligibility criteria for Multiple Disabilities, a Disability Report in this area will be completed and the FIE and the Disability Report will be shared with the ARD Committee to determine eligibility.

If the student does not meet the eligibility criteria for multiple disabilities, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or Dallas ISD Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504. All students who do not qualify for special education should be referred back to the Campus Student Support Team.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). In regard to MD, the Special Education Administrator shall ensure that the correct coding is verified for TSDS/PEIMS for all students identified with Multiple Disabilities. District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- FIE
- Disability Report: Multiple Disabilities

## Eligibilities

- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Multiple Disabilities Framework - Region 18](#)

[Multiple Disabilities - SPEDTEX](#)

## **Citations**

34 CFR Part 300.8(c), 300.304(c)(4); 19 TAC. 89.1040(b)–(c), 89.1050

## NONCATEGORICAL EARLY CHILDHOOD

### What is Required

A student must be assessed under the IDEA in all areas of suspected disability and educational need. A student between the ages of 3 through 5 can be considered for any disability category. However, when young children ages 3, 4, and 5 are initially evaluated, assessment can be challenging because of their short attention spans and varied and limited educational and sociological experiences. As such, under the IDEA, younger students may be eligible for special education and related services under a broader disability category called “developmental delay,” and states can choose what to call this general category, how they define it, and what age range it applies to. In Texas, this category is called Non-Categorical Early Childhood (NCEC). A child between the ages of 3 and 5 may be described as NCEC if he or she meets the eligibility criteria for having the condition of one of the following:

- Intellectual Disability – NCEC-ID
- Emotional Disturbance – NCEC-ED
- Specific Learning Disability – NCEC-SLD
- Autism – NCEC-AU.

To determine eligibility under NCEC, Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. However, the group of qualified professionals that determines the student’s eligibility for NCEC must include the applicable members for intellectual disability, emotional disturbance, specific learning disability, or autism. See [INTELLECTUAL DISABILITY] and [EMOTIONAL DISTURBANCE] and [SPECIFIC LEARNING DISABILITY] and [AUTISM]. In addition, students who are eligible based on the NCEC category must be reevaluated prior to their sixth birthday to determine continued eligibility for special education services.

### Additional Procedures

Dallas ISD will evaluate a student who is 3, 4 or 5 who is referred due to a suspected disability and may find the student eligible by meeting the eligibility criteria for NCEC-ID, NCEC-ED, NCEC-SLD, or NCEC-AU. In making a decision to assess a student as NCEC, Assessment Personnel, which will include an LSSP and/or an educational diagnostician (or other certified or licensed practitioner with experience and training in the area of disability) depending on the category assessed, may consider the following during

## Eligibilities

the assessment:

- The age of the child;
- The child's functioning level;
- The child's access to educational experiences;
- The child's access to sociological experiences;
- Cultural and linguistic differences; and
- Ensure that the assessment methods used are appropriate for the young student.

All Assessment Personnel who evaluate students 6 years of age or younger will be trained regarding best practices for the assessment of young children, the availability and appropriateness of when to use the NCEC eligibility, and the requirements for the 6-year reevaluation.

Upon the determination of NCEC by the student's ARD Committee, Dallas ISD will provide appropriate special education and related services to a young student who has been evaluated and meets one of these eligibility criteria to address the effects the disability or delay may have on the student. It is expected for children that have had the supports provided by special education to increase their attention spans, increase their knowledge, and improve their working memory when they are nearing the age of 6.

As such, prior to the student's sixth birthday, the student's ARD Committee will reevaluate the student by conducting a REED and determine if any formal assessments are necessary. If a formal evaluation is necessary, Assessment Personnel shall conduct the assessment and the ARD Committee will meet prior to the student's sixth birthday to remove the noncategorical eligibility and determine whether or not the student continues to meet eligibility for special education and, if so, in which eligibility area.

The ARD Committee, including appropriate District Assessment Personnel will take into consideration the following items:

- Educational opportunities and support given to the student since entering school and how the student has progressed;
- Current testing data; and
- Parent information including private or outside evaluations the family has obtained for their student.

Upon completion of an evaluation for a 3-, 4- or 5-year-old when ID, ED, SLD, or AU are

## Eligibilities

being considered, each member of the evaluation team shall sign the FIE. If the student meets the eligibility criteria for NCEC, a Disability Report in this area will be completed and the FIE and the Disability Report will be shared with the ARD Committee to determine eligibility.

If the student does not meet the eligibility criteria for NCEC, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or Dallas ISD Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504. All students who do not qualify for special education should be referred back to the Campus Student Support Team.

Dallas ISD will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). The Special Education Administrator in coordination with the PEIMS Coordinator shall ensure that the correct coding is used in TSDS/PEIMS for all students identified with NCEC and will ensure that the code is removed when the student turns six years of age. District staff will provide training, with follow up, to ensure the documentation required is in place and compliant

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- FIE
- Disability Report: NCEC
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

**[The Legal Framework for the Child-Centered Special Education Process: Noncategorical Early Childhood Framework - Region 18](#)**

Eligibilities

[Technical Assistance: Child Find and Evaluation- Texas Education Agency](#)

[Noncategorical Early Childhood - SPEDEX](#)

### **Citations**

34 CFR 300.30(c)(4); 19 TAC 89.1040(b), 89.1050(c)

Eligibilities

## ORTHOPEDIC IMPAIRMENT

### What Is Required

A student must be assessed under the IDEA in all areas of suspected disability and educational need. Orthopedic Impairment or “OI” is one of the areas of eligible disabilities under the IDEA.

A student with an orthopedic impairment is one who has been determined to meet the criteria for orthopedic impairment. Orthopedic impairment means a severe orthopedic impairment that adversely affects the student’s educational performance. OI includes impairments caused by congenital anomaly; disease, such as poliomyelitis, bone tuberculosis; and other causes, such as cerebral palsy, amputations, and fractures or burns that cause contractures.

To assess for OI, Dallas ISD Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, a licensed physician must be included in the group of qualified professionals that collects or reviews evaluation data in connection with the determination of a student’s eligibility for special education services based on an orthopedic impairment.

### Additional Procedures

If Dallas ISD and/or the parent/adult student suspect the student is exhibiting physical deficits characteristic of orthopedic impairment that adversely affect the student’s educational performance, the student may be referred for an orthopedic impairment evaluation.

Dallas ISD Assessment Personnel will comply with the procedures set out in state and federal law. See [EVALUATION PROCEDURES]. They will also obtain and review relevant information from a licensed physician(s) by requesting that the student’s physician complete the OI form and requesting that the parent sign and return the Consent to Release Confidential Information form so that the Dallas ISD Assessment Personnel can contact the student’s licensed physician for information and/or questions regarding the information provided. See [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION]. If the parent does not provide information from the student’s licensed physician, or if the student does not have a physician, Dallas ISD is responsible for obtaining such information at no expense to the parent. Dallas ISD Assessment Personnel should first request this information from the student’s own physician, but if the parent refuses, or does not have a current physician, and/or is not responsive to the request, the Assessment Personnel should contact the Special



## Eligibilities

Education Director or designee for assistance in getting the appropriate input from a licensed physician. This may be accomplished by the District contracting with a licensed physician, asking the parent to obtain the report and reimbursing the parent for the visit, or any other appropriate method to obtain the evaluation data at the District's expense. If the parent/adult student refuses to allow the student to be evaluated by a licensed physician, the District will consider that revocation of consent for the evaluation and a determination for OI cannot be made.

Upon completion of the OI evaluation, each member of the evaluation team should sign the FIE. If the student meets the eligibility criteria for Orthopedic Impairment, a Disability Report in this area will be completed and the FIE and the Disability Report will be shared with the ARD Committee to determine eligibility.

If the student does not meet the eligibility criteria for orthopedic impairment, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or Dallas ISD Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504. All students who do not qualify for special education should be referred back to the Campus Student Support Team.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

Dallas ISD will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Consent for Release of Confidential Information
- ARD/IEP
- FIE
- Orthopedic Impairment Form Signed by Licensed Physician
- Other Documentation from Licensed Physician
- Disability Report: Orthopedic Impairment

## Eligibilities

- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Orthopedic Impairment - Region 18](#)

[Orthopedic Impairment - Texas Education Agency](#)

[Orthopedic Impairment - Region 14](#)

[Orthopedic Impairments - Project IDEAL](#)

[Orthopedic Impairment - SPEDEX](#)

## **Citations**

Board Policy EHBA; Board Policy EHBAB; 34 CFR 300.8(c)(8), 300.304(c)(4); 19 TAC 89.1040(b)–(c)

## OTHER HEALTH IMPAIRMENT

### What is Required

The student must be assessed under the IDEA in all areas of suspected disability and educational need. Other Health Impairment or “OHI” is one of the areas of eligible disabilities under the IDEA.

A student with Other Health Impairment (OHI) is one who has been determined to meet the criteria for OHI due to chronic or acute health problems. OHI means having limited strength, vitality, or alertness that adversely affects a student’s educational performance. The term “limited alertness” includes a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment. Health problems include, but are not limited to: asthma, attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD), diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette’s Disorder.

To assess for OHI, Dallas ISD Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, the group of qualified professionals that collects or reviews evaluation data in connection with the determination of the student’s eligibility based on other OHI must include a licensed physician.

### Additional Procedures

A referral for an OHI evaluation may be indicated when Dallas ISD and/or the parent/adult student suspects the student is exhibiting health problems that adversely affect the student’s educational performance.

The evaluation will include information about how the health condition affects the student’s educational performance. An OHI form completed by a licensed physician is required before an ARD Committee can determine that a student is eligible as a student with OHI. If the student has a physician, Dallas ISD Assessment Personnel may request that the student’s physician complete the OHI form. Dallas ISD Assessment Personnel must request that the parent/adult student sign a Consent for Release of Confidential Information so that the Dallas ISD Assessment Personnel may communicate with the student’s physician to complete the OHI form and provide any clarifying information to the ARD Committee. See [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION]. If the parent/adult student refuses to sign the release and/or the student does not have a regular physician, Dallas ISD Assessment Personnel must arrange for

## Eligibilities

the student to be evaluated by a Dallas ISD-provided physician. If the parent/adult student refuses to allow the student to be evaluated by the physician, Dallas ISD will treat this as a revocation of consent for the FIE and a determination for OHI cannot be made.

The list of health conditions above is not an exhaustive list. A diagnosis of a medical or health condition alone does not determine eligibility for special education services. Not every student with a medical or health condition will meet the eligibility criteria as a student under the OHI category. The medical or health condition must adversely affect the student's educational performance, and, by reason of the health condition, the student needs special education (specially designed instruction to meet the unique needs of the student) or related services. However, OHI eligibility should not be used if the student meets eligibility criteria under another category for that same health condition (i.e., if the student has a diagnosis of autism and is eligible as a student with Autism under the IDEA, the AU eligibility as opposed to OHI should be used).

The members of the evaluation team for an OHI evaluation include, at a minimum, a Licensed Physician and the School Nurse or other District medical professional that can explain the educational implications of the health problem. Should the student have a suspected need for a related service(s), an evaluator in that area will also be a member of the evaluation team. However, it is critical that all evaluators understand the different diagnoses of health problems that may constitute Other Health Impairments and how they manifest in the school setting to ensure a valid evaluation. If a student has been identified with ADHD as the health problem by the Licensed Physician, a Licensed Specialist in School Psychology and/or other qualified personnel should also be included as part of the multidisciplinary team to assess the educational implications and/or social, emotional, or behavior supports needed for the student, based on the evaluation

When Dallas ISD Assessment Personnel conduct a reevaluation of a student who has been identified as a student with OHI, an updated OHI form should be obtained, especially if the student's health problem(s) has changed or has manifested itself in different ways. If the student continues to have a health condition, but it no longer affects the student's educational performance, the student will no longer qualify as a student with a disability under the IDEA as OHI.

Upon completion of the OHI evaluation, each member of the evaluation team should sign the FIE. If the student meets the eligibility criteria for Other Health Impairment, a Disability Report in this area will be completed and the FIE and the Disability Report will be shared with the ARD Committee to determine eligibility.

If the student does not meet the eligibility criteria for OHI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or Dallas ISD Personnel responsible for compliance with Section 504 to determine whether the student

## Eligibilities

is eligible for accommodations or services as a student with a disability under Section 504. All students who do not qualify for special education should be referred back to the Campus Student Support Team.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES]. The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- OHI Form and/or Physician Information
- Consent for Release of Confidential Information
- FIE
- Disability Report: Other Health Impairment
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Other Health Impairment - Region 18](#)

[Quick Guide: Other Health Impairment Region 14](#)

[OSEP Letter to Williams \(May 14, 1994\) - U.S. Department of Education](#)

[OSEP Letter to Anonymous \(Jan. 13, 2010\) - U.S. Department of Education](#)

[Other Health Impairment - SPEDTEX](#)

## **Citations**

34 CFR Part 300.8(c)(9), 300.304(c)(4); 19 TAC 89.1040(b)-(c), 89.1050(a)(5)

## Eligibilities

# SPECIFIC LEARNING DISABILITY

## What is Required

A student must be assessed under the IDEA in all areas of suspected disability and educational need. Specific Learning Disability or “SLD” is one of the areas of eligible disabilities under the IDEA.

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

## Eligibility Criteria

A student with an SLD is one:

- Who has been determined through a variety of assessment tools and strategies to meet the criteria for SLD;
- Who does not achieve adequately for the student’s age or to meet state-approved grade-level standards, in one of more of the following areas:
  - oral expression,
  - written expression,
  - listening comprehension,
  - basic reading skills,
  - reading fluency skills,
  - reading comprehension,
  - mathematics calculations, or
  - mathematics problem solving;
- Whose lack of adequate achievement is 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 student’s response to evidence-based intervention;
- Who does not make sufficient progress under the additional criteria of the RtI

## Eligibilities

model or the student meets the additional criteria under the Pattern of Strengths and Weaknesses Model;

- Whose lack of adequate performance is not primarily the result of exclusionary factors referenced below; and
- Whose lack of adequate achievement is not due to Determinant Factors listed below.

## Evaluation

To assess for SLD, Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, the group of qualified professionals that collects or reviews evaluation data in connection with the determination of the student's disability based on an SLD will include the student's general education teacher, or if the student does not have a general education teacher, a general education classroom teacher qualified to teach children of this age—or if the student is less than school age, an individual qualified by the Texas Education Agency to teach children of this age. The group must also include at least one person qualified to conduct individual diagnostic examinations of children (such as an educational diagnostician, a licensed specialist in school psychology, a speech-language pathologist, or a remedial reading teacher).

## Determinant Factors

To ensure the student's underachievement is not due to lack of appropriate instruction in reading or math, as part the evaluation, Assessment Personnel will consider data that demonstrates the student was provided appropriate instruction in reading and/or math in the general education settings delivered by qualified personnel. Assessment Personnel must also consider data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of progress of the student during instruction, which was provided to the parent/adult student, as well as formal evaluation scores (IQ, achievement, cognitive functioning/processing, etc.). The data-based documentation 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. Assessment is administered at reasonable intervals if administered consistent with the assessment requirements of the student's specific instructional program.

## Observation

## Eligibilities

In determining whether a student has an SLD, Assessment Personnel must either use information from an observation in routine classroom instruction and monitoring prior to the referral or have at least one member of the Assessment team conduct an observation of the student's academic performance in the regular classroom as part of the evaluation. For the student less than school age or out of school, Assessment Personnel must observe the student in an environment appropriate for a student of that age.

The documentation of the determination of an SLD eligibility must contain a statement of the relevant behavior, if any, noted during the observation of the student, and the relationship of that behavior to the student's academic functioning.

### **Participation in the Rtl Process/Rtl Model**

In Dallas ISD, the Rtl process is referred to as the Multi-Tiered Systems of Support (MTSS). If the student suspected of having a SLD participated in a process that assesses the student's response to evidence-based intervention (Rtl), the documentation of the determination of eligibility must contain a statement of:

- The instructional strategies used and the child-centered data collected; and
- The documentation that the parent/adult student was notified about the state's policies regarding the amount and nature of performance data of the student that would be collected, and the general education services that would be provided; strategies for increasing the student's rate of learning; and the parent/adult student's right to request an evaluation.

The Rtl model may be used to determine that a student meets eligibility criteria for SLD. When applying this model, a finding that the student is eligible under SLD must include a determination that the student did not make sufficient progress to meet age or state-approved grade-level standards when provided Rtl. Lack of sufficient progress is indicated by the student's performance relative to the performance of the student's peers on repeated, curriculum-based assessment of achievement at reasonable intervals, reflecting progress of the student during classroom instruction.

### **Pattern of Strengths and Weaknesses Model**

The pattern of strengths and weaknesses model may also be used to determine that a student meets eligibility criteria for SLD. When applying the pattern of strengths and weaknesses model to find the student is eligible for an SLD, a determination must be made that the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both. A determination must also be made that the pattern is relative to age, state-approved grade-level standards, or intellectual development. Finally, a determination must be made that the pattern is relevant to the identification of a SLD



## Eligibilities

using appropriate assessments. During the evaluation process, District Assessment Personnel must provide to the parent data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of student progress during instruction.

## Exclusionary Factors

Assessment Personnel must determine that its findings are not primarily the result of a visual, hearing, or motor disability; an intellectual disability; an emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency. The documentation of and SLD eligibility must also explain the effects of any of these exclusionary factors on the student's achievement level.

## Additional Documentation of SLD

The documentation of the determination of eligibility must contain a statement of:

- Whether the student has an SLD;
- The basis for making the determination (must include an assurance that the determination was made in accordance with proper evaluation procedures); and
- The educationally relevant medical findings, if any.

Each member of the group of qualified professionals must certify in writing whether the report reflects the member's conclusion, and if not, a separate statement presenting the member's conclusion. See [EVALUATION PROCEDURES].

## Additional Procedures

A referral for a specific learning disability evaluation may be indicated when the Campus Personnel and/or parent/adult student suspects that learning issues are a result of a deficit in the basic psychological processes that manifests itself in the imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES].

In determining the presence of a specific learning disability, the ARD Committee should consider and use data from campus-level interventions that are part of the MTSS process. The ARD Committee should also use data from individually administered, formal intellectual and academic achievement tests to determine if a pattern of strengths and weaknesses exists. The data from these sources are combined with teacher information, parent/adult student information, grades, state assessment results, attendance, and

## Eligibilities

educational history as a basis for the ARD Committee’s determination of the presence of a SLD. Should a student demonstrate reasonable progress in response to the Rtl process, this should be considered prior to identifying that student as SLD. .

Assessment Personnel may consider significant discrepancies between intellectual ability and achievement—but the discrepancy may not be the sole factor – in determining whether the student has an SLD. Any consideration of a discrepancy should utilize a standard regression procedure and not a sole difference procedure.

In addition to the exclusionary factors above, Assessment Personnel must also consider the appropriateness of instruction for a student who is homeschooled. Dallas ISD Assessment personnel should obtain information regarding the level of instruction and/or homeschooling program to confirm that the findings are not a result of homeschooling rather than traditional instruction.

A student’s failure to pass the statewide assessment may not automatically result in a referral to determine if the student has a SLD and does not necessarily indicate that the student has a SLD. The determination of a learning disability will include a variety of information sources and measures, and Dallas ISD will not base the determination on a single measure.

When evaluating a student identified as an Emergent Bilingual student being evaluated for a SLD, Assessment Personnel should conduct a language proficiency assessment to identify the student’s dominant language. This will determine the language in which the student is evaluated for a SLD. The Assessment Personnel should consider that using a translator or interpreter to administer an evaluation for SLD may alter the validity of the results and should therefore be used with caution.

It is important to address the unique educational needs of children with specific learning disabilities resulting from dyslexia, dyscalculia, and dysgraphia during ARD Committee meetings. If a student’s dyslexia, dyscalculia, or dysgraphia is the condition that forms the basis for the determination that a student has a SLD, the ARD Committee should consider referencing or using dyslexia, dyscalculia, or dysgraphia in the student’s IEP, particularly where the ARD Committee determines that Service Providers would need to know about the condition underlying the student’s disability. See [CHILD FIND - DYSLEXIA].

Upon completion of the SLD evaluation, each member of the multi-disciplinary evaluation team shall sign the FIE. If the student meets the eligibility criteria for Specific Learning Disability, a Disability Report in this area will be completed and the FIE and the Disability Report will be shared with the ARD Committee to determine eligibility.

If the student does not meet the eligibility criteria for SLD, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her

## Eligibilities

disability, Campus Personnel should refer the student to the Campus or Dallas ISD Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504. All students who do not qualify for special education should be referred back to the Campus Student Support Team.

When reviewing an evaluation of SLD for a student transferring within the state or out of state, Dallas ISD Evaluation Case Manager should consider a variety of factors, including the prior evaluation(s), SLD criteria in the previous location, the rigor of statewide assessments, academic standards, evaluation procedures and qualifications, effectiveness of interventions, etc. when determining whether to accept the SLD evaluation or conduct its own FIE to assess in the area of SLD. Should the Evaluation Case Manager determine that an FIE is appropriate, it will seek to obtain consent from the parent and follow the District's evaluation procedures. See [EVALUATION PROCEDURES].

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES]. The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant

## **Evidence of Implementation**

- MTSS Progress Monitoring
- Documentation of Interventions
- Section 504 Documentation, if any
- Standardized Assessment Information
- Data of Appropriate Instruction Provided
- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Documentation of Observation(s)
- Input from General Education Teacher
- Eligibility Statement
- FIE
- Disability Report: Specific Learning Disability
- Documentation for the state in TSDS, PEIMS, and SPP

Eligibilities

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Specific Learning Disability Framework - Region 18](#)

[Response to Intervention and Learning Disability Eligibility- Texas Education Agency](#)

[Response to Intervention - Texas Education Agency](#)

[Learning Disability - SPEDTEX](#)

[Learning Disabilities Association of America](#)

[National Center for Learning Disability](#)

[Texas Center for Learning Disabilities](#)

[OSEP Letter to Massanari \(Sept. 24, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Zirkel \(Aug. 15, 2007\) - U.S. Department of Education](#)

[OSERS Dear Colleague Letter \(Oct. 23, 2015\) - U.S. Department of Education](#)

[OSEP Letter to Unnerstall \(Apr. 25, 2016\) - U.S. Department of Education](#)

[OSEP Letter to Delisle \(Dec. 20, 2013\) - U.S. Department of Education](#)

[OSEP Letter to Zirkel \(Mar. 6, 2007\) – U.S. Department of Education](#)

[OSEP Letter to Zirkel \(Apr. 8, 2008\) - U.S. Department of Education](#)

[Dallas ISD Multi-Tiered Systems of Support \(MTSS\)](#)

## **Citations**

20 U.S.C. 1021, 7801(20); 34 CFR 300.8(c), 300.304(c), 300.308(a)-(b), 300.309(a)–(b), 300.310(a)-(c), 300.311(a); 19 TAC 89.1040(c)

Eligibilities

## **SPEECH OR LANGUAGE IMPAIRMENT**

### **What is Required**

A student must be assessed under the IDEA in all areas of suspected disability and educational need. Speech Impairment or SI is one of the areas of eligible disabilities under the IDEA.

A student with a speech impairment is one who has been determined to meet the criteria for speech or language impairment. “Speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a student’s educational performance.” 34 CFR 300.8(c)(11). A student who qualifies for speech impairment would demonstrate deficits in one or more of the following areas: articulation/phonology, receptive language, expressive language, pragmatic language, fluency (stuttering), or voice.

To assess for SI, Dallas ISD Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, the group of qualified professionals that collects or reviews evaluation data in connection with the determination of a student's eligibility based on a speech impairment must include a certified speech and hearing therapist, a certified speech and language therapist, or a licensed speech-language pathologist.

### **Additional Procedures**

A referral for a speech or language impairment evaluation may be indicated when Dallas ISD and/or the parent/adult student suspects that learning issues the student is experiencing in the classroom are a result of a communication disorder or a voice impairment that adversely affects the student's educational performance. A student who has difficulty producing speech or understanding and communicating ideas may have a speech-language impairment.

In Texas, speech-language therapy is considered an instructional service. Thus, it can be a stand-alone service as well as a support provided for the student to receive benefit from other special education services.

A speech evaluation will usually include formal and informal assessments to determine if the student qualifies for a speech impairment in the areas of articulation, language, fluency and/or voice.

## Eligibilities

Additionally, Dallas ISD Assessment Personnel will consider the presence of any cultural and/or linguistic differences when evaluating a student for SI and whether the differences may impact the evaluation results. When evaluating an Emergent Bilingual student, Dallas ISD Assessment Personnel must consider the English language proficiency of the student in determining appropriate assessments and other evaluation materials. The evaluation must be provided in the student's native language, unless it is clearly not feasible to do so, to ensure that the student's language needs can be distinguished from the student's disability-related needs. Dallas ISD Assessment Personnel shall be careful not to identify or determine that an Emergent Bilingual student is a student with a speech or language impairment because of limited English language proficiency. For example, when a student lacks verbal fluency (pauses, hesitates, omits words), it may be due to a lack of vocabulary, sentence structure, and/or self-confidence caused by the student's limited English language proficiency. It may also be caused, however, by a speech impairment

Upon completion of the Speech and Language evaluation, each member of the evaluation team should sign the FIE. If the student meets the eligibility criteria for Speech Impairment, a Disability Report in this area will be completed and the FIE and the Disability Report will be shared with the ARD Committee to determine eligibility.

If the student does not meet the eligibility criteria for SI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, as determined by the student's ARD Committee, Campus Personnel should refer the student to the Campus or Dallas ISD Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services under Section 504. All students who do not qualify for special education should be referred back to the Campus Student Support Team.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Referral Documentation
- Referral Information
- Notice of Evaluation

## Eligibilities

- Consent for Evaluation
- Assessment Plan
- FIE
- Speech/Language Assessment
- Disability Report: Speech Impairment
- ARD/IEP
- TSHA Guidelines
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Speech or Language Impairment Framework - Region 18](#)

[OSEP Letter to Anonymous \(Nov. 28, 2007\) - U.S. Department of Education](#)

[Speech or Language Impairment - SPEDTEX](#)

[Dallas ISD Speech-Language Pathology Services](#)

## **Citations**

34 CFR 300.8(c)(11), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5)

Eligibilities

## TRAUMATIC BRAIN INJURY

### What is Required

A student must be assessed under the IDEA in all areas of suspected disability and educational need. Traumatic brain injury or “TBI” is one of the areas of eligible disabilities under the IDEA.

A student with traumatic brain injury (TBI) is one who has been determined to meet the criteria for traumatic brain injury. Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment or both, and that adversely affects the student’s educational performance.

TBI applies to open or closed head injuries resulting in impairments in one or more areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech.

TBI does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.

To assess for TBI, Dallas ISD Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, a licensed physician must be included in the group of qualified professionals that collects or reviews evaluation data in connection with the determination of a student’s eligibility for special education services based on a traumatic brain injury.

### Additional Procedures

Dallas ISD Personnel and/or parent/adult student may refer the student for a traumatic brain injury evaluation when the Dallas ISD Personnel and/or parent/adult student suspects that functional and/or psychosocial deficits are the result of the student’s acquired brain injury that adversely affects the student’s educational performance.

In order to make a determination of eligibility based on TBI, the ARD Committee must have input from a licensed physician. If the student has a physician, Dallas ISD Assessment Personnel may request that the student’s physician provide the input regarding the student’s brain injury. Dallas ISD Assessment Personnel must request that the parent/adult student sign a Consent for Release of Confidential Information so that Dallas ISD Assessment Personnel may communicate with the student’s physician to obtain this health information and/or provide any clarifying health information to the ARD



## Eligibilities

Committee. If the parent/adult student refuses to sign the release and/or the student does not have a regular physician, Dallas ISD Assessment Personnel must arrange for the student to be evaluated by a Dallas ISD-provided physician. If the parent/adult student refuses to allow the student to be evaluated by a licensed physician, Dallas ISD will consider that a revocation of consent for the FIE and a determination for TBI cannot be made.

Upon completion of the TBI evaluation, each member of the evaluation team should sign the FIE. If the student meets the eligibility criteria for TBI, a Disability Report in this area will be completed and the FIE and the Disability Report will be shared with the ARD Committee to determine eligibility.

After completion of the FIE, Dallas ISD will convene an ARD Committee meeting to review the FIE. The ARD Committee must determine whether the student meets eligibility criteria for traumatic brain injury based on the results of student's evaluation, including the input from a physician. If the student does not meet the eligibility criteria for TBI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or Dallas ISD Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504. All students who do not qualify for special education should be referred back to the Campus Student Support Team.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Physician Diagnostic Information Report
- Consent for Release of Confidential Information
- FIE
- Disability Report: Traumatic Brain Injury

## Eligibilities

- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Traumatic Brain Injury - Region 18](#)

[Traumatic Brain Injury - Texas Education Agency](#)

[Traumatic Brain Injury Resource Document - Navigate Life Texas](#)

[Traumatic Brain Injury - SPEDTEX](#)

[OSEP Letter to Harrington \(July 13, 1993\) - U.S. Department of Education](#)

## **Citations**

Board Policy EHBAA; Board Policy EHBAB; 34 CFR 300.8(c)(12), 300.304(c)(4); 19 TAC 89.1040(b)–(c), 89.1050(a)(5)

Eligibilities

## VISUAL IMPAIRMENT

### What is Required

#### Eligibility

A student must be assessed under the IDEA in all areas of suspected disability and educational need. Visual Impairment or “VI” is one of the areas of eligible disabilities under the IDEA.

A student with a visual impairment is one who meets the criteria for visual impairment. The term visual impairment, including blindness, means an impairment in vision that, even with correction, adversely affects the student’s educational performance, and includes both partial sight and blindness.

To meet the criteria for visual impairment, a licensed ophthalmologist or optometrist must determine the student:

- Has no vision or has a serious visual loss after correction; or
- Has a progressive medical condition that will result in no vision or a serious visual loss after correction.

The 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, including braille, as a primary tool for learning to communicate in both reading and writing at the same level of proficiency as other students of comparable ability.

#### Evaluation Procedures

To assess for VI, Dallas ISD Assessment Personnel will comply with the general evaluation procedures. See [EVALUATION PROCEDURES]. In addition, an individual who is appropriately certified as an orientation and mobility specialist (COMS) must participate in evaluating data used in making the determination of a student’s eligibility as a student with visual impairment. Specifically, the evaluation data reviewed by Dallas ISD Assessment Personnel and the COMS when determining whether a student has a visual impairment must include:

- A report by a licensed ophthalmologist or optometrist that:
  - states the student’s visual loss in exact measures of visual field and corrected visual acuity at a distance and at close range in each eye; or
  - if exact measure cannot be obtained, provides best estimates of the student’s visual loss; and

## Eligibilities

- includes a prognosis when possible;
- A functional vision evaluation by a certified teacher of students with visual impairments, or a COMS, which includes:
  - performance 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;
- A learning media assessment by a certified teacher of students with visual impairments that includes recommendations regarding which specific visual, tactual, and/or auditory learning media are appropriate for the student, and whether there is a need for ongoing evaluation in this area; and
- An orientation and mobility evaluation performed by a COMS in a variety of settings including in the student's home, school, and community and in settings unfamiliar to the student.

For a student from birth through two years of age who meets the criteria for VI under the IDEA, an IFSP meeting must be held in place of an ARD Committee meeting and Dallas ISD must comply with the evaluation procedures for students ages 0-5. See [AGES 0-5].

## Additional Procedures

When a referral for a student suspected of a visual impairment is first received, the Campus Diagnostician/LSSP should contact a professional certified in VI for assistance in determining the types, levels, and procedures for assessment of the student.

Campus or District Assessment Personnel will also contact the parent to request an examination report by a licensed ophthalmologist or optometrist that provides the required evaluation date and request that the parent sign and return a Consent to Release Confidential Information form so that the Assessment Personnel may communicate with the student's ophthalmologist or optometrist to obtain this health information and/or provide any clarifying health information to the ARD Committee.

If the parent/adult student does not provide to Dallas ISD an examination report by a licensed ophthalmologist or optometrist that provides the required evaluation data, Dallas ISD will obtain such information at no expense to the parent/adult student. Dallas ISD Assessment Personnel should first request this report from the parent/adult student. If the parent/adult student refuses, or does not have a current report, and/or is not responsive to the request, Dallas ISD Assessment Personnel should contact the Supervisor for VI/O&M Services for assistance in setting up the appropriate examination. This may be accomplished by contracting with an ophthalmologist or optometrist, asking

## Eligibilities

he parent to obtain the report and reimbursing the parent, or any other an appropriate method to obtain the evaluation data at the District's discretion. A vision screening conducted by a school nurse is not sufficient.

The functional vision evaluation and the learning media assessment reports prepared as part of the student's FIE should typically be conducted and results shared prior to additional evaluation by the other qualified evaluation professionals, including school psychologists, educational diagnosticians, counselors and related service professionals, to ensure that tools used and results accurately reflect the student's aptitude and not the impact of a visual impairment. The teacher of students with visual impairments and the certified orientation and mobility specialist are required members of the team of qualified evaluation professionals when determining if a student meets the eligibility requirements as a student with a visual impairment.

Dallas ISD will ensure that each student who is determined eligible for Dallas ISD's special education program on the basis of a visual impairment receive evaluation and instruction in the expanded core curriculum (ECC). See [SPECIAL FACTORS]. Information relevant to the ECC must be included in the evaluation.

Dallas ISD Assessment Personnel, including an appropriately certified orientation and mobility specialist will determine the scope of any re-evaluation of a student who has been determined to be eligible for the District's special education program on the basis of a visual impairment after a full and individual evaluation.

Upon completion of the VI evaluation, each member of the evaluation team shall sign the FIE. If the student meets the eligibility criteria for Visual Impairment, a Disability Report in this area will be completed and the FIE and the Disability Report will be shared with the ARD Committee to determine eligibility.

If the student does not meet the eligibility criteria for VI, or any other eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or Dallas ISD Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504. All students who do not qualify for special education should be referred back to the Campus Student Support Team.

The District will conduct all necessary initial evaluations and reevaluations to identify this disability condition in accordance with state and federal laws. See [EVALUATION PROCEDURES]. The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation is in place and compliant.

## Eligibilities

### **Evidence of Implementation**

- Notice of Evaluation
- Consent for Evaluation
- Referral Information
- Assessment Plan
- Ophthalmologist/Optomtrist Report
- Functional Vision Evaluation
- Learning Media Assessment
- Orientation and Mobility Evaluation
- Consent for Release of Confidential Information
- FIE
- Disability Report: Visual Impairment
- ARD/IEP or IFSP
- Documentation for the state in TSDS, PEIMS, and SPP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Visual Impairment - Region 18](#)

[Texas School for the Blind and Visually Impaired](#)

[Educating Students with Visual Impairments in Texas: Guidelines and Standards – Texas School for the Blind and Visually Impaired](#)

[OSEP Dear Colleague Letter on Braille \(June 19, 2013\) - U.S. Department of Education](#)

[OSEP Letter to Kotler \(Nov. 12, 2014\) - U.S. Department of Education](#)

[Visual Impairment - SPEDTEX](#)

### **Citations**

Board Policy EHBA; Board Policy EHBAB; 20 USC 1414(d)(3)(B)(iii); 34 CFR 300.8(c)(13), 300.304(c)(4), 300.324(a)(2)(iii); Texas Education Code 30.002(c-1)(2), 30.004; 19 TAC 89.1040(b)–(c), 89.1050(a)–(b), 89.1055(d), 89.1085, 89.1090

# Evaluation

## INDEPENDENT EDUCATIONAL EVALUATION

August 31, 2022

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP

ATTORNEYS | COUNSELORS

Customized for Dallas ISD

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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Independent Educational Evaluation

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## INDEPENDENT EDUCATIONAL EVALUATION

### What is Required

A parent of a student with a disability or adult student has the right to an independent educational evaluation (“IEE”) of the student at public expense if the parent/adult student disagrees with an evaluation conducted by Dallas ISD. An IEE is an evaluation conducted by a qualified examiner who is not employed by Dallas ISD. An IEE is at public expense when Dallas ISD either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent/adult student consistent with the provisions of the IDEA. See [USE OF IDEA PART B FORMULA AMOUNTS IN GENERAL]. A parent/adult student is limited to only one IEE at public expense each time Dallas ISD conducts an evaluation with which the parent/adult student disagrees.

If a parent/adult student requests an IEE, Dallas ISD must, without unnecessary delay, either file a due process complaint to request a hearing to show that its evaluation is appropriate, or ensure that an IEE is provided at public expense, unless Dallas ISD demonstrates in a due process hearing that the evaluation obtained by the parent/adult student does not meet Dallas ISD’s criteria. Dallas ISD Special Education Personnel may ask for the reason the parent/adult student objects to Dallas ISD’s evaluation; however, Dallas ISD may not require the parent/adult student to provide an explanation. Dallas ISD may not unreasonably delay either granting the IEE request or filing a due process complaint to request a due process hearing to defend Dallas ISD’s evaluation.

When the parent/adult student requests an IEE, Dallas ISD Special Education Personnel must provide information about where an IEE may be obtained and the criteria for an IEE. Dallas ISD’s criteria for an IEE must be the same criteria Dallas ISD uses when it initiates an evaluation, including the location of the evaluation and the qualifications of the examiner(s).

If Dallas ISD decides to request a due process hearing instead of agreeing to pay for an IEE, and the hearing officer finds that Dallas ISD’s evaluation is appropriate, the parent/adult student still has a right to an IEE, but not at public expense. The parent/adult student would have to pay for the IEE. If in a due process hearing, the hearing officer orders an IEE, Dallas ISD must pay for the evaluation.

The results of an IEE that meets Dallas ISD’s criteria must be considered by the ARD Committee in any decision made regarding the provision of FAPE to the student, and may be presented by any party as evidence at a hearing on a due process complaint regarding the student.

## **Additional Procedures**

### **Notification**

If a parent/adult student requests an IEE, the Campus Special Education Personnel must document the date the request was received and immediately send the request to the Dallas ISD Evaluation Director. Campus Special Education Personnel may ask for the parent/adult student's reason why the parent/adult student objects to the public evaluation, but may not require the parent/adult student to provide an explanation.

As soon as possible after the parent/adult student requests an IEE, Campus Special Education Personnel will provide the parent/adult student with the IEE request form, if it has not already been completed, along with Dallas ISD's IEE criteria. The Dallas ISD Evaluation Director or designee will determine if the parent/adult student has the right to an IEE by determining whether Dallas ISD has already conducted its evaluation. If Dallas ISD has not already conducted an evaluation, the parent/adult student will be notified that the parent/adult student is not entitled to an IEE. The Dallas ISD Evaluation Director or designee will also determine if the request is timely. IEE requests made more than two years after Dallas ISD's evaluation was completed and reviewed with the parent/adult student are considered untimely. The Dallas ISD Evaluation Director or designee will notify the parent/adult student of any untimely request.

### **When the IEE is Granted**

If the Dallas ISD Evaluation Director or designee determines that the request for an IEE will be granted, the Dallas ISD Evaluation Director or designee will inform the parent/adult student in writing that the request has been granted and provide the parent/adult student with the following information: Dallas ISD's list of qualified examiners in the area(s) of the IEE, an authorization to release information, and a document containing Dallas ISD's IEE criteria, including the requirements that qualified personnel complete the IEE, if it has not already been provided. The Dallas ISD Evaluation Director or designee will also provide the parent/adult student with a Prior Written Notice and a copy of the *Notice of Procedural Safeguards*. See [PRIOR WRITTEN NOTICE].

Dallas ISD will permit the IEE evaluator to observe the student in the classroom setting, as allowed during an evaluation conducted by Dallas ISD. Dallas ISD can, however, impose reasonable constraints concerning when and how the observation(s) will take place. The IEE evaluator will follow campus and Dallas ISD procedures for visitors.

### **When the IEE is Denied**

If the Dallas ISD Evaluation Director or designee determines that the request for an IEE will be denied because Dallas ISD will defend its evaluation, the Dallas ISD Evaluation

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Director or designee will inform the parent/adult student in writing of the decision and provide the parent/adult student with the following information: a copy of Dallas ISD's IEE procedures, if it has not already been provided; a Prior Written Notice; a copy of the *Notice of Procedural Safeguards*, and notification that Dallas ISD has filed or will file a due process complaint requesting a due process hearing to defend Dallas ISD's evaluation. See [PRIOR WRITTEN NOTICE].

If the Dallas ISD Evaluation Director or designee determines that the request for the IEE should be denied because the parent/adult student is not entitled to an IEE, the Dallas ISD Evaluation Director or designee will notify the parent/adult student within 10 school days of the request. The notice to the parent of the denial should include the reason for the denial and an explanation that Dallas ISD will not be requesting a due process hearing because the parent/adult student is not entitled to an IEE. See [PRIOR WRITTEN NOTICE]. The reasons included in the notice to the parent/adult student may include one or more of the following:

- the request for the IEE is untimely;
- there is no Dallas ISD evaluation with which the parent/adult student disagrees;
- the parent/adult student has refused to provide consent so Dallas ISD could conduct an evaluation;
- the parent/adult student has requested an IEE for an area in which Dallas ISD has not yet evaluated;
- Dallas ISD has not yet completed the evaluation; or
- an IEE has previously been completed for the District's evaluation.

If the reason Dallas ISD is denying the request for an IEE relates to not having completed an evaluation, Dallas ISD will review the parent/adult student's request for an evaluation in accordance with the evaluation procedures. See [EVALUATION PROCEDURES].

### Criteria for IEE Providers/Evaluators

The following criteria will apply to IEE providers/evaluators:

- While Dallas ISD shall provide to a parent/adult student a list of evaluators in the area where a specific IEE may be obtained, a parent/adult student is not required to select an evaluator from the provided list.
- Independent evaluators should be selected within a 50-mile radius of the Linus D. Wright Administration Building located at 9400 North Central Expressway, Dallas, Texas 75231 unless Dallas ISD agrees otherwise.
- The independent evaluator must be certified or licensed by an accredited

## Independent Educational Evaluation

professional organization or agency recognized within the State of Texas to represent/oversee his or her profession.

- The independent examiner shall not be employed by Dallas ISD.
- The independent evaluator must meet Dallas ISD's minimum qualifications for Dallas ISD personnel who perform the type of evaluation/s that will make up the IEE. If the independent evaluator uses additional evaluators/individuals to complete the IEE, each one of those evaluators/individuals must meet Dallas ISD's criteria for completing his or her part of the IEE. The independent evaluator will provide Dallas ISD with the credentials and qualifications for each person that administers a portion of the IEE.
- The independent evaluator must meet the qualifications and training requirements to administer, score, and interpret the evaluation instrument(s) utilized during the IEE, as specified by the test publisher.
- The independent evaluator must comply with all state and federal requirements, the Code of Ethics for his or her professional licensing agency, and remain fully licensed and/or certified for the duration of the evaluation and reporting process.
- The independent evaluator must meet all state law and Dallas ISD policy requirements concerning criminal history record information.
- The independent evaluator selected by the parent/adult student must not have any conflicts of interest that would impact the evaluator's ability to complete a non-biased IEE. Accordingly, the evaluator must not have any interest, including but not limited to, other projects or independent agreements, and shall not acquire any such interest, direct or indirect, which are, or which the Independent Educational Evaluator believes to be, incompatible in any manner or degree with the performance of services required to be performed in completing the IEE. Independent Educational Evaluator agrees to inform Dallas ISD of all of the Independent Educational Evaluator's interests, if any, which are or which the Independent Educational Evaluator believes to be, incompatible with any interests of Dallas ISD or the parent/adult student.
- The independent evaluator will be invited to the Admission Review and Dismissal (ARD) where the evaluation will be considered at the request of the parent/adult student as a parent/adult student invitee. However, Dallas ISD does not pay for the independent evaluator to attend the ARD.

Once the parent/adult student has chosen an independent evaluator, the parent/adult

## Independent Educational Evaluation

student should contact the Dallas ISD Evaluation Director or designee who will approve the selection and negotiate the terms of the arrangement with the independent evaluator prior to the evaluation. The District will enter into a contract with the independent evaluator to conduct the evaluation in accordance with Dallas ISD's IEE procedures. If the District rejects the IEE evaluator selected by the parent/adult student on the basis that the provider selected by the parent is not qualified, the Dallas ISD Evaluation Director or designee will provide the parent with Prior Written Notice and give the parent the opportunity to show exceptional circumstances why the request should be granted despite deviation from the qualification criteria. See [PRIOR WRITTEN NOTICE].

### General Criteria for IEEs

The following criteria apply to IEEs:

- Independent Educational Evaluators will complete and provide Dallas ISD with a comprehensive Independent Educational Evaluation ("IEE"), in only the area(s) identified by the parent/adult student and approved by Dallas ISD.
- The parent/adult student must provide written consent for the release and exchange of information between Dallas ISD and independent evaluator, including the release to Dallas ISD of the evaluation report, all protocols, and results of all assessment data collected by the independent evaluator. This information will be provided to Dallas ISD by the independent evaluator upon completion of the IEE.
- With the parent/adult student's written consent, the independent evaluator shall have access to the student's records in gathering information about the student, including Dallas ISD's evaluation of the student and the student's current IEP.
- The independent evaluator will only use the most current version of each assessment instrument to complete the IEE.
- The independent evaluator will use assessment instruments that are age and gender appropriate to the child.
- The independent evaluator will use assessment instruments that are chosen on the basis of their relevancy to the educational questions to be addressed by the evaluation.
- With the parent/adult student's written consent, the independent evaluator will contact the campus principal where the student is enrolled if s/he would like to observe the student in the school setting, and/or to obtain any additional educational records, and/or to arrange a time to meet or talk with school staff to

## Independent Educational Evaluation

gather information about the student, and/or to request any other information from Dallas ISD necessary to complete the IEE.

- The independent evaluator will not knowingly utilize sooner than recommended in the test publisher's guidelines the same version of an assessment instrument or measure that was used in a previous assessment of the child.
- The independent evaluator will not use any single measure or assessment as the sole criterion for determining whether a child has a disability or for recommending an appropriate educational program for the child.
- The independent evaluator will select and administer assessment instruments so as not to be discriminatory on a racial or cultural basis.
- The independent evaluator will provide and administer assessment instruments in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is not clearly feasible to do so.
- If the student has been exposed to a second language, the evaluation must include assessment of language dominance and proficiency, and the results must be utilized to determine the appropriate language for the remainder of the evaluation.
- The independent evaluator will use assessment instruments that are used for the purposes for which the assessments or measures are valid and reliable, and tailored to assess educational need.
- The independent evaluator will select and administer assessment instruments or measures that are tailored to assess specific areas of educational need and not merely those that are designed to provide a single intelligence quotient.
- The independent evaluator will use assessment instruments that are selected and administered so as to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude, achievement level, other factors the test purports to measure rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
- The independent evaluator shall follow federal and state evaluation regulations and rules, reporting requirements and established eligibility criteria for the diagnosis of students with disabilities, including, but not limited to the IDEA, its

## Independent Educational Evaluation

implementing regulations, the Texas Education Code, and the Texas Administrative Code.

- The Dallas ISD may discontinue the IEE without cause upon thirty (30) days' written notice. In the event of a termination without cause, Dallas ISD shall pay Independent Educational Evaluator for all services performed and all expenses incurred supported by documentary evidence up until the date of the notice of termination.
- The Dallas ISD may discontinue the IEE immediately and without notice to Independent Educational Evaluator in the event of a substantial failure of performance, including insolvency of Independent Educational Evaluator, loss of state or federal licensing, or upon Dallas ISD's discovery of a violation of any term, condition, or provision of these procedures on the part of the Independent Educational Evaluator. The Dallas ISD has the right, at its sole discretion, to define a substantial failure of performance for the IEE.
- Upon completion of the evaluation, the examiner must forward a signed written report to the Dallas ISD Evaluation Director or designee.

### Criteria for IEE Reports

The following criteria apply to the IEE reports:

- The IEE report will include the following:
  - a. Date(s) when evaluation activities were conducted.
  - b. A list of all information/data reviewed/considered.
  - c. A complete summary of all test scores, including subtest scores for all tests administered.
  - d. A complete summary of all information obtained and/or reviewed from all observations, interviews, and other non-standardized assessment instruments
  - e. A discussion and interpretation of test results.
  - f. Full and complete information that addresses the presence or absence of those symptoms or conditions included in the specific eligibility criteria for the disability areas assessed, including the type and severity of the impairment and the functional implications for the educational process.
  - g. All of the independent evaluator's recommendations for the Admission, Review and Dismissal Committee's consideration.
  - h. An original signature and title of all personnel involved in the evaluation.

## Independent Educational Evaluation

- The evaluation and resulting report must comply with all federal and state laws governing assessment of students with disabilities.
- The report must provide the ARD Committee with sufficient information to determine whether or not the student meets the federal and state eligibility criteria, whether the student has a disability that requires the provision of special education services to the student, and if so, information that is sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the student's disability category.
- When determining the presence of a specific learning disability (LD), the independent evaluator must follow the model adopted by Dallas ISD.

### Criteria for IEE Payment

Dallas ISD agrees to compensate the Independent Educational Evaluator for services satisfactorily rendered pursuant as detailed in the letter of intent provided to the parent, upon the independent evaluators provisions of the original signed report, all test protocols used during evaluation (whether the protocol data was included in the final report or not), results of all testing data, and an itemized invoice. Invoices must reflect all costs incurred in sufficient detail, and include the outstanding balance due for the completion of the IEE.

Dallas ISD will not pay excessive fees for the IEE. The total fees for classroom observation of the student, folder review, formal evaluation procedures, the written report, and consultation with parent/adult student must be reasonable and in accordance with the criteria set forth by Dallas ISD.

The IEE Evaluator shall submit to Dallas ISD any documentation necessary to substantiate the full and satisfactory performance of the services of which payment is requested. The independent evaluator must submit all required documentation for payment, including any required conflict of interest form and vendor background screening form, and set up an account through the iSupplier system before payment will be processed.

The independent evaluator's invoice will need to be submitted to the Dallas ISD Evaluation Director or designee along with the written Educational Evaluation report, as well as all test protocols used during the evaluation, and the results of all testing data. Dallas ISD will not pay for assessments and/or services the independent evaluator provides after the IEE's completion. Dallas ISD will not pay for assessments outside the agreed upon parameters of the IEE.



## Independent Educational Evaluation

The parent/adult will be allowed the opportunity to demonstrate to Dallas ISD that unique circumstances justify an independent educational evaluation that does not fall within Dallas ISD's established criteria. The parent/adult student may appeal in writing to the Dallas ISD Evaluation Director to waive Dallas ISD's established criteria. Approval for payment of an IEE that falls outside of Dallas ISD's criteria is at the sole discretion of the Dallas ISD Evaluation Director.

### **Reimbursement for Parent-Obtained Evaluation**

If a parent/adult student requests that Dallas ISD reimburse the parent/adult student for a private evaluation already obtained by the parent/adult student, Dallas ISD will do so if the parent/adult student was entitled to an IEE and the evaluation meets the District's IEE criteria or if the parent/adult student demonstrates exceptional circumstances to justify deviation from the criteria. If reimbursement is approved, Dallas ISD will require the parent to meet the District's procedures/process on reimbursement and submit all necessary proof of payment.

The District may deny reimbursement if the evaluation does not meet state or federal requirements regarding the particular evaluation. The District may also deny reimbursement of a parent-obtained evaluation, even if it meets the District's IEE criteria, if the District proves at a due process hearing that its evaluation was appropriate.

### **Consideration of the IEE**

The ARD Committee will consider an IEE in any decision made with respect to the provisions of FAPE. The complete and final IEE report must be provided to the Campus Special Education Personnel within a reasonable time prior to the ARD Committee meeting so that there is sufficient time for the appropriately-qualified Dallas ISD or Campus Assessment Personnel to review the report prior to the ARD Committee meeting. If a parent/adult student or IEE evaluator sends the completed IEE to the campus, the Campus Special Education Case Manager should document on the report the date of receipt and immediately forward the report to appropriate Assessment Personnel for review.

If the IEE report is provided to Dallas ISD for the first time at an ARD Committee meeting, the ARD Committee may table the meeting and reconvene at a later time so that appropriately-qualified Dallas ISD or Campus Assessment Personnel can have adequate time to review the report and provide feedback to the ARD Committee. The ARD Committee is not mandated to accept the IEE evaluation findings, implement the IEE recommendations, or modify the student's IEP based on the IEE, unless it is necessary to provide the student with a FAPE.

## Independent Educational Evaluation

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- ARD/IEP
- Dallas ISD FIE
- Parental Request For An IEE
- Prior Written Notice
- IEE Criteria & Procedures
- IEE List of Providers
- IEE Letter of Intent with IEE Evaluator
- Conflict of Interest Questionnaire
- IEE
- ARD Committee Review, Deliberations or Minutes When IEE is Reviewed
- ARD Committee Invitees
- Documentation for the state in TSDS, PEIMS, and SPP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Independent Educational Evaluation - Region 18](#)

[Independent Educational Evaluations - Resources for Implementation - Region 4](#)

[OSEP Letter to Anonymous \(Jan. 4, 2010\) - U.S. Department of Education](#)

[OSEP Letter to Zirkel \(Dec. 11, 2008\) - U.S. Department of Education](#)

[OSEP Letter to Christiansen \(Feb. 9, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Anonymous \(August 13, 2010\) - U.S. Department of Education](#)

### **CITATIONS**

Board Policy EHBAA; Board Policy EHBAB; 34 CFR 300.502(a)-(e), 300.507, 300.511, 300.514



# FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

# FAPE

## ARD COMMITTEE MEMBERSHIP

August 31, 2022

Model operating procedures created by



Student Solutions

and

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ARD Committee Membership

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## ARD COMMITTEE MEMBERSHIP

### What is Required

The ARD Committee must include the following individuals:

- The parent(s) of the student or adult student with a disability.
- Not less than one of the student's regular education teachers who must, to the extent practicable, be a teacher responsible for implementing a portion of student's IEP if the student is, or may be, participating in the regular education environment. For preschool students (ages 3-5 years), the regular education teacher will be the following:
  - For a preschool student with a disability who receives special education services in the home or the home of a childcare provider, there is no regular education teacher of the child, but the parent is encouraged to invite the childcare provider to attend the ARD meeting to share pertinent information about the student.
  - For a preschool student who is enrolled in a community-based early childhood education program, a preschool teacher who meets the administering agency's requirements is qualified to be the regular education teacher of the child (ex: a Head Start teacher).
  - For a preschool student enrolled in an early childhood program within the District, the teacher of the program would be the regular early childhood teacher.
  - For a preschool student in an Early Childhood Special Education (ECSE) classroom, a regular education teacher is not required. However, if the ARD Committee determines that a regular education teacher should attend, the teacher may serve in the role of both the special education teacher and regular education teacher. If it is anticipated that the student will be transitioning to kindergarten during the year the IEP/IFSP is in effect, the kindergarten teacher should be the regular education teacher.
- Not less than one of the student's special education teachers, or where appropriate, not less than one of the student's special education providers who is appropriately certified or licensed.
- The Campus Administrator acting as a representative of Dallas ISD who:
  - Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;

## ARD Committee Membership

- Is knowledgeable about the general education curriculum; and
  - Is knowledgeable about the availability of resources of Dallas ISD.
- An individual who can interpret the instructional implications of evaluation results, who may be the regular education teacher, special education teacher or provider, or Dallas ISD or Campus Assessment Personnel.
  - The student with a disability, whenever appropriate, including when a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals. See [TRANSITION SERVICES].
  - At the discretion of the parent/adult student or Dallas ISD, other discretionary members or individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate.
  - With the consent of the parent/adult student, and to the extent appropriate, a representative of any participating agency that is likely to be responsible for providing or paying for transition services.
  - A representative from career and technical education (CTE), preferably the student's CTE teacher, when considering initial or continued placement of student in CTE. See [TRANSITION SERVICES].
  - If the student is identified as Emergent Bilingual, a professional staff member on the LPAC committee, who may be the regular education or special education teacher on the ARD Committee.
  - In the case of a student with a suspected or documented visual impairment, a teacher who is certified in the education of students with visual impairments.
  - In the case of a student suspected or documented as being a student who is deaf or hard of hearing, a teacher certified in the education of students who are deaf or hard of hearing.
  - In the case of a student with suspected or documented deaf-blindness, a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students who are deaf or hard of hearing.
  - In the case of a student who was previously served under the Early Childhood Intervention (ECI) program, at the request of the parent/adult student, by invitation

## ARD Committee Membership

to the initial ARD Committee meeting only, the ECI service coordinator or other representatives of the ECI system.

### **JJAEP Placement – ARD Committee Membership**

In addition to the above relevant members, in the case of an ARD Committee meeting convened to discuss the expulsion and discretionary placement in the Juvenile Justice Alternative Education Program (JJAEP) in a county with a JJAEP, for an offense for which Dallas ISD may expel a student and discretionarily place the student in JJAEP, Dallas ISD must invite the administrator of the JJAEP or the administrator's designee.

Dallas ISD must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the parent/adult student and a copy of the student's current IEP must be provided to the JJAEP representative with the notice. If the JJAEP representative is unable to attend the ARD Committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's placement in the JJAEP and implementation of the student's current IEP in the JJAEP. Campus Special Education Personnel are responsible for identifying and inviting the administrator of the JJAEP or the administrator's designee when discussing the expulsion and discretionary placement in the JJAEP of a child with a disability.

### **Transfer of Rights – ARD Committee Membership of Adult Student**

The ARD Committee must include an adult student following a transfer of rights when a student with a disability turns 18 years of age. Following the transfer of rights, while the parent and the adult student must be provided the notice of the ARD Committee meeting, it does not give the parent the right to attend the meeting, unless invited. The adult student or Dallas ISD may invite individuals with knowledge or special expertise regarding the adult student, including the student's parents, to be members of the ARD Committee. See and [GRADUATION, TRANSITION, AND ADULT STUDENT AND TRANSFER OF RIGHTS].

### **Attendance and Excusal**

If the parent/adult student and the Campus Administrator agree in writing that an ARD Committee member's attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting, the member is not required to attend the ARD Committee meeting.

When an ARD Committee member's area of the curriculum or related services is being modified or discussed in the ARD Committee meeting, the member may be excused from



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attendance at the meeting, in whole or in part, if: the parent/adult student, in writing, and the Campus Administrator consent to the excusal and the member to be excused submits to the parent/adult student and the ARD Committee, in writing, input into the development of the IEP prior to the meeting. See [CONSENT TO EXCUSE MEMBER FROM ATTENDING ARD COMMITTEE MEETING].

These excusal requirements do not apply to the following Dallas ISD ARD Committee members: the parent, the student with a disability, an adult student following a transfer of rights, the Campus Administrator, the Case Manager for the student, and a discretionary member. The Campus Special Education Administrator must provide the parent as much notice as possible of the District's request to excuse a team member.

### **Additional Procedures**

Campus Special Education Case Manager and/or the Campus ARD Facilitator is responsible for scheduling an ARD meeting and ensuring that all relevant and required individuals have been invited to the ARD Committee meeting. The Campus Administrator will ensure that all required individuals attend the ARD meeting. Thus, where feasible, it is imperative that the purpose of the ARD meeting is clear to ensure all of the required members are in attendance.

Campus Special Education Administrator will ensure that parent/adult student have the opportunity to participate in the ARD meeting and make all reasonable efforts to schedule the ARD at a mutually agreeable time and location. The Campus Special Education Case Manager and/or ARD Facilitator will communicate with the parent/adult student regarding the parent/adult student's attendance at the ARD through a variety of efforts, including written communication, phone calls and email communications to the parent/adult student, and home visits, where appropriate. See [PARENT PARTICIPATION]. If Campus Special Education Personnel are unable to convince the parent/adult student to attend the ARD meeting, or the parent/adult student indicates that the parent/adult student will not be attending the ARD meeting and gives permission for the ARD meeting to proceed without them, the ARD Committee can commence the process without parent/adult student participation. See [PARENT PARTICIPATION]. If the ARD Committee proceeds without the parent/adult student's participation, the ARD minutes/deliberations must include an explanation of the attempts to obtain parent/adult student participation and/or a statement that the parent/adult student gave permission to proceed without the parent/adult student.

Prior to the ARD meeting, the Campus Special Education Case Manager and/or ARD Facilitator will provide the notice of the ARD meeting and ensure that the notice properly identifies those who will be in attendance and the purpose of the ARD meeting. Prior to sending out the notice, Campus Special Education Case Manager and/or ARD Facilitator

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will contact the parent/adult student to ask for the names and role of any individuals invited by the parent/adult student that will be attending the ARD meeting, as well as any concerns/issues the parent/adult student would like to discuss at the ARD meeting. Depending on the parent/adult student's answer, the Campus Special Education Case Manager and/or ARD Facilitator may need to invite additional members to the meeting. The Campus Administrator should contact Legal Services regarding how to proceed if the parent/adult student indicates that an advocate or attorney will be in attendance at the ARD meeting.

Where applicable, Campus Special Education Personnel are also responsible for identifying and inviting a representative of any participating agency that is likely to be responsible for providing or paying for transition services and for obtaining parent/adult student consent for attendance by representative(s) of participating agency(ies). Furthermore, Campus Special Education Personnel are responsible for identifying and inviting the ECI service coordinator or other representatives of the ECI system and obtaining parental consent for an ECI representative to attend ARD meetings where applicable.

If a student will be participating in an ARD meeting, Campus Special Education Personnel will meet with the student prior to the ARD meeting to prepare. During this meeting, Campus Special Education Personnel will describe the student's role in the process and the importance of student participation in creating an appropriate educational program. Campus Special Education Personnel may review a draft IEP with the student prior to the meeting and solicit feedback where appropriate and/or discuss the student's area(s) of concern/strengths and weaknesses prior to the meeting.

The Campus Special Education Case Manager is responsible for compiling and processing the ARD/IEP paperwork. The Campus Special Education Case Manager and/or ARD Facilitator is responsible for sending out the notice of the ARD meeting and ensuring that the notice properly identifies those who will be in attendance and the purpose of the ARD meeting. See [PARENT PARTICIPATION].

The Campus Special Education Case Manager must also notify the appropriate ARD Committee members of the date and time of the ARD meeting, gather relevant information for the ARD, and create a draft IEP for the ARD Committee members review and input at the ARD Committee meeting. The Campus Special Education Case Manager will also be responsible for ensuring that a Prior Written Notice is prepared and information and paperwork are disseminated to the appropriate individuals after the ARD Committee meeting. See [PRIOR WRITTEN NOTICE]. After each ARD Committee meeting, the Campus Special Case Manager must ensure that the updated IEP, including the goals/objectives, accommodations, assessment information, and BIP are distributed to all appropriate personnel and signatures obtained on the Receipt of ARD/IEP Information Form.

## ARD Committee Membership

If an interpreter is needed for the ARD meeting, Campus Special Education Case Manager and/or ARD Facilitator will arrange for the interpreter to attend the ARD meeting by contacting Translation Services as soon as the ARD Committee meeting is scheduled. See [PARENT PARTICIPATION].

### Excusal of Members from ARD Meeting

Where possible, the Campus Special Education Administrator shall notify the parent of Dallas ISD’s request to excuse a team member at least five (5) school days prior to the ARD meeting. Notice of excusal must clearly indicate that a member of the ARD Committee will be excused at any point during the meeting and be as detailed as possible. Where necessary, the member being excused from the ARD meeting shall provide written input to the parent no more than forty-eight (48) hours prior to the ARD meeting. If the parent requests additional time to review the written input from the member requesting excusal, the parent may reschedule the meeting or request to reconvene. The Campus Administrator will ensure that proper documentation of ARD Committee member excusal from a particular meeting is completed by utilizing the Dallas ISD Excusal of ARD Committee Member Form. If an ARD Committee member is not required to attend the ARD meeting (in whole or in part) because the member’s area of the curriculum or related services is not being modified or discussed in the meeting, the Dallas ISD Excusal of ARD Committee Member Form must be signed by the Campus Administrator and the parent/adult student noting that the person will not be in attendance, that the person’s attendance is not necessary, and that the area of the curriculum or related service is not being modified or discussed during the ARD meeting. If an ARD Committee member whose curriculum or related service area is being discussed at the ARD, the Dallas ISD Excusal of ARD Committee Member Form must be completed and signed by the Campus Administrator and the parent/adult student. The member excused must complete the section of the Form which includes the member’s written input into the development of the IEP. The Campus Special Education Personnel will upload the signed and completed Dallas ISD Excusal of ARD Committee Member Form to the ARD/IEP document to which the member was excused.

### Other Required Dallas ISD ARD Members and Roles

#### *Behavior Instructional Specialist*

A Behavior Instructional Specialist must be invited when the ARD Committee is considering (a) change in placement/services due to the student’s behavior or (b) as requested by campus personnel.

#### *Licensed Specialist in School Psychology (LSSP)*

An LSSP must be invited when a psychological/emotional evaluation, counseling as a related service, Manifestation Determination Review and/or the results of a functional behavioral assessment are being discussed. The LSSP should be knowledgeable in the

## ARD Committee Membership

area of positive behavior support strategies.

### *Instructional/Related Services Provider(s)*

All Instructional/Related Services Providers must be invited when the student is receiving or may require instructional/related services. This includes an adapted PE teacher, speech therapist, orientation & mobility specialist, occupational therapist, physical therapist, music therapist, and/or LSSP.

### *Special Program Representative*

A Special Program Representative must be invited when a student is eligible for other special programs such as pregnancy related services (PRS) or migrant education.

### *Hospital/Homebound Representative*

A Hospital/Homebound Representative must be invited when a student is being considered for or receiving hospital/homebound services.

### *Day/Residential School Representative*

A Day/Residential School Representative must be invited when a student is being considered for or is placed by Dallas ISD in a contracted day/residential school placement.

### *Private/Parochial School Representative*

The Private/Parochial School Representative must be invited when the student is enrolled in a private/parochial school and is receiving or is eligible to receive special education services through Dallas ISD.

### *Nurse*

The Nurse must be invited if the Committee will be discussing a health-related disability (OHI eligible students), student medication and/or health services.

### *Representative from Shared Services Agreement LEA (local educational agency) for students centralized in Dallas ISD's Regional Day School Program for the Deaf (RDSPD)*

A representative from the school district in which the RDSPD student resides must be invited to the ARD Committee meeting for all shared service agreement students. All completed ARD paperwork must also be disseminated to the representative of the RDSPD student's school district.

## Training

All Campus and District Personnel who work with students with disabilities will receive, at a minimum, annual training regarding ARD Committee Membership, including the roles and responsibilities of each member, parent participation, the excusal process, preparing

## ARD Committee Membership

for ARD meetings, and ARD facilitation.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- ARD/IEP
- Documentation of Parent Participation
- Contact Log
- Notice(s) of ARD Meeting
- ARD Invitations to Appropriate Campus and Special Education Personnel
- Prior Written Notice
- *Notice of Procedural Safeguards*
- *Parent's Guide to the Admission, Review, and Dismissal Process*
- ARD Committee Member Excusal Form
- ARD Committee Sign In Sheet and/or Signature Page
- Documentation Regarding Parent Participation in ARD Meeting
- Receipt of ARD/IEP Information Form

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Admission, Review, and Dismissal Committee Membership - Region 18](#)

[Consent to Excuse Member from ARD Committee Legal Framework - Region 18](#)

[Parent's Guide to the Admission, Review, and Dismissal Process - Texas Education Agency](#)

[OSEP Letter to Anonymous \(Mar. 31, 2008\) - U.S. Department of Education](#)

[OSEP Letter to Serwecki \(Feb. 28, 2005\) - U.S. Department of Education](#)

[OSEP Letter to Andel \(Feb. 17, 2016\) - U.S. Department of Education](#)

[OSEP Letter to Caplan \(Mar. 17, 2008\) - U.S. Department of Education](#)

[OSERS Questions and Answers on Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(revised Sept. 2011\) - U.S. Department of Education](#)

ARD Committee Membership

## [Dallas ISD ARD Committee Agenda](#)

### **citations**

Board Policy EHBAA; Board Policy EHBAB; 20 U.S.C. 1414; 34 CFR 300.156(c), 300.321, 300.322, 300.328, 300.501, 300.520(a), 300.9; Texas Education Code 29.005, 37.007; Texas Government Code 392.002; 19 TAC 75.1023(d)(1), 89.1015, 89.1045(b), 89.1049(d), 89.1050(c), 1052(b), 89.1075(a)

# FAPE

## PARENT PARTICIPATION

August 31, 2022

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

Customized for Dallas ISD

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Parent Participation

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## PARENT PARTICIPATION

### What is Required

#### Notice of Rights and Guide to the ARD Process

The District must adopt and implement appropriate procedural safeguards regarding the identification, evaluation, or educational placement of students with disabilities or those who are suspected of having disabilities and notify the parent/adult student of these procedural safeguards. Specifically, Campus Special Education Personnel must provide the parent/adult student with the *Notice of Procedural Safeguards* at least once a year and on the following occasions:

- upon initial referral or on request for an evaluation. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES];
- upon receipt of the first State complaint or due process hearing complaint for the student in a school year. See [TEA COMPLAINT PROCEDURES] and [DUE PROCESS COMPLAINTS];
- upon a disciplinary change of placement. See [DISCIPLINE sections]; or
- upon a request by a parent/adult student.

In addition, the Texas Education Agency, has also developed the *Parent’s Guide to the Admission, Review, and Dismissal Process* (the “Guide”) which is designed to give the parent of a student with a disability or adult student (or the parent of a student suspected of a disability) with a better understanding of the special education process and the parent’s procedural rights and responsibilities so that the parent/adult student will be able to fully participate in the decision-making process regarding the student’s education. The Campus Special Education Case Manager must provide the parent/adult student the Guide as soon as practicable after a referral for possible special education services, but no later than 5 school days before the initial ARD Committee meeting. The Guide must also be provided upon request of the parent/adult student.

#### Responsibility for Parent Participation

Campus Special Education Personnel must make reasonable efforts to ensure that one or both of the parents of the student with a disability or the adult student are present at each ARD meeting and afforded a reasonable opportunity to participate. To do so, Campus Special Education Personnel must ensure that the parent/adult student is

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provided a notice of the ARD meeting early enough so that they have the opportunity to attend and schedule the ARD meeting at a mutually agreed upon time and place.

If the parent/adult student is not able to attend the ARD Committee meeting in person, Campus Special Education Personnel must use other methods to encourage parent/adult student participation, including via telephone or videoconference.

A meeting in which a parent/adult student must be given the opportunity to participate, does not include:

- Informal or unscheduled conversations between Service Providers;
- Conversations related to teaching methodology, lesson plans, or communications related to the provision of services; and
- Interactions between the Campus ARD Committee members in preparation of developing a proposal or a response to a parent proposal that will be discussed at the ARD meeting (“staffing”).

The ARD Committee must ensure that the parent/adult student is able to understand the entirety of the ARD meeting and provide an interpreter for the parent/adult student who is deaf or hard of hearing or whose native language is other than English.

### **Notice of ARD Committee Meeting**

The Special Education Case Manager must provide the parent/adult student with written notice of an ARD Committee meeting at least 5 school days before the ARD meeting unless the parent/adult student agrees to a shorter timeframe. The written notice must:

- State the purpose, time, and location of the meeting;
- Notify the parent/adult student of the provisions relating to participation of other individuals who have knowledge or special expertise about the student; and
- Notify the parent of the participation of the IDEA Part C service coordinator or IDEA Part C representatives at the initial ARD Committee meeting for the student previously served under Part C of the IDEA.

See [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEMBERSHIP].

By the first IEP to be in effect when a student turns 14, or younger if determined appropriate by the ARD Committee, the Campus Special Education Case Manager must also indicate in the notice:

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- That the ARD Committee will consider postsecondary and transition services for the student at the ARD meeting;
- That the student will be invited to the meeting; and
- That any other agency may send a representative with the consent of the parent/adult student.

All written notices must be provided in the parent/adult student's native language, unless clearly not feasible. Where the parent/adult student's native language is not a written language, Campus Special Education Personnel must ensure that the notice is translated orally or by other means to the parent/adult student in the parent/adult student's native language or other mode of communication to ensure the parent/adult student understands the content of the notice.

### **Conducting an ARD Committee Meeting Without the Parent in Attendance**

The ARD Committee may convene an ARD meeting without the parent/adult student if Campus Special Education Personnel are unable to convince the parent/adult student to attend the meeting. The Special Education Case Manager must keep a record of each attempt to arrange the meeting at a mutually agreed upon time and place. These efforts include but are not limited to records of telephone calls made or attempted and the results of those calls, copies of correspondence sent to the parent/adult student and any responses received, and detailed records of visits to the parent/adult student's home or place of employment and the results of those visits.

### **Parent Copy of the Student's IEP**

The Special Education Case Manager must provide the parent/adult student a copy of the student's IEP at no cost. If a parent/adult student's native language is Spanish, the parent/adult student must be provided a written copy or audio recording of the student's IEP translated into Spanish. If a parent/adult student's native language is a language other than Spanish, Campus Special Education Personnel must make a good faith effort to provide the parent/adult student with a written copy or audio recording of the student's IEP translated into the parent/adult student's native language.

If the parent/adult student's native language is not a written language, Campus Special Education Personnel must take reasonable steps to ensure that the student's IEP is translated orally or by other means in the parent/adult student's native language or other mode of communication. Any translation must be a comparable rendition of the IEP in English and not a partial translation or a summary of the IEP in English. Campus Special Education Personnel may provide the parent an audio recording of an ARD meeting where the parent was assisted by an interpreter if the audio recording contains an oral

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translation into the target language of all of the content in the student's IEP in English.

## **Additional Procedures**

### **Notice of Rights**

The parent/adult student can access the Notice of Procedural Safeguards and the Guide on the Texas Education Agency's website. The Notice of Procedural Safeguards and the Guide is also available on the Dallas ISD website at [Notice of Procedural Safeguards and Parent's Guide to the ARD Process](#). A parent may elect to receive a copy of the Notice of Procedural Safeguard and/or Parent's Guide to the ARD Process via email.

### **Responsibility for Parent Participation**

When scheduling the ARD meeting with the parent/adult student, the Campus Special Education Case Manager will provide the parent/adult student multiple different dates/times of the day for the ARD meeting to ensure that the parent/adult student can participate. Campus or Dallas ISD Administrators and/or Campus or Dallas ISD Special Education Personnel may not restrict the dates/times of ARD meetings to such an extent that it would inhibit parent/adult student participation. The Campus Special Education Case Manager will also notify the parent/adult student that the parent/adult student may participate in the ARD meeting in-person, by phone, or by video conference. ARD meetings will be held at the student's campus, unless the parent/adult student objects to this location. If the parent/adult student objects to the location of the meeting, the Campus Special Education Case Manager will work with the parent/adult student to find an alternative location within Dallas ISD for the meeting. In addition, the meeting may be held entirely virtual during times of school closure or restrictions due to a pandemic or other school safety issues. At other times, with the consent of the parent/adult student, some or all participants may attend the meeting by phone or virtually.

Where feasible, the Campus Special Education Case Manager will send a draft of the IEP (or at least a draft of the PLAAFP, proposed goals and objectives, accommodations, and BIP) to the parent/adult student within a reasonable amount of time (a minimum of 2 calendar days before the ARD) for the parent/adult student to review prior to the ARD meeting. Campus Special Education Personnel will explain to the parent/adult student that the draft IEP is solely for the purpose of discussion and development of the student's IEP and are only recommendations for review and discussion with the parent/adult student at the ARD Committee meeting. The Campus Special Education Case Manager will keep a copy of the draft IEP sent to the parent in the audit file in the Other Documents section and document the method and date of receipt by the parent on the draft IEP. The Campus Special Education Case Manager should be very clear with the parent that the draft does not indicate the final decisions of the ARD Committee and that all ARD

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Committee members will consider the parent/adult student's input as well as the input of all members at the ARD Committee meeting. The Campus Special Education Case Manager will also record in the deliberations/minutes of the ARD meeting any changes that were made to the draft IEP based on parent/adult student input and/or other member's input and/or that the parent/adult student agreed to the recommendations.

During the ARD meeting, Campus Special Education Personnel will check in with the parent/adult student to make sure that the parent fully understands the ARD process and what is being discussed in the meeting. Campus ARD Committee members must enter the ARD Committee meeting with an open mind and must meaningfully consider the parent/adult student's input as well as all available appropriate alternatives. The minutes/deliberations of the ARD Committee meeting should reflect the input and the concerns of the parent/adult student as well as Dallas ISD's response to those concerns.

For all ARD Committee meetings for a parent/adult student whose native language is not English, the Campus Special Education Case Manager must contact Dallas ISD Translation Services to schedule a translator to attend the ARD meeting as soon as the meeting date is set and ensure that an interpreter is present for the meeting. The other members of the ARD Committee and/or other Campus Personnel should not serve as the interpreter for the meeting, unless the parent/adult student agrees in writing.

## Family Engagement Activities

Throughout the ARD year, Campus Special Education Personnel will frequently communicate with the parent of the student through email, phone calls, or letters sent home regarding the student's progress. This will ensure that the parent has an accurate understanding of the student's progress and is fully prepared to participate in the ARD process. Campus Special Education Personnel shall maintain documentation of these communications through a communication log that includes the name of the parent, date and time of the conversation, method of communication, and summary of the discussion. In addition, progress reports regarding the student's progress on his/her goals and objectives shall be sent home to the parent/adult at the same time as general education progress reports are sent home, unless the IEP indicates a different reporting period. The Campus Special Education Case Manager shall be responsible for sending home these progress reports as well as documenting the method of receipt by the parent.

In addition, Dallas ISD is committed to engaging all stakeholders, especially parents in the education of their student. Dallas ISD understands that only when we build strong relationships with our staff, students, families and community members can we best meet the needs of each and every student. As such, the Dallas ISD Special Services Department has developed the "Let's Talk" communication tool. "Let's Talk" invites parents to send the Dallas ISD Special Services Department any and all questions, concerns, suggestions, and/or compliments through a link on the Dallas ISD Special

## Parent Participation

Services webpage. The parent/adult student is invited to click on one or more of the following topics and make a submission through Let's Talk:

- Special Education Attendance
- Special Education Enrollment
- Special Education Transportation
- Specialized Instructional or Related Services
- ARD Questions
- IEP Implementation
- Referral and Evaluation
- Dyslexia
- Section 504

Once a submission is received, the District Personnel who can best address the parent/adult student's comment will be notified. And, if a response is requested, the District Personnel who is able to respond will do so in a timely manner. The link for Let's Talk is found at: <https://www.dallasisd.org/Page/61740>.

Furthermore, Dallas ISD has also established the Special Services Behavioral Health Clinician Department to support students and families receiving special education services. The Behavioral Health Clinician Department employs Behavior Health Clinicians including Licensed Professional Counselors, Licensed Social Workers, and Licensed Master Social Workers who can provide student services, but also family support and parent education. Specifically, Behavioral Health Clinicians help assess family needs to alleviate barriers that impede student success. They serve to empower parents to advocate for their students with disabilities, assist with family referrals to appropriate community resources, encourage parent collaboration with their campus, and provide follow up for continuity of care. The Behavioral Health Clinician Department also design and provide training to assist parents in learning skills needed to work with their students.

### **Notice of ARD Committee Meeting**

The Campus Special Education Case Manager will coordinate with the parent/adult student to set up an ARD meeting at a mutually agreeable time, date, and location. The Campus may not restrict the date, time or location for ARD meetings to such an extent that it impedes the ability of a parent to participate in the ARD meeting. The Campus Special Education Case Manager will provide at least three (3) notices of the ARD to the parent/adult student delivered in two (2) different methods (hand delivery, mail, phone call, email, etc.) on three (3) different days. The first notice must be provided to the parent/adult student at least five (5) school days before the scheduled ARD meeting. While the Campus Special Education Case Manager may provide the notice to the parent

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through the student, (e.g., by placing the notice in the student's backpack), such a delivery method must be followed up with a phone call, email, or other documented delivery method to the parent. The Campus Special Education Case Manager will document all efforts to ensure parent participation in the ARD Committee meeting and place all relevant documentation of these efforts in the student's special education eligibility folder.

In addition to the notice requirements above, the Campus Special Education Case Manager will ask the parent/adult student to provide the names of any other individuals invited by that parent/adult student that will be attending the ARD meeting. The Campus Administrator must contact Dallas ISD's Legal Services Department regarding how to proceed if the parent/adult student indicates that an advocate or attorney will attend the ARD meeting. If a parent/adult student shows up to an ARD meeting with an advocate or attorney without notice, the Campus Administrator should contact Dallas ISD's Legal Services Department before the ARD meeting begins to determine whether the ARD meeting will be rescheduled to allow Dallas ISD's representative to attend the ARD meeting.

If necessary, Campus ARD Committee members should schedule and participate in a staffing prior to an ARD meeting to prepare a draft proposal or a response to a parent/adult student proposal that will be discussed at the ARD meeting. It is likely that a staffing will need to be scheduled prior to the ARD with Dallas ISD Special Education Personnel (and possibly Dallas ISD's legal representation), if the parent/adult student indicates that an attorney or advocate will be present at the ARD, or if the campus is aware of a significant concern or proposal of the campus and/or parent/adult student. The parent/adult student has no right to attend a staffing and should not be invited.

All ARD Committee meeting notices should be provided to the parent/adult student in the parent/adult student's native language. All ARD Committee meeting notices to be translated in a parent/adult student's native language should go through the Dallas ISD Translation Services Department. Campus Special Education Personnel should not attempt to translate such documentation through an online translation system. Both the English version and the translated version of the notice should be placed in the red audit folder by the Special Education Case Manager.

## Parent Request for ARD Meeting

While a parent has the right to meaningful participation in the student's IEP, the District is not required to convene an ARD meeting at the request of the parent if the request does not involve the provision of a free appropriate public education ("FAPE") to the student. Should the parent request an ARD meeting to address an issue other than the provision of FAPE, Campus Special Education Administration and Campus Special Education Personnel will communicate to determine whether to grant the parent's

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request. If the District denies a parent's request for an ARD meeting, the Campus Special Education Case Manager must provide the parent the Notice of Proposal/Refusal of Services in the parent's native language or other mode of communication within five (5) school days of the request, outlining the District's reason for denying the meeting. See [PRIOR WRITTEN NOTICE]. If a parent/teacher conference or conference with an administrator is appropriate, the Campus Special Education Administrator or Campus Special Education Case Manager may offer to meet with the parent outside of an ARD meeting.

### **Conducting an ARD Committee Meeting Without the Parent in Attendance**

The Campus Special Education Case Manager must keep a record of all attempts to arrange a mutually agreeable time, place, and location for an ARD meeting including keeping a phone log of all calls made or attempted and the results of those calls; all letters, emails, text messages, notices and/or other communications sent to the parent/adult student and the parent/adult student's response, and any record of any visits to the parent/adult student's home or place of employment. The Campus Special Education Case Manager must make at least 3 documented attempts to convince the parent/adult student to attend the ARD meeting. If Campus Special Education Personnel still cannot convince the parent/adult student to attend the ARD meeting after all reasonable efforts to encourage participation have been made, the ARD Committee will convene an ARD meeting without the parent/adult student.

During the ARD meeting, the Campus Special Education Case Manager should outline the attempts taken to obtain parent/adult student participation. This information should be included in the minutes/deliberations of the ARD meeting.

The Campus Special Education Case Manager will ensure that the parent/adult student receives a copy of the ARD paperwork (in the parent/adult student's native language and English) and the Notice of Proposal/Refusal of Services on the same day of the ARD meeting, if possible, but no later than the next school day after the ARD meeting. See [PRIOR WRITTEN NOTICE]. The documentation will also explain to the parent/adult student that the parent is welcome to contact the campus after reviewing the IEP to schedule another ARD meeting. The documentation must also inform the parent/adult student that the ARD/IEP will be implemented after 5 school days after the parent/adult student's receipt of the ARD paperwork and the Notice of Proposal/Refusal of Services. The Campus Special Education Case Manager must document the method and date that the ARD paperwork was sent to parent in the Communication Log and ensure that services are implemented five school days later.

### **Parent Copy of the Student's IEP**

For a parent/adult student whose native language is Spanish, the Campus Special



## Parent Participation

Education Case Manager will provide the parent/adult student with the English and Spanish version of the ARD paperwork printed from Dallas ISD's data management system. For a parent/adult student who speaks a language other than English or Spanish, the Campus Special Education Case Manager will provide the parent/adult student with the English version of the ARD paperwork and also send the ARD paperwork to Dallas ISD Translation Services for translation to the parent/adult student's native language. Such translated paperwork is then sent to the parent/adult student by the Campus Special Education Case Manager within a reasonable time after the ARD meeting. Campus Special Education Personnel should not attempt to translate such documentation through an online translation system. The Special Education Case Manager will maintain both the English ARD/IEP and the parent/adult student's native language ARD/IEP in the red audit folder.

### **Parent Request to Record ARD Meeting**

In accordance with Dallas ISD Board Policy EHBAB (Local), an ARD committee meeting must be audio recorded if requested by a parent/ adult student. The option to audio record the ARD committee meeting shall be clearly presented to the parent/adult student both in writing and orally in their native language. At the beginning of every ARD Committee meeting, Campus Administrator must provide the parent/adult student with a copy of EHBAB (Local) in the parent/adult student's native language. The Campus Administrator should then ask the parent/adult student whether the parent/adult student would like the ARD meeting recorded. If the parent/adult student indicates that the ARD meeting should be recorded, the Campus Administrator shall ensure that the meeting is recorded and maintained in accordance with Dallas ISD policy.

Any recording done by the district is considered an "educational record" subject to the parents' access. Per Dallas ISD policy, student records are confidential and only available to those who have authorization from the parent, legal guardian, or responsible person if the student is less than 18 years of age. If the student is 18 years of age or older, school records will not be released to a parent, guardian, or responsible person without the adult student's written consent and photo identification. An authorized person may obtain a copy of the recording through a written request through the campus principal. Dallas ISD must comply with a parent/legal guardian's or adult student's request to access the recording within a reasonable time but in no case later than 45 days after receipt of the request. The Campus Administrator will provide an authorized person with one secure electronic copy of the recording upon written request within the required timeline at no cost. A request for an additional copy of the recording to be provided on a specific media type (i.e., flash drive, disk, etc.) will be fulfilled to the extent reasonable, as determined by the Campus Administrator, and may result in appropriate fees.

## Parent Participation

### **Evidence of Implementation**

- Receipt of Procedural Safeguards and Rights
- Parent's Guide to the Admission, Review, and Dismissal Process
- Notice of Procedural Safeguards
- Three Notices of ARD Meeting
- Attempts to Contact the Parent/Adult Student To Ensure Participation in ARD Meeting
- Draft of ARD/IEP
- Final ARD/IEP
- Documentation that ARD/IEP Was Provided to Parent/Adult Student in Parent/Adult student's Native Language
- Documentation of Translator or Interpreter for Parent Where Necessary
- Copy of EHBAB(Local) Provided to Parent/Adult Student at Every ARD Meeting in Native Language
- Family Engagement Activities
- Communication Log
- Dallas ISD ARD Script
- Dallas ISD ARD Agenda
- Audio Recording of ARD Meeting Requested by Parent
- ARD/IEP Deliberations/Minutes

### **Resources**

[The Legal Framework for the Child Centered Special Education Process: Parent Participation Framework - Region 18](#)

[Parent's Guide to the Admission, Review, and Dismissal Process - Texas Education Agency](#)

[OSEP Letter to Northrop \(May 21, 2013\) - U.S. Department of Education](#)

[OSEP Letter to Breton \(Sept. 24, 2013\) - U.S. Department of Education](#)

[OSEP Letter to Anonymous \(Mar. 7, 2012\) - U.S. Department of Education](#)

[Dallas ISD Notice of Procedural Safeguards and Parent's Guide to ARD Process](#)

[Dallas ISD Special Services Let's Talk](#)

[Dallas ISD Special Services Behavioral Health Department](#)

## Parent Participation

### Citations

Board Policy EHBAB; Board Policy CPC; 34 CFR 300.321(b)(3), 300.322, 300.328, 300.501; Texas Education Code 26.0081(a)–(b), 29.005(d); 19 TAC 89.1050(d), (f), (i)

# FAPE

## ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING

August 31, 2022

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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ARD Committee Meeting

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## ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING

### What is Required

Dallas ISD will establish an Admission, Review, and Dismissal (ARD) Committee for each eligible student with a disability and for each student for whom an evaluation is conducted. See [FAPE-ARD COMMITTEE MEMBERSHIP] and [EVALUATION]. The ARD Committee is the group of qualified professionals and the parent of the student or the adult student that determines whether the student is a student with a disability and the educational needs of the student. The ARD Committee is the team that develops the Individualized Education Program (IEP) for the eligible student with a disability and determines the educational placement of the student.

### **Individualized Education Program (IEP)**

The IEP is the written statement for each student with a disability that is developed, reviewed, and revised by the ARD Committee. The IEP must include:

- A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or for preschool students, as appropriate, how the disability affects the student's participation in appropriate activities;
- A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum; and meet each of the student's other educational needs that result from the student's disability, and, for students with disabilities who take alternate assessments aligned to alternate academic achievement standards, a description of benchmarks or short-term objectives;
- A description of how the student's progress toward meeting the annual goals described above will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;
- A statement of the special education and related services and supplementary aids

## ARD Committee Meeting

and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications, accommodations, or supports for school personnel that will be provided to enable the student to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum, and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students;

- An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class;
- A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on State and districtwide assessments;
- If the ARD Committee determines that the student must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why the student cannot participate in the regular assessment; and why the particular alternate assessment selected is appropriate for the student; and
- The projected date for the beginning of the services and modifications described above, and the anticipated frequency, location, and duration of those services and modifications.

Dallas ISD must have an IEP in effect at the beginning of the school year for each student with a disability ages 3 through 21 enrolled in Dallas ISD. For a student with a disability who transfers into Dallas ISD within the same year or during the summer, from another district within Texas or a district outside of Texas, the District will comply with the transfer rules and procedures regarding evaluations and the provisions of an IEP. See [CHILD FIND - CHILDREN WHO TRANSFER]. In addition, FAPE must be available for students with visual impairments, or who are deaf or hard of hearing from birth as set out in an Individualized Family Service Plan (IFSP) for those students birth through 2 years of age and an IEP for those students age 3 or older. See [CHILD FIND – AGES 0-5] and [DISABILITIES – Visual Impairment, Deaf or Hard of Hearing, and Deaf-Blindness].

The IEP is developed and agreed upon at an initial ARD Committee meeting and revised as needed, but no less than once annually. Campus Special Education Case Manager must provide the parent/adult student with written notice prior to any ARD meeting to allow the parent/adult student the opportunity to meaningfully participate in the meeting and provide the Notice of Proposal/Refusal of Services of any proposed change to the student's IEP following the ARD meeting before any changes may be implemented. See



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[PARENT PARTICIPATION] and [PRIOR WRITTEN NOTICE]. In addition, an ARD Committee must include certain individuals and members, including the parent/adult student. For a full discussion regarding who must attend an ARD meeting and legal excusal of required members and having an ARD meeting without a parent/adult student, see [FAPE-ARD COMMITTEE MEMBERSHIP].

### Initial ARD Meeting

At the initial ARD meeting, the ARD Committee must determine if the student is eligible for special education services based on the initial FIE and, where appropriate, placement in special education and the development of an IEP, within 30 calendar days from the date of the completion of the written initial FIE report.

The ARD Committee may wait to finalize decisions until the first day of classes in the fall if the 30<sup>th</sup> day falls during the summer when school is not in session, unless the initial evaluation indicates that the student will require Extended School Year services during that summer. See [EXTENDED SCHOOL YEAR SERVICES]. In addition, if Dallas ISD received written consent for the evaluation from the parent/adult student at least 35 but fewer than 45 school days before the last instructional day of the school year and the student was not absent from school three or more days between the time the District received written consent and the last instructional day of the school year, the ARD Committee is only required to meet prior to the 15<sup>th</sup> school day of the following school year, unless the initial evaluation indicates that the student will require Extended School Year services during that summer.

If the Initial evaluation indicates that the student will require Extended School Year services during that summer, the ARD Committee must convene as early as possible. A 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 school term.

### Developing the IEP

Dallas ISD must provide all members of the ARD Committee the opportunity to collaboratively participate in developing the IEP. The ARD Committee must consider:

- The student’s strengths;
- The parent/adult student’s concerns regarding the student’s education;
- The results of the initial evaluation or most recent evaluation of the student; and
- The academic, developmental, and functional needs of the student.

The ARD Committee must decide whether the student’s IEP will last for 36 instructional

## ARD Committee Meeting

weeks, or if the IEP will be for a shorter duration.

Service Providers and Campus Special Education Personnel will ensure that special education and related services are provided to the student in accordance with the student's IEP as soon as possible following the development of the IEP at the ARD meeting and upon receipts of the Notice of Proposal/Refusal of Services, in compliance with Prior Written Notice requirements. In short, unless the parent/adult student waives the 5 school days notice, the IEP must be implemented 5 school days after the ARD paperwork and the Notice of Proposal/Refusal of Services is provided to the parent/adult student. See [PRIOR WRITTEN NOTICE].

### Periodic Review and Revision of the IEP

The ARD Committee must periodically review the student's IEP to assess the student's progress. At a minimum, the IEP should be reviewed annually (or once every 36 instructional weeks), to determine whether the student has achieved the annual goals. Where necessary, the ARD Committee must revise the IEP to address:

- Any lack of expected progress toward the annual goals and in the general education curriculum, if needed;
- The results of any reevaluation;
- Information about the student provided to, or by the parent/adult student, in a Review of Existing Evaluation Data, see [REVIEW OF EXISTING EVALUATION DATA];
- The student's anticipated needs; or
- Additional matters.

The ARD Committee must convene to address transition goals for the student if a participating agency, other than the District, fails to provide transition services outlined in the student's IEP. See [TRANSITION SERVICES].

If the student has been reevaluated, the ARD Committee and Dallas ISD Special Education Personnel should encourage the consolidation of any meetings related to the evaluation with other ARD Committee meetings.

The entire ARD Committee must convene an ARD meeting to make any and all changes to an IEP. It is Dallas ISD's practice not to do IEP amendments without an ARD meeting, despite the law allowing it. In rare circumstances, an IEP can be amended without an ARD through the IEP amendment process, but only with the express consent of the Dallas ISD Executive Director of Special Programs. See [AMENDMENT WITHOUT A

## ARD Committee Meeting

MEETING].

For students with a Behavior Intervention Plan (“BIP”) included in the IEP, the BIP must be reviewed by the ARD Committee annually or more frequently as appropriate. The review must consider changes in circumstances that may impact the student’s behavior, the safety of the student, and the safety of others. Examples of changes in circumstances that may impact the student’s behavior to be considered include:

- Changes of placement
- An increase or persistence in disciplinary actions taken for similar types of behavioral incidents
- A pattern of unexcused absences;
- An increase in restraints; and/or
- An unauthorized departure from an educational setting.

However, this list is not exhaustive and a student’s BIP should be reviewed when there are any circumstances that may impact the student’s behavior.

### **Recessing and Reconvening a Meeting**

If possible, the ARD Committee should attempt to reach mutual agreement regarding the required elements of the IEP. If the parent/adult student does not agree with any of the required elements of the IEP, Dallas ISD must offer the parent/adult student a single opportunity to recess and reconvene the ARD Committee meeting at a mutually agreed upon time and place within 10 school days of the ARD meeting, unless the parties mutually agree to a different date outside of the 10 school days. . However, the ARD Committee is not required to offer a recess and reconvene if the student’s presence on the campus presents a danger of physical harm to the student or others or if the student has committed an expellable offense or an offense that might lead to a placement in a disciplinary alternative education program (DAEP).

During the recess period, members of the ARD Committee should consider alternatives, gather additional data, prepare additional documentation, and/or seek additional individuals to help the ARD Committee reach a mutual agreement.

Should the ARD Committee still fail to reach a mutual agreement after it reconvenes, Dallas ISD must implement the IEP that it has determined to be appropriate for the student after giving the parent/adult student the final ARD/IEP and the Notice of Proposal/Refusal of Services and waiting the required five (5) school days from receipt of the Notice of Proposal/Refusal of Services. See [PRIOR WRITTEN NOTICE]

The ARD Committee may also recess an ARD meeting for reasons other than the failure to reach mutual agreement. Specifically, Dallas ISD can set reasonable time limits for

## ARD Committee Meeting

ARD Committee meetings and if the Committee needs multiple meetings to get through the ARD Agenda, the ARD Committee may recess and reconvene the meeting on multiple days. The dates and times of any and all recessed and reconvened meetings will be documented in the deliberations of the ARD/IEP meeting.

### **Mutual Agreement**

Each IEP must include:

- The date of the meeting(s);
- The name, position, and signature of each ARD Committee member participating in the meeting; and
- An indication of whether the student's parents, the adult student (if applicable), and the Campus Administrator agreed or disagreed with the decisions of the ARD Committee.

If mutual agreement is not reached, the IEP must include a written statement explaining the reason for the disagreement. In addition, each member of the ARD Committee, including the parent/adult student, who disagrees with the IEP is entitled to include their own statement of disagreement in the IEP.

### **Parent/Adult Student Request for an ARD Committee Meeting**

A parent/adult student may request an ARD Committee meeting at any time and for any reason. Upon receipt of a written request for an ARD Committee meeting from the parent/adult student, the Campus Special Education Case Manager must schedule and convene the meeting or, within 5 school days, provide the parent/adult student with the Notice of Proposal/Refusal of Services explaining why the District refuses to convene the meeting. See [PARENT PARTICIPATION] and [PRIOR WRITTEN NOTICE]

### **State IEP Facilitation**

State IEP facilitation refers to a method of alternative dispute resolution that involves the use of a trained independent facilitator appointed by the Texas Education Agency to assist an ARD Committee in developing an IEP for a student with a disability when there is a dispute about decisions relating to the provision of FAPE. The facilitator uses facilitation techniques to help the committee members communicate and collaborate effectively. State IEP facilitation is voluntary on the part of both the District and the parent/adult student and is provided by TEA at no cost.

In order for TEA to provide an independent facilitator, the following conditions must be

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met:

- (1) The required form must be completed and signed by both the Campus Administrator and the parent/adult student.
- (2) The dispute must relate to an ARD committee meeting in which mutual agreement about one or more of the required elements of the IEP was not reached and the parent/adult student has been offered and has agreed to the 10-day recess.
- (3) The request for State IEP facilitation must have been filed within 10 calendar days of the ARD Committee meeting that ended in disagreement, and a facilitator must be available on the date set for reconvening the meeting.
- (4) The dispute must not relate to a manifestation determination or determination of interim alternative educational setting.
- (5) The District and the parent/adult student must not be concurrently involved in special education mediation.
- (6) The issues in the dispute must not be the subject of a special education complaint or a special education due process hearing.
- (7) The District and the parent/adult student must not have participated in IEP facilitation within the same school year of the filing of the current request for IEP facilitation.

An IEP facilitator is not a member of the ARD Committee and has no decision-making authority over the ARD Committee meeting. The facilitator must be impartial and cannot provide input or an opinion into the development of a student's IEP. A facilitator assists with the overall organization and conduct of the ARD Committee meeting by:

- assisting the committee in establishing an agenda and setting the time allotted for the meeting,
- assisting the committee in establishing a set of guidelines for the meeting,
- guiding the discussion and keeping the focus on developing a mutually-agreed-upon IEP for the student,
- ensuring that each committee member has an opportunity to participate,
- helping to resolve disagreements that arise, and
- helping to keep the ARD Committee on task and within the time allotted for the meeting.

An independent facilitator appointed by TEA will protect the confidentiality of personally

## ARD Committee Meeting

identifiable information about the student and comply with the requirements in the Family Educational Rights and Privacy Act relating to the disclosure and redisclosure of personally identifiable information from a student's education record. Dallas ISD also may incorporate elements of IEP facilitation into ARD Committee meetings that are conducted without the assistance of a State IEP facilitator. For example, Dallas ISD may provide training on communication skills, conflict management or meeting effectiveness and compliance to individuals who participate in ARD Committee meetings to enhance collaboration and efficiency in those meetings.

### **Notice of Procedural Safeguards**

Dallas ISD must adopt and implement appropriate procedural safeguards regarding the identification, evaluation, or educational placement of students with disabilities or those who are suspected of having disabilities. Dallas ISD Special Education Campus Administration or Campus Personnel or Dallas ISD Assessment Personnel must provide the parents of a student with a disability (or the adult student if applicable) a copy of the *Notice of Procedural Safeguards* at least one (1) time per school year and in the following circumstances:

- Upon initial referral or parent request for evaluation. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES];
- Upon receipt of the first State complaint or due process complaint in a school year. See [TEA COMPLAINT PROCEDURES] and [DUE PROCESS COMPLAINTS];
- In accordance with discipline procedures set forth under the IDEA. See [DISCIPLINE SECTIONS]; and
- Upon request by a parent.

A parent may elect to receive the copy of the *Notice of Procedural Safeguards* via e-mail.

The *Notice of Procedural Safeguards* must be written in a language understandable to the general public and provided 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. If the native language or other mode of communication of the parent is not a written language, Dallas ISD must take steps to ensure that the notice is translated orally or by other means to the parent in the native language or other mode of communication. Dallas ISD must also ensure that the parent understands the content of the notice.

### **Additional Procedures**

The Campus Special Education Case Manager will be responsible for compiling and processing the student's ARD paperwork in accordance with the ARD forms utilized by Dallas ISD. Dallas ISD Special Education Administration may periodically review a

## ARD Committee Meeting

random sampling of ARD documents within the District to ensure that all required components of the IEP are addressed by the ARD Committee for each student with a disability.

Dallas ISD Special Education Administration will provide training regarding the role and duties of the ARD Committee and the components of the ARD document for all Campus Personnel.

## Initial ARD Meeting

The Evaluation Case Manager will notify the Campus Special Education Case Manager upon completion of the written initial FIE report. The Evaluation Case Manager will keep a schedule of completion dates to ensure that all initial ARD meetings are held within 30 calendar days of the completion of the initial FIE (or within the appropriate time frame for evaluations completed during the summer). The Evaluation Case Manager will ensure that the parent/adult student has been provided a copy of the student's initial FIE with enough time to allow the parent/adult student the opportunity to review the report prior to the ARD meeting. The Evaluation Case Manager will also make every effort to schedule a time to go over the initial FIE with the parent/adult student prior to the initial ARD meeting.

The Evaluation Case Manager will coordinate with the Campus Special Education Case Manager to set up the initial ARD meeting and invite the parent/adult student and appropriate Campus and District Personnel to the initial ARD meeting. See [ARD COMMITTEE MEETING MEMBERSHIP]. The Campus Special Education Case Manager will provide written notice to the parent/adult student at least 5 school days before the meeting—unless the parent/adult student has agreed to a shorter time frame and waived the 5 school days notice. If a parent/adult student is non-responsive to communication, after several attempts at communicating with the parent/adult student, Campus Special Education Case Manager will send the parent/adult student notice of the scheduled ARD meeting, and the ARD Committee will convene without the parent/adult student within the required timeframe. See [PARENT PARTICIPATION].

For evaluations completed when school is not in session, the Evaluation Case Manager in consultation with the Campus Personnel will document efforts to determine if the student needs ESY services and the proposed recommendation of the ARD Committee related to ESY. If the recommendation is that ESY services are not needed, the Evaluation Case Manager will communicate with the parent this recommendation, and if the parent/adult student agrees, the Evaluation Case Manager will coordinate with the Campus Special Education Case Manager to schedule the initial ARD meeting once school resumes. If ESY is recommended or if the parent/adult student wants to discuss ESY, the initial ARD meeting will be scheduled as soon as possible before ESY begins.

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After the initial ARD meeting is complete, the Campus or Dallas ISD Assessment Personnel will provide the parent/adult student Prior Written Notice and obtain informed consent for the provision of special education and related services from the parent/adult student. See [CONSENT FOR SERVICES]. Following receipt of consent, Campus Special Education Personnel must wait five (5) school days before special education and related services may be provided to the student, unless the 5-days notice is waived by the parent/adult student. See [PRIOR WRITTEN NOTICE].

### **Developing the IEP**

The Campus Special Education Personnel will follow the ARD Agenda and ARD Script for all ARD Committee meetings. The ARD Agenda and Script provides a specific order in which information is presented and discussed during the ARD Committee meeting. This order should be followed by the ARD Committee to ensure that assessment leads to the development of accommodations, goals and objectives, and that accommodations, goals and objectives lead to a determination of services to be provided, and services lead to placement. Following the ARD Agenda ensures that a student's placement and services are determined by the student's needs. The ARD Agenda and Script includes the following topics, if applicable, in this order:

- (1) Introductions
- (2) Purpose of ARD
- (3) Statement of Confidentiality and Norms for the Meeting
- (4) Review of Evaluation Data and Other Information
- (5) Determination of Eligibility
- (6) Consideration of Special Factors
- (7) Present Levels of Academic Achievement and Functional Performance
- (8) Development of Accommodations
- (9) Goals and Objectives
- (10) Assistive Technology
- (11) Graduation Plan (if applicable for student's age)
- (12) Transition (if applicable for student's age or AU eligible)



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- (13) Determination of Participation in State and District Assessments
- (14) Behavior Intervention Plan (if applicable)
- (15) Determination of Special Education and Related Services
  - a. Instructional Services
  - b. Related Services
  - c. Supplementary Aids & Services
  - d. Dyslexia
  - e. Accelerated Instruction/Intensive Program of Instruction
  - f. Individualized Accelerated Instruction/HB 4545
  - g. Compensatory Services
  - h. COVID-19 Response Services
- (16) Least Restrictive Environment Considerations
- (17) Extended School Year Services
- (18) Assurances
- (19) Placement Determination
- (20) SHARS Parent Consent
- (21) Reading/Review of Deliberations
- (22) Signatures of Committee Members

The Dallas ISD ARD Script also has information for the Campus Special Education Administrator regarding the roles of District ARD Committee members for ARD meetings, the board's policy regarding the recording of ARD meetings, the types of ARD meetings, ARD member excusal, ARD Committee disagreements, and recessing an ARD meeting.

All members of the ARD Committee must work together in a collaborative manner to develop the IEP. At the beginning of the ARD meeting, the Campus Special Education Administrator will ensure that all required members are in attendance and set ground rules for participation and collaboration, including setting reasonable time limitations, if

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necessary. The following statement may be read: *“In order to facilitate a collaborative environment, participants will conduct themselves in a courteous manner. This expectation must be followed in order to work together to develop an appropriate educational plan for the student. All participants will conduct themselves professionally at all times during this ARD meeting. Unnecessary outbursts, rude or unprofessional behavior will result in the administrator requesting the removal of the party from the committee meeting. This action could result in a recess of the meeting and rescheduling for another date and time.”*

In addition, at the end of every ARD meeting, the Campus Administrator shall offer the parent/adult student an opportunity to complete the Post-ARD Meeting Parent Survey. This survey allows the parent/adult student to provide feedback regarding their ARD meeting experience. The Campus Administrator will provide the parent/adult student with the link to the survey at the end of each ARD meeting.

Dallas ISD Special Education Personnel will provide opportunities for training on communication skills, conflict management, or meeting effectiveness to individuals who participate in ARD Committee meetings to enhance collaboration and efficiency in those meetings.

### **Annual Review and Revision of the IEP**

The Campus Special Education Case Manager will keep a schedule to ensure that an Annual ARD meeting is held for all students on their caseload every year before the anniversary date of the prior Annual ARD (“Annual ARD Anniversary Date”). Aside from annual ARD meetings, an ARD meeting may be called for a variety of reasons, including, but not limited to, the following:

- Upon request by a member of the ARD Committee to discuss concerns related to the student;
- When the student has already mastered or is not likely to master the annual goals in the IEP;
- When a student is not making expected academic progress in the general education curriculum;
- Academic or behavioral goals or objectives need to be added or modified;
- Issues with student placement;
- Accommodations or modifications need to be addressed prior to State Assessments;
- Failure to meet state or district assessment standards;
- Attendance or excessive tardiness;
- Disciplinary issues;
- Possible dismissal from special education services;

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- Receipt of new information, diagnoses, or evaluations;
- Hospitalization;
- The student is involved in complaints regarding harassment or bullying;
- The student is involved in a Title IX complaint;
- After returning from a DAEP placement; and/or
- At the request of a parent/adult student.

In addition, for students with a BIP, an ARD Committee meeting must be scheduled to review the BIP when there are changes in circumstances that impact the student's behavior, the safety of the student, and/or the safety of others including changes of placement, an increase or persistence in disciplinary actions taken for similar types of behavior, a pattern of unexcused absences, and/or an unauthorized departure from an educational setting. If placement (including the provision of a one-on-one assistant for the student) or moving the student to a different version of the State Assessment (e.g. moving a student from STAAR to STAAR Alt2) is to be discussed at the ARD meeting, all elements of the IEP must be discussed and a complete Annual ARD must be held. For all other decisions, the ARD Committee may hold a Revision ARD. A Revision ARD does not move the Annual ARD Anniversary Date.

### **Mutual Agreement and 10-Day Recess**

The ARD Committee will make every effort to ensure that mutual agreement regarding the IEP can be reached. However, the ARD Committee will not reach decisions based upon a majority vote. If there are disagreements between school staff members on recommendations for a student, the school-based staff members of the ARD Committee should meet prior to the ARD Committee meeting in a staffing to establish recommendations on behalf of the student. If school Dallas ISD staff member continue to be in disagreement, the Campus Administrator present at the meeting and acting as the District representative defines Dallas ISD's position.

Each participating member of the ARD Committee, including the parent, will be asked to sign the signature page of the ARD meeting and indicate whether they agree or disagree with the ARD Committee's decision. If there is disagreement, the deliberations must specify the basis for the disagreement. Members who disagree, including the parent/adult student, will also be given the opportunity to write and submit a statement of disagreement.

After completion of the entire ARD meeting and ARD Agenda for the meeting, if the parent/adult student disagrees, the Campus Administrator will offer the parent/adult student a single opportunity to recess and reconvene the ARD committee meeting within 10 school days unless the parties mutually agree to another date outside the 10 school days. If the parties mutually agree to hold the reconvene meeting after 10 school days

## ARD Committee Meeting

have passed, the Campus Special Education Case Manager will obtain a written statement from the parent/adult student agreeing to the delay. In addition, the parent/adult student may decide to waive the 10-day recess and the ARD meeting will end in disagreement.

The 10-day recess ARD is not a new ARD but is a continuation of the ARD meeting. The date and time of the reconvened ARD should be included in the minutes/deliberations of the ARD. Parents may be asked to outline their concerns and disagreements in writing, but it is not required that a parent/adult student submits a written explanation. A brief statement of the parent's disagreement, however, should be included in the ARD deliberations. The Executive Director of Special Education or designee should be notified whenever there is an ARD Committee meeting that has not met consensus.

During the recess, in addition to considering alternatives, gathering data, preparing further documentation, and/or obtaining additional resources or individuals to assist in enabling the ARD Committee to reach mutual agreement, Campus Special Education Personnel should consult with the Campus Administrator to determine if a staffing should be held prior to the reconvene ARD meeting to discuss alternative options and proposals and review additional information collected by the Campus.

The Campus Special Education Case Manager will provide the parent/adult student a copy of the Notice of Procedural Safeguards and explain the dispute resolution process if the ARD Committee is unable to reach mutual agreement after the recess. The Campus Special Education Case Manager will also notify the parent/adult student that the IEP will be implemented in 5 school days from receipt of the final ARD paperwork and the Notice of Proposal/Refusal of Services. The ARD Committee and all Campus Personnel will act professionally towards the student's parent should the parent/adult student exercise their right to disagree with the decisions of the ARD Committee.

### **Recessing Incomplete ARD Meetings**

ARD meetings will be scheduled for a reasonable amount of time in order to address parent/adult student concerns and review all required elements of the IEP. If an ARD meeting cannot be completed in one session, the ARD Committee may recess the meeting and continue the meeting at a mutually agreeable date and time. The recessed ARD is not a new ARD but is a continuation of the original ARD meeting. The date and time of each session of the ARD meeting should be included in the minutes/deliberations of the ARD document in order to clarify that the ARD Committee meeting was held on multiple dates.

### **Parent/Adult Student Request for an ARD Committee Meeting**

Campus Special Education Personnel will provide the parent/adult student a copy of the

## ARD Committee Meeting

*Parent's Guide to the Admission, Review, and Dismissal Process*, informing the parent/adult student of the right to request an ARD meeting to discuss educational concerns about their student. See [PARENT PARTICIPATION].

All written or oral requests from a parent/adult student for an ARD meeting should immediately be provided to Campus Special Education Case Manager. If the parent/adult student requests an ARD meeting orally, the Campus Special Education Case Manager will inform the parent that the request will need to be in writing and assist the parent/adult student with the request. Upon receipt of a written request for an ARD meeting from the parent/adult student, Campus Special Education Case Manager will contact the parent/adult student within 5 school days to schedule the ARD meeting on a mutually agreeable date and time or provide the parent/adult student with a Notice of Proposal/Refusal of Services indicating the District's refusal to schedule the ARD meeting and the rationale for the refusal. If an ARD meeting is scheduled, the Campus Special Education Case Manager will notify the other ARD Committee members of the scheduled ARD meeting.

The Campus Special Education Case Manager will maintain all documentation related to written requests for an ARD meeting from the parent/adult student and Dallas ISD's efforts to schedule and convene the meeting within a reasonable time. If a parent/adult student requests an ARD meeting, the Campus Special Education Case Manager will document the date of the parent/adult student's request and ask the parent/adult student to identify the reasons or concerns for the ARD meeting so that the campus can be prepared to address the parent/adult student's concerns.

### **Implementation and Documentation of IEP**

Following the completion of the ARD meeting and prior to the beginning date of implementation of the IEP, the student's Campus Special Education Case Manager will provide a copy of the IEP to all Campus and District Personnel—including general education teachers, support staff, service providers, etc.—who work with the student. Campus and District Personnel should receive a copy of the entire IEP, including but not limited to the Present Levels of Academic Achievement and Functional Performance, Accommodations, Annual Goals, Schedule of Services, Transition Plan (if applicable), Graduation Plan (if applicable), and the Behavior Intervention Plan (if applicable). Campus and District Personnel should also receive a copy of the minutes/deliberations from the ARD meeting to ensure full understanding of the decisions made by the ARD Committee. The Campus Special Education Case Manager will review the information in the IEP, including any changes from the previous IEP, and ensure the Campus and District Personnel understand the content of the IEP. The Campus Special Education Case Manager will obtain a signature from each Campus and District Personnel, confirming receipt and understanding of the IEP.

## ARD Committee Meeting

Following the ARD meeting, the Campus Special Education Administrator in coordination with the Campus Special Education Case Manager will ensure the student's schedule aligns with the services described in the IEP by comparing the Schedule of Services section of the IEP with the student's schedule. This includes communicating with service providers regarding the provision of related services. Campus Special Education Administration shall adjust the student's schedule as needed to ensure the student's schedule aligns with the services described in the IEP.

Once an IEP is written and placement is determined, Dallas ISD is obligated to provide the special education and related services listed in the IEP. Documentation is essential to demonstrate implementation of special education and related services set forth in the IEP. Campus and District Personnel, including but not limited to special education teachers, general education teachers, and service providers are responsible for documenting the delivery of special education and related services.

Implementation of the entire IEP must be documented, including: Accommodations, Special Education Minutes, Related Service Minutes, Participation with General Education Peers, Progress towards IEP Goals and Objectives, Interventions Used and Effectiveness of Same, Transition Services (where applicable), Assistive Technology (where applicable), Behavior Intervention Plan (where applicable), Compensatory Services (where applicable), and Accelerated Instruction (where applicable). Methods and forms used for documenting special education and related services may vary. Examples of documentation of special education and related services include, but are not limited to, service logs, notes in a grade book or spreadsheet, checklists, tally marks, copy of assessments/teacher notes/study guides, formal assessments, point sheets, rubrics, skills trials, observations, classwork and assignments, report cards, District-wide documentation logs, etc. Documentation must be consistent and easy to understand. Campus and District Personnel working with students with disabilities will be regularly trained on methods for documenting special education and related services, as well as the legal and instructional importance of documentation. The District-wide system of progress monitoring and progress reporting must be utilized and must comply with the student's individual IEP. Generally, data on IEP goals and objectives is collected weekly by Campus Personnel.

Dallas ISD will also maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## Training

All Dallas ISD Campus and District Personnel who work with students with disabilities will receive, at a minimum, annual training regarding the ARD/IEP process as well as

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implementation and documentation of the IEP.

### **Notice of Procedural Safeguards**

The Special Education Case Manager will provide the parent/adult student the most current version of the *Notice of Procedural Safeguards* published by the Texas Education Agency's ("TEA") Department of Special Education. This version complies with the legal requirements under the IDEA regarding the content of the notice. The District must provide this version as written—including the wording and formatting—by the TEA, with the exception of adding local contact information in the designated space. In addition to providing the parent/adult student a printed copy, Dallas ISD has also placed an electronic copy of the *Notice of Procedural Safeguards* in both English and Spanish on its Special Services page of the website at [www.dallasisd.org/Domain/153](http://www.dallasisd.org/Domain/153).

The most recent printable, electronic version of the *Notice of Procedural Safeguards* is available in both English and Spanish on the Region 18 Education Service Center's Legal Framework for the Child-Centered Special Education Process website [here](#). Moreover, the Special Education Information Center (SPEDTex) has translated the *Notice of Procedural Safeguards* into several languages, which are available for download from their website [here](#), including: English, Spanish, Arabic, Bengali, Burmese, Chinese, Farsi, French, German, Gujarati, Hindi, Japanese, Khmer, Korean, Kurdish, Laotian, Nepali, Portuguese, Russian, Swahili, Somali, Tagalog, Urdu, and Vietnamese.

If the parent/adult student declines a copy of the *Notice of Procedural Safeguards* following an offer from the Campus Special Education Case Manager, Dallas ISD is not required to provide the parent/adult student an electronic or paper copy but the Campus Special Education Case Manager must document when it offered the parent/adult student a copy and that such offer was declined.

The Campus Special Education Case Manager shall document in writing that the parent/adult student has received a copy of the *Notice of Procedural Safeguards* translated in the parent/adult student's native language or other mode of communication. This will help demonstrate that the parent/adult student received the notice in a timely manner and was aware of the safeguards provided to them under the IDEA.

The Special Education Case Manager will maintain the documentation of the parent/adult student's receipt of the Notice of Procedural Safeguards in the student's special education folder. Such documentation may be subject to compliance review through the State's monitoring system. Where appropriate, the District may document receipt in the ARD document itself. However, if the parent/adult student is not present in the ARD meeting and/or does not sign the ARD document, the District shall document receipt of the Notice of Procedural Safeguard in an additional location and maintain the documentation in the student's special education folder.

## ARD Committee Meeting

### **Evidence of Implementation**

- Receipt of *Parent's Guide to the Admission, Review, and Dismissal Process*
- *Parent's Guide to the Admission, Review, and Dismissal Process*
- Receipt of *Notice of Procedural Safeguards*
- *Notice of Procedural Safeguards* (in parent's native language)
- FIE (to document date completed)
- ESY Documentation
- Notice(s) of ARD meeting
- Written Requests for ARD Meetings
- Schedule of Deadlines for ARD Meetings
- Attempts to Contact the Parent/Adult Student to Ensure Parental Participation in ARD Meeting
- Draft IEP
- Final ARD/IEP
- ARD Agenda
- ARD Script
- ARD Attendees Sheet
- Signature Page of ARD/IEP
- Notice(s) of ARD Meetings
- Notice of Proposal/Refusal of Services Regarding Decisions in ARD Meetings
- Notice of Proposal/Refusal of Services When Denying Parent Request for ARD Meeting
- Documentation of Recess Activities
- Statement(s) of Disagreement
- Parent/Adult Student Requests for ARD Meeting and Response
- ARD Committee Training
- ARD/IEP Training
- Receipt of IEP By Service Providers
- Documentation of Implementation of IEP
- Related Services Service Logs
- Documentation for the State in TSDS, PEIMS, and SPP
- Posting of Notice of Procedural Safeguards on District Website

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Rule of Construction Framework – Region 18](#)

[The Legal Framework for the Child Centered Special Education Process: Admission, Review, and Dismissal Committee Meeting Framework - Region 18](#)



ARD Committee Meeting

[Parent's Guide to the Admission, Review, and Dismissal Process - TEA](#)

[Guidance on Procedural Safeguards Production and Required Dissemination - Texas Education Agency](#)

[Notice of Procedural Safeguards - SPEDTex \(Last Updated Feb. 2021\)](#)

[Notice of Rights - Texas Project FIRST](#)

[Know Your Rights Video - SPEDTex \(2019\)](#)

[Parent's Guide to the ARD Process - SPEDTex \(Last Updated Feb. 2021\)](#)

[IDEA Part B Procedural Safeguards Q&A - U.S. Department of Education \(6-30-20\)](#)

[Guidance on ARD Guide Production and Required Dissemination - Texas Education Agency](#)

[Individualized Education Program Facilitation - Texas Education Agency](#)

[OSEP Letter to Richards \(Jan. 7, 2010\) - U.S. Department of Education](#)

[House Bill \(HB\) 785: Frequently Asked Questions - Texas Education Agency](#)

[Dallas ISD ARD Agenda](#)

## **Citations**

Board Policies EHB, EHBAA, EHBAB, EHBAE, FOF; 20 USC 1415; 34 CFR 300.503-300.504, 300.305(a)(2), 300.306(a)(1), 300.320(a), 300.320(d), 300.321(a), 300.323, 300.324, 300.530(h); 71 Fed. Reg. 46,692 (2006); Texas Education Code 29.004, 29.005, 29.0051(c), 29.019, 29.020; 19 TAC 89.1011, 89.1040(b), 89.1050(a), (e),(g), 89.1055, 89.1196, 89.1197

# FAPE

**DETERMINATION OF ELIGIBILITY**

**PRESENT LEVELS**

**ANNUAL GOALS**

**SPECIAL FACTORS**

**SUPPLEMENTARY AIDS & SERVICES, SPECIAL EDUCATION AND  
RELATED SERVICES**

**STATE AND DISTRICTWIDE ASSESSMENTS**

**EXTENDED SCHOOL YEAR SERVICES**

October 6, 2022

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

Customized for Dallas ISD

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## DETERMINATION OF ELIGIBILITY

### What is Required

After completion of student’s FIE in all areas of suspected disability and student need, the ARD Committee must determine whether the student has a disability and, by reason of the disability, the student needs special education and related services. If it is determined, through an appropriate evaluation, that the student has one of the disabilities, but only needs a related service and not special education, the student is not a student with a disability under the IDEA. See [FULL INDIVIDUAL AND INITIAL EVALUATION].

The ARD Committee must draw upon information from a variety of sources, including aptitude and achievement tests, parent/adult student input, and teacher information, as well as information about the student’s physical condition, social or cultural background, and adaptive behavior. The ARD Committee must also ensure that information obtained from all of these sources is documented and carefully considered.

The ARD Committee must not determine a student is a student with a disability if the determinant factor for the Committee’s determination is:

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

The Evaluation Case Manager must provide a copy of the evaluation report as well as the documentation of disability to the student’s parent/adult student.

### Definitions

A “child/student with a disability” means a child evaluated in accordance with the IDEA as having a/an:

- Intellectual Disability [INTELLECTUAL DISABILITY];

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- Hearing impairment (including deafness) [DEAF OR HARD OF HEARING];
- Speech or language impairment [SPEECH OR LANGUAGE IMPAIRMENT];
- Visual impairment (including blindness) [VISUAL IMPAIRMENT];
- Serious emotional disturbance [EMOTIONAL DISTURBANCE];
- Orthopedic impairment [ORTHOPEDIC IMPAIRMENT];
- Autism [AUSTISM];
- Traumatic brain injury [TRAUMATIC BRAIN INJURY];
- Other health impairment [OTHER HEALTH IMPAIRMENT];
- Specific learning disability [SPECIFIC LEARNING DISABILITY];
- Deaf-blindness [DEAF-BLINDNESS]; or
- Multiple disabilities [MULTIPLE DISABILITIES]; and

by reason thereof, needs special education and related services.

“Special education” means specially designed instruction, at no cost to the parent/adult student, to meet the unique needs of a student with a disability including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings, and includes instruction in physical education.

“Specially designed instruction” means instruction adapted, as appropriate, to the needs of the eligible student under the IDEA, which may include the content, methodology or delivery of instruction; addressing the unique needs of the student that result from the student’s disability; and ensuring access of the student to the general curriculum so that the student can meet the educational standards within the jurisdiction of Dallas ISD that apply to all students. Specially designed instruction includes adapted physical education, deaf education, speech therapy, vision, and orientation & mobility.

“Related services” means a wide array of developmental, corrective, and other supportive services that are required to assist the student to benefit from special education. Related services do not include a medical device that is surgically implanted, the optimization of that device’s functioning (mapping), maintenance of that device, or the replacement of that device. Special education and related services are based on peer-reviewed research to the extent practicable. This means there is reliable evidence to demonstrate that the



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program or services are effective in meeting the needs of the student. Peer-reviewed research ensures that the quality of the research meets the established standard of the field. Peer-reviewed research may apply to academic, as well as nonacademic areas, such as behavioral interventions. Related services include, but are not limited to, audiology services, assistive technology services, counseling services, interpreting services, medical services (only to evaluate a student's disability), music therapy, occupational therapy, orientation and mobility services, parent/adult student counseling and training, physical therapy, psychological services, recreation, rehabilitation counseling services, school health services, social work services in school, speech-language therapy, and transportation. In Texas, speech-language therapy is considered an instructional service. This means it can be a stand-alone service as well as a supportive service.

### **Additional Procedures**

Dallas ISD or Campus Assessment Personnel—which includes, but is not limited to, a licensed specialist in school psychology, an educational diagnostician or other appropriately certified or licensed practitioner with experience and training in the area of the disability, or a licensed or certified professional for a specific eligibility category or related service—is responsible for collecting and reviewing data in connection with the determination of the student's eligibility. However, determination of eligibility itself is made by the student's ARD Committee, including the parent/adult student and the qualified Assessment Personnel. The ARD Committee's eligibility determination must be based on the evaluation data and the student's educational need for specially designed instruction. See [ARD COMMITTEE MEMBERSHIP].

The Evaluation Case Manager will ensure a copy of the evaluation report is provided to the parent/adult student and the other members of the ARD Committee within a reasonable time before the ARD Committee meeting (at least five school days before the ARD, if possible) so that all members can review, question, and fully understand the information provided. For an initial evaluation or when a reevaluation indicates a possible additional eligibility, the Evaluation Case Manager will review the results of the evaluation prior to the ARD meeting in a face-to-face meeting with the parent/adult student, whenever possible. In addition, if feasible, the school members of the ARD Committee may meet with the Evaluation Case Manager prior to the ARD to review and discuss the evaluation.

The ARD Committee must convene within the required timeframes under the law to determine eligibility. See [ARD COMMITTEE MEETING] and [EVALUATION PROCEDURES]. Typically, this must occur within 30 calendar days from the date of the completion of the written initial FIE report. See [EVALUATION PROCEDURES]. However, the ARD Committee may wait to finalize eligibility decisions until the first day of

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classes in the fall if the 30<sup>th</sup> day falls during the summer when school is not in session, unless the initial evaluation indicates that the student will require Extended School Year services during that summer. See *below* [EXTENDED SCHOOL YEAR SERVICES] and see [EVALUATION PROCEDURES].

Determining eligibility under the IDEA is a two-part analysis. A student is eligible if (1) the student has one or more of the disabilities identified by the IDEA as indicated by the FIE and (2) needs special education and related services. Thus, the ARD Committee must determine not only that a student has one or more of the disabilities identified in the IDEA, but must also find that the student’s condition adversely affects educational performance to such an extent that the student needs special education and related services (as defined above). If a student has a disability, but the disability does not result in a need for special education services, the student is not considered a child/student with a disability eligible for services under the IDEA. While the need for special education and related services should be determined by the ARD Committee on an individualized basis, in most cases where a student is being educated in the regular classroom with only minor accommodations and is making educational progress (i.e. passing marks, advancement from grade to grade, minimal behavior issues, success on standardized tests, etc.), the student does not “need” special education and related services within the meaning of the law.

Determination of eligibility will not be based on a single criterion. In determining if the student has a disability and the educational needs of the student, the ARD Committee must document and carefully consider information from a variety of sources including:

- The strengths of the student;
- The concerns of the parent/adult student for enhancing the education of the student;
- The results of the initial evaluation or most recent evaluation of the student; and
- The academic, developmental, and functional needs of the student.

If the student does not meet the eligibility criteria under the IDEA, or does not need special education or related services due to his/her disability, Campus Personnel should refer the student to the Campus or Dallas ISD Personnel responsible for compliance with Section 504 to determine whether the student is eligible for accommodations or services as a student with a disability under Section 504.

Likewise, not all struggling students have a disability. In these situations, the Campus Student Support Team (SST) should meet and recommend other general education services or programs in an effort to help the student. Finally, the student’s progress

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should be monitored to ensure that, in the future, the student does not need special education services. See [CHILD FIND DUTY].

At least once annually, District and Campus Special Education Personnel will receive training on the process of determining eligibility. District or Campus Personnel, including but not limited to special education teachers, general education teachers, and services providers, shall contact District or Campus Assessment Personnel with questions about the recommendations for a student regarding the determined disability condition(s) and the need for special education and related services in the FIE. Where possible, these questions should be answered *prior to* the ARD meeting to determine eligibility and, if needed, develop an IEP.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Intervention History Documentation
- Section 504 Documentation
- Referral Documentation
- Teacher Information
- Parent/Adult Student Information
- Minutes from Review of FIE with Parent/adult student/Staff
- FIE
- ARD/IEP
- Progress Documentation
- Determination of Disability Form
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Determination of Eligibility - Region 18](#)

[Eligibility Determination - Learning Disabilities Association of America](#)

[Diagnosis vs Disability - Texas Project First](#)

[OSEP Letter to Clarke \(March 8, 2007\) - U.S. Department of Education](#)

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## [Eligibility - SPEDTEX](#)

### Citations

Board Policy EHBA; Board Policy EHBAA; Board Policy EHBAB; 20 U.S.C. 1021(7), 1401(3)(A), 1414, 6368(3), 7801(20); 34 CFR 300.8(a)(1-2), 300.27, 300.306 (a-b), 300.8(a)(1-2); 19 TAC 89.1050(a)

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## PRESENT LEVELS

### What is Required

A student's IEP should be based on a careful analysis of the student's present levels of academic achievement and functional performance (PLAAFP).

The PLAAFP must include how the student's disability affects the student's involvement and progress in the general education curriculum; or, for a preschool student, how the disability affects the preschool student's participation in appropriate activities.

The PLAAFP for the school-aged student summarizes the current strengths and needs of the student in both academic and functional performance areas. It must include how the student's disability affects the student's involvement and progress in the general education curriculum, regardless of the setting in which the student currently receives services. Additionally, it may describe the current instructional level of the student compared to the grade level Texas Essential Knowledge and Skills, and, if the student is below grade level, the PLAAFP also may describe the prerequisite skills the student needs in order to achieve grade-level proficiency.

PLAAFP for the preschool student summarizes the current levels of present performance related to the student's developmental domains, functional performance, and pre-academic skills. It must include how the student's disability affects the student's participation in appropriate activities. Additionally, it may describe the student's current developmental levels compared to the Texas Prekindergarten Guidelines or Dallas ISD-adopted prekindergarten curriculum.

### Additional Procedures

The PLAAFP data is the critical baseline and foundation for developing an IEP. When considering PLAAFP data, the ARD Committee should include within the PLAAFP statement the student's strengths, weaknesses, and needs in each assessed academic and functional area. From there, the PLAAFP statement should specifically address: 1) how the student's disability impacts the student's appropriate progress in light of the student's unique circumstances, including the student's access to the general education curriculum; or 2) how the disability impacts the preschool student's participation in appropriate activities. If the ARD documentation contains both current PLAAFP data as well as historical PLAAFP information, the date of the PLAAFP data should be clearly identified.

It is critical that the PLAAFP statements are clear and detailed to help the ARD Committee develop a meaningful IEP. For example, if a student's academic performance shows a

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weakness in math, it is not sufficient for the PLAAFP to simply state that the student is struggling in math. Instead, the PLAAFP description should, for example, specify the student's math grade, the math teacher's input, the student's state assessment score in math, and progress data if the student has a math IEP annual goal. The more detailed the PLAAFP data is, the better the ARD Committee can gauge the student's current performance level. The PLAAFP must not be a recitations of the information in the PLAAFP from the previous IEP as that would not be the student's present levels. The PLAAFP, including the impact statement, should not repeat the same information in each section or use the same information for all students with a certain disability, but should be individualized for the student and the specific area.

The ARD Committee should then use the PLAAFP data to create the student's annual goals, supplementary aids and services, special education, and related services. See *below* [ANNUAL GOALS] and [SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES]. The ARD Committee should ensure that the IEP represents a clear correlation between the student's PLAAFP data and the IEP annual goals. For example, if the PLAAFP demonstrates that a student's education is impacted by not following directions, then the student may have an annual goal related to complying with directions given by staff. Additionally, the student may have counseling as a related service to help achieve the goal of better classroom compliance.

Campus Special Education Case Manager (or the Evaluation Case Manager if it is an initial ARD) should gather all of the relevant current data in advance of the ARD meeting to help the ARD Committee develop the student's PLAAFP in the IEP. The underlying sources to be used when considering PLAAFP data may include:

- Evaluation Reports
- Grades
- Student Work Samples
- State Assessment Data
- Benchmark Testing
- Teacher Input
- Student/Parent Input
- Classroom Observations
- Progress Reports for IEP Annual Goals
- Outside Provider Information

Once this information is collected, the ARD Committee should convene to develop the PLAAFP as described above. The PLAAFP should reflect the student's current performance and functioning. The data in the PLAAFP should not be carried over from one Annual ARD to the next. It is important that the Campus Special Education Administrator in an ARD meeting understand the legal importance of the PLAAFP and be

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able to identify whether the PLAAFP adequately addresses the strengths and needs of the students based on current data, including the FIE. Where possible, the Campus Special Education Administrator shall review the draft of the IEP prior to the ARD meeting to ensure the PLAAFP includes all relevant and current information regarding the student's present levels of academic achievement and functional performance, as well as how the disability impacts the student's access and progress in the general curriculum.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- FIE
- ARD/IEP
- PLAAFP
- Progress Reports on the IEP Annual Goals
- Report Card Grades
- Teacher Input
- Campus Administrator Input
- Input from Related/Instructional Service Providers
- Student/Parent Input
- Student Work Samples
- State Assessment Results
- Dallas ISD Benchmark Testing
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child Centered Special Education Process: Present Levels Framework - Region 18](#)

[Present Levels of Academic Achievement and Functional Performance - Region 10  
SPEDTEX - PLAAFP](#)

[IEP Goal Development in Texas-Online Training - Region 20](#)

[Standards-Based Individualized Education Program Guidance - TEA](#)

[Texas Essential Knowledge and Skills \(TEKS\) - TEA](#)

FAPE

[Texas Pre-Kindergarten Guidelines - TEA](#)

**Citations**

Board Policy EHBAB; 34 CFR § 300.320(a)(1)



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## ANNUAL GOALS

### What is Required

The ARD Committee must develop specific, measurable academic and functional goals in a student’s IEP each academic year. A student’s annual goals must be designed to meet the student’s needs that result from the student’s disability to enable the student to be involved in and to make progress in the general education curriculum, and meet each of the student’s other educational and functional needs that result from the student’s disability. Annual goals describe what a student with a disability can reasonably be expected to accomplish in the special education program within a twelve-month period. It is a skill and/or knowledge that can be measured and mastered based on given criteria within that timeframe.

The IEP must include a description of (1) how the student’s progress towards the annual goals will be measured and (2) when periodic reporting on progress towards annual goals—e.g. through quarterly or periodic IEP progress reports issued along with report cards—will be provided.

For students with disabilities who take alternate achievement tests aligned to alternate achievement standards, the ARD Committee must include in the student’s IEP a description of short-term objectives or benchmarks. Short-term objectives are developed based on the major components of the student’s annual goals and serve as milestones for measuring progress toward meeting those goals. Like annual goals, short-term objectives must also be specific and measurable.

### Definitions

“Present Levels of Academic Achievement and Functional Performance (PLAAFP)” for the school-aged student summarizes the current strengths and needs of the student in both academic and functional performance areas. The PLAAFP includes how the student’s disability affects his/her involvement and progress in the general education curriculum, regardless of the setting in which the student currently receives services. Additionally, it may describe the current instructional level of the student compared to the grade level TEKS, and, if the student is below grade level, the PLAAFP also may describe the prerequisite skills the student needs in order to achieve grade-level proficiency. The PLAAFP for the preschool student summarizes the current levels of present performance related to the student’s developmental domains, functional performance, and pre-academic skills. It must include how the student’s disability affects the student’s participation in appropriate activities. Additionally, it may describe the student’s current developmental levels compared to the Texas Prekindergarten Guidelines or district-adopted prekindergarten curriculum. See *above* [PRESENT LEVELS].

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## Additional Procedures

Campus Special Education Personnel will consult with the student’s general education teacher(s), where applicable, when developing a draft of the annual goals. Where feasible, Campus Special Education Personnel should send the parent/adult student a draft of the annual goals prior to the ARD meeting. The ARD Committee, including the parent, will provide input regarding the annual goals at the ARD meeting, and the annual goals will not be finalized or implemented until mutual agreement is reached.

The annual goals should be based on the student’s present levels of academic and functional performance (“PLAAFP”) and tailored to meet the student’s educational needs that result from the student’s disability. *See above* [PRESENT LEVELS]. As such, Campus Special Education Personnel will assess the student prior to developing the annual goals when preparing for an Annual ARD meeting.

Dallas ISD IEP goals should be SMART – Specific, Measurable, Attainable, Relevant, and Time-bound:

- **Specific:** Goals need to be clear and focused to ensure progress will be targeted.
- **Measurable:** Goals should be measurable so that you have tangible evidence that the student has accomplished the goal.
- **Attainable:** Goals should set high expectations but should be attainable for Dallas ISD/Campus specific situations and involve the ability for immediate action.
- **Relevant:** Goals need to connect to the current developmentally-appropriate desired outcome.
- **Time-bound:** Goals should have clear checkpoints and an endpoint.

The goals should be realistic, attainable, and reasonably calculated to enable a student to make appropriate progress in light of the student’s unique circumstances. The criterion should specify the amount of growth expected to meet the annual goal and be based on how the progress will be measured—not necessarily the score required for passing the course or assignment. Restating attainment of a grade level standard should not be a student’s annual goal, as attainment of a grade level standard is a goal for every general education student. Additionally, a goal should be something that can be mastered within 36 instructional weeks.

When developing annual goals, Campus Personnel should include the following components within the annual goals:

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- **Timeframe:** Identifies the amount of time, usually specified in interval periods, for the goal to be completed;
- **Conditions:** Describes the specific resources that must be used for a student to reach the goal. The condition of the goal should relate to the behavior being measured;
- **Behavior:** Represents an action the student must take to achieve the goal that can be directly observed, measured, and monitored;
- **Criterion:** Identifies the frequency or to what standard the behavior must occur to demonstrate that the goal has been met; and
- **Unit of Measure:** A means for evaluating the goals and objectives

For example, the following is a poorly written annual goal: *Student will learn to count money.* Instead, an appropriate goal would look something like the following:

- *By the end of 36 instructional weeks, given a collection of pennies, nickels, and dimes, Student will determine the value of the coins with 100% accuracy on 8 out of 10 trials as measured by classroom observation and teacher-made assessments.*

Although short-term objectives or benchmarks are only legally required for students who take alternate tests, it is Dallas ISD’s requirement that all special education students have a minimum of two (2) short-term objectives for each annual goal. Short-term objectives should include intermediate steps that serve to gauge student progress or lack of progress toward mastery of the annual goal. The short-term objective should also include a timeframe, conditions, behavior, criterion, and unit of measure. Mastering short-term objectives does not necessarily mean that the student has mastered an annual goal. Thus, an annual goal should not simply state that the student will master the following short-term objectives.

It is imperative that goals and objectives are measurable and that the teacher/service providers who are required to track progress understand how the goal will be measured and what data will be collected to show whether the student is progressing on the goals/objectives. Although the IDEA does not specify how often progress data of a student’s IEP goals should be monitored, such data should be considered at least every grading period or more often as needed.

Each IEP goal should correspond to specially designed instruction or related services that a student needs based on the student’s unique academic or functional needs. For

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example, if a student's PLAAFP data shows that the student's pragmatic speech is impacting his or her education, a student may have a speech goal related to improving pragmatic speech, as well as direct speech therapy services to help the student master the goal. See *below* [SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, AND RELATED SERVICES]. Thus, goals should only be drafted after examining the student's PLAAFP. The ARD Committee will then determine what specially designed instruction or special education services the student requires, as well as the frequency, duration, and location of these services, to meet the annual goals.

The ARD Committee has discretion over the areas in which a student requires measurable annual goals. However, the ARD Committee will implement an annual goal in any area where content is modified, specifically addressing how the content is modified. Additionally, the ARD Committee will include an annual goal for each subject where the student is removed from the general education setting, even if the content is not modified during that period.

The ARD Committee must include in the student's IEP how the student is progressing toward meeting the annual goals and the reporting intervals to assess the student's progress on the goals (e.g. quarterly or concurrent with report card grades).

The Campus Special Education Case Manager must collect and enter student progress data in Dallas ISD's Progress Monitoring system and create progress reports to be sent to the parent/adult student. The progress data should be as specific as possible and based on data from the student's current teachers and related service providers who are tasked with monitoring the student's goals and objectives. IEP Progress Reports are in addition to the student's report card and must indicate progress on all of the student's goals and objectives for that grading period. The Campus Special Education Case Manager shall send IEP Progress Reports home to the parent/adult student when regular progress reports (4 weeks) and report cards (9 weeks) are sent home or as indicated in the student's IEP (if a different time period is determined by the ARD Committee). The Campus Special Education Case Manager shall also put a copy of each IEP Progress Report in the student's red folder in the Other Documents section and note in the red folder the date and the method the IEP Progress Report was delivered to the parent/adult student. In addition, Related Service and Instructional Services Personnel shall document the delivery of services as well as progress on these services for each progress report period (4 weeks) and grading period (9 weeks) or as indicated in the student's IEP (if a different time period is determined by the ARD Committee) and ensure progress reports for these services are sent home to the parent as indicated.

If the progress data reveals that a student has mastered an annual goal, the ARD Committee should convene and determine whether to remove the goal from the student's IEP or modify the goal to target a more difficult concept that directly or sequentially relates to the original goal. If input from teachers reflect that a particular annual goal is no longer

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appropriate or if the student is not making expected progress on the goal, the ARD Committee should also convene to determine if changes to the goals are needed.

Dallas ISD also has a system for monitoring IEP compliance which will drive training in the District. Specifically, Campus Special Education folder audits are conducted on an annual basis. Information from the IEP is reviewed to ensure all compliance requirements are met. Desktop monitoring of progress monitoring is done on a monthly basis.

At least once annually, Campus and District Special Education Personnel will receive training on standards-based IEPs. In addition, at the beginning of each school year, case management training is provided to all special education teachers. Further, throughout the school year, training is provided on writing goals and objectives, progress monitoring, and other areas of the IEP.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## Evidence of Procedure

- FIE
- IEP
- Documentation of Collaboration Between Campus Personnel in Drafting Goals/Objectives
- Progress Reports on Annual Goals/Objectives
- Documentation of Delivery of Services
- Progress Monitoring Documentation
- Report Card Grades
- State Assessment Results
- Teacher Input
- Related/Instructional Service Provider Input
- Student/Parent Input
- Documentation Regarding IEP Compliance
- Training Regarding IEP Compliance
- Documentation for the state in TSDS, PEIMS, and SPP

## Resources

[The Legal Framework for the Child-Centered Special Education Process: Annual Goals - Region 18](#)

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[IEP Annual Goal Development Question & Answer Document – Texas Education Agency and PGC Network](#)

[IEP Goal Development in Texas Online Training – Region 20](#)

[Standards-Based Individualized Education Program Guidance – Texas Education Agency](#)

[Texas Essential Knowledge and Skills \(TEKS\) – Texas Education Agency](#)

[OSEP Letter to Hayden \(October 3, 1994\) – U.S. Department of Education](#)

[OSEP Letter to Kelly \(August 24, 2007\) – U.S. Department of Education](#)

[OSERS Dear Colleague Letter \(Nov 16, 2015\) – U.S. Department of Education](#)

[OSEP Letter to Lenz \(February 7, 2014\) – U.S. Department of Education](#)

[Annual Goals - SPEDEX](#)

## **Citations**

Board Policy EHBAB; 34 CFR 300.320(a)(2)–(3); 19 TAC 89.1055(j); *Endrew F. ex rel. Joseph F. v. Douglas County Sch. Dist. RE-1*, 137 S. Ct. 988 (2017); *Cypress-Fairbanks Indep. Sch. Dist. v. Michael F. by Barry F.*, 118 F. 3d 245 (5<sup>th</sup> Cir. 1997)

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## SPECIAL FACTORS

State and federal law require consideration of special factors for students with the following special education eligibilities or needs/supports:

- Students with Behavioral Needs;
- Emergent Bilingual Students;
- Blind or Visually Impaired Students;
- Students with Communication Needs
- Deaf or Hard of Hearing Students;
- Assistive Technology; and
- Students with Autism Spectrum Disorder.

### **STUDENTS WITH BEHAVIORAL NEEDS**

#### **What is Required**

If a special education student’s behavior is impeding the student’s learning or that of others, the ARD Committee must consider the use of positive behavioral interventions and supports and other behavior strategies to address the behavior. If appropriate, the ARD Committee will develop a Behavior Intervention Plan (“BIP”) to be included in the student’s IEP. A BIP is a written plan developed as part of the IEP to address behavioral concerns affecting the student’s educational progress. A BIP will address the problem behaviors, identify events that predict these behaviors, and include positive interventions to change behaviors and methods of evaluation. If the ARD Committee develops a BIP, a copy of the BIP will be provided to each of the student’s teachers and service providers. The purpose of a BIP is to redirect the student’s targeted behaviors to ensure the student can make appropriate progress in light of the student’s unique circumstances.

An ARD Committee may also consider time-out as part of the student’s IEP and/or BIP. If a student requires any type of time-out, Dallas ISD Personnel must comply with state requirements and documentation. See [RESTRAINT AND TIME-OUT]. The ARD Committee is required to address any necessary documentation or data collection and use any collected data to judge the effectiveness of time-out as an intervention and provide a basis for making determinations regarding its continued use.

#### **Additional Procedures**

Behavior supports or interventions for a student with a disability may include direct services (such as counseling and/or social skills training), indirect services (such as consultation or training of service providers or parent/adult student training), behavior accommodations, curriculum modifications, behavior goals and objectives, and/or a BIP.

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If the ARD Committee determines that a student needs a BIP, the ARD Committee should review behavioral and academic data and analyze previous interventions, antecedents, consequence, and functions of behavior. The ARD Committee will then develop a plan to address the targeted behaviors including positive reinforcers/rewards, negative reinforcers, teaching and prevention.

An ARD Committee may also recommend that a Functional Behavior Assessment (FBA) be conducted for the student. An FBA is generally understood to be an individualized evaluation of a student to assist in determining eligibility and/or the nature and extent of the special education and related services that the student needs, including the need for a BIP. As such, parental consent is required for an FBA. See [CONSENT FOR INITIAL EVALUATION] and [CONSENT FOR REEVALUATION]. An FBA is an individualized assessment usually completed by an LSSP, but it can be completed by any qualified personnel. An FBA is a process for collecting data to determine the possible cause of problem behaviors and to identify strategies to address the behaviors. Although an FBA is only *required* in the context of disciplining a student with a disability, an FBA may be conducted whenever an ARD Committee is needing more assistance with a BIP for a student, and sometimes more often when the student’s behavior has changed, or interventions and strategies in the current BIP are no longer effective. Additionally, when considering positive behavior support strategies for a student with autism, the ARD Committee should consider a BIP developed from an FBA that uses current data related to target behaviors and addresses behavioral programming across environments.

The scope and nature of the FBA will depend on the nature and severity of the student’s behaviors. Dallas ISD or Campus Assessment Personnel will observe the student in various school settings and collect input from staff and members of the ARD Committee, including the parent. Dallas ISD or Campus Assessment Personnel will consider the data, including interviews conducted with the student and/or parent(s) that provide information about how the student’s environment contributes to positive and problem behaviors, including the antecedents to the behavior. This information will be used to develop a hypothesis about why problem behaviors occur (the function of the behaviors) and will identify replacement behaviors that can be taught and that serve the same purpose for the student. The FBA will provide the ARD Committee with information regarding the function of the student’s behavior, factors that may trigger certain behavior, and interventions identified to decrease negative behaviors and increase appropriate behaviors. This information will be reviewed by the ARD Committee when developing a BIP and or behavior goals or accommodations for the student.

The BIP should include positive strategies and supports to help target the student’s behaviors. The BIP should also include reinforcements and consequences to enable the student to reflect on the exhibited targeted behaviors.

The BIP must be provided to every teacher who is educating the student, as well as other



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staff members assisting the student, such as a paraprofessionals or instructional/related service providers who are working with the student.

The ARD Committee should determine the best way to monitor the student’s progress and BIP implementation. The ARD Committee should also establish how often staff should document behaviors. For example, a campus can use a “BIP tracking sheet” for teachers to document, on a weekly basis, observed targeted behaviors and the interventions the teacher attempted, per the student’s BIP. Use of a BIP tracking sheet is one way to monitor whether the BIP is effective. The ARD Committee should ensure that teachers are aware of how to track BIP implementation and how frequent such information should be tracked. The Special Education Case Manager should use the Dallas ISD progress monitoring system to track the student’s progress on the BIP and/or behavior goals and objectives.

If a student who is identified as a student with a disability under the IDEA violates Dallas ISD’s Student Code of Conduct, Campus Personnel must ensure that the student’s BIP is followed when applying consequences from the Student Code of Conduct. See [DISCIPLINE].

If a student who has a BIP is not making progress on the student’s behavior goals, or if either the rate or severity of behaviors targeted in the BIP increase, the ARD Committee should convene and discuss whether modifications to the BIP are indicated.

At least once annually and following the development of and/or revision of a student’s BIP, all Campus and District Personnel who work with a student with disabilities requiring behavioral interventions and supports shall be trained on the positive behavioral interventions and supports required by the student’s IEP, including how to implement and document the implementation of the interventions and supports. Additionally, at least once annually, all Campus and District Personnel shall be trained on the use of restraint or time-out, how to complete necessary documentation or data collection, and how to determine the effectiveness of the use of these interventions. This training is separate and apart from the Crisis Prevention Institute (“CPI”) training that various Campus and District Personnel may receive.

### **Evidence of Implementation**

- Student Discipline Records
- Teacher Documentation of Behaviors
- Parent Information of Home Behaviors
- BIP
- ARD/IEP
- BIP Tracking Sheet
- Progress Monitoring Documentation

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- Restraint DocumentationDocumentation of Positive Behavioral Interventions & Supports
- FBA
- FIE

## **EMERGENT BILINGUAL STUDENTS**

### **What is Required**

For a student identified as a student with a disability who is emergent bilingual, the ARD Committee must consider the language needs of the student as such needs relate to the student's IEP. An Emergent Bilingual student ("EB") (formerly referred to as an English Learner ("EL"), English Language Learner ("ELL"), or student with Limited English Proficiency ("LEP")) is a student who is in the process of acquiring English, and another language is their primary language. The ARD Committee, in conjunction with the Language Proficiency Assessment Committee ("LPAC"), must identify a student as Emergent Bilingual if the student has limited English ability or if the student has a significant cognitive disability such that the English language proficiency assessment cannot be administered. The ARD Committee should consider the extent of the student's language needs related to the student's IEP.

For students who are Emergent Bilingual and are eligible for special education services, the ARD Committee and the LPAC must create assessment procedures to distinguish between language proficiency and disabling conditions. The decision for entry into a bilingual education or ESL program must be determined by the ARD Committee in conjunction with the LPAC.

The ARD Committee, in conjunction with the LPAC, must also comply with the State and Districtwide Assessment procedures, including selecting the appropriate assessments, documenting the decisions and justifications in the student's IEP, and determining and documenting any allowable testing accommodations. See *below* [STATE AND DISTRICTWIDE ASSESSMENT].

The ARD Committee must include a member of the LPAC if a student is identified as Emergent Bilingual. See [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEMBERSHIP].

Dallas ISD must follow the standardized process for Emergent Bilingual program reclassification for EB students who are also eligible for special education services. The ARD Committee in conjunction with the LPAC must meet annually at the end of the year to review progress and determine if an EB student is eligible to be reclassified or exit an Emergent Bilingual program and be classified as English proficient. A student is deemed English proficient if the student can participate equally in a general education, all-English

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instructional program. .

When determining whether a student can be reclassified or exit an Emergent Bilingual program, the following factors will be considered:

- A proficiency rating on the state-approved English language proficiency test for reclassification or exit that is designated for indicating English proficiency in each of the four language domains (listening, speaking, reading, and writing);
- Passing standard met on the reading assessment or for students at grade levels not assessed by the reading assessment, a score of the 40<sup>th</sup> percentile or above on both the English reading and the English language arts test of the state-approved norm-referenced standardized achievement instrument; and
- Results from a teacher evaluation using the state’s standardized rubric.

A student may not be reclassified or exited from bilingual education or ESL program in prekindergarten or kindergarten. Additionally, a student may not be reclassified or exited from the bilingual education or ESL program if the LPAC recommends designated supports or accommodations on the state reading assessment instrument.

For an EB student with significant cognitive disabilities, the LPAC, in conjunction with the ARD Committee, may determine that the state’s English language proficiency assessment for reclassification is not appropriate because of the nature of the EB student’s disability. In these situations, the LPAC, in conjunction with the ARD Committee, may recommend an appropriate performance standard requirement for the EB student to be reclassified or exit a program.

**Additional Procedures**

For students who are receiving special education services and identified as Emergent Bilingual, the ARD Committee and the LPAC must work in collaboration. Joint meetings will occur between key members of both committees to review the following considerations:

- Entry and Reclassification/exit criteria for ESL or bilingual services;
- Appropriate listening, speaking, reading, and writing assessments;
- Appropriate student performance standards to verify that second language acquisition support in English is needed or not needed;
- Review progress; and
- Determine linguistic needs such as language instruction and/or accommodations.

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The meetings may be informal discussions among members. However, the final recommendations are brought to the ARD Committee with LPAC representation at the ARD Committee Meeting. The two committees, in meeting to collaborate in the best interest of the student, should consider information regarding cognitive and linguistic abilities, affective needs, data from progress monitoring, assessment data from both special education and ESL/bilingual programming, and the language in which the services/supports will be delivered.

Prior to an ARD meeting regarding an EB student, the Campus Special Education Case Manager should gather necessary data for the committees to make a data-based decision regarding the assessments and educational programs/supports for the EB student. The Campus Special Education Case Manager should also start gathering necessary data several weeks before the end of the academic year to determine whether the EB student may be reclassified or exit an EB program.

At least once annually, training shall be provided to Campus and District Special Education Administration and Personnel regarding collaboration between the ARD Committee and the LPAC on topics such as the language needs of the student, entry into a bilingual education or ESL program, participation in the English language proficiency assessment, the process for exiting an EB student from an Emergent Bilingual program, and participation in the state's alternate English language proficiency assessment.

### **Evidence of Implementation**

- Referral for Special Education
- FIE
- ARD/ IEP
- EL Assessment
- LPAC Team Documents
- Training for LPAC Members
- ARD Attendance by LPAC Member
- Student's Academic Progress Consideration
- Documentation of Reclassification Consideration
- Writing Culturally-Relevant IEPs

## **BLIND OR VISUALLY IMPAIRED STUDENTS**

### **What is Required**

In the development of the IEP for a VI student, proficiency in reading and writing is a significant indicator of the student's satisfactory educational progress. A student who is blind or visually impaired must be evaluated to determine the student's reading and writing skills, needs, and appropriate reading and writing media. The evaluation must be

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administered by a teacher certified to teach students with visual impairments and should be based on an appropriate literacy media and skills for the student's current and future instructional needs. See [EVALUATION - VISUAL IMPAIRMENT].

### Braille

When considering a VI student's needs, Dallas ISD Certified Visual Impairment Personnel must determine the student's current and potential need for instruction in braille or the use of braille. A VI student's IEP must include instruction in braille and the use of braille, unless the ARD Committee determines and documents that braille is not an appropriate literacy medium for the student. The ARD Committee's decision must be based on the evaluation of the student's appropriate literacy media and literacy skills and the student's current and future instructional needs. Each person developing the IEP must be given information on the benefits of braille instruction. If the ARD Committee determines that braille instruction is appropriate for a student, such instruction may be used in combination with other appropriate special education services, but the braille instruction must be provided by a teacher certified to teach children with visual impairments.

### Expanded Core Curriculum

Before placing a student with a visual impairment in a classroom setting, or within a reasonable time period after placement, Dallas ISD Certified Visual Impairment Personnel must provide an evaluation of the impairment and instruction in an expanded core curriculum, which is required for the student to succeed in classroom settings and derive lasting, practical benefits from education. Instruction in an expanded core curriculum must include instruction in:

- Compensatory skills, such as braille and concept development, and other skills needed to access the rest of the curriculum;
- Orientation and mobility;
- Social interaction skills;
- Career planning;
- Assistive technology, including optical devices;
- Independent living skills;
- Recreation and leisure employment;
- Self-determination; and
- Sensory efficiency.

In developing an IEP for a VI student, the ARD Committee must include in the IEP:

- A detailed description of the arrangements made to provide the student with an evaluation of the impairment and instruction in the expanded core curriculum;

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- Plans and arrangements made for contacts with and continuing services to the student beyond regular school hours to ensure the student learns the skills and receives the instruction in the expanded core curriculum; and
- a statement reflecting that the student has received an explanation of the various community and state resources.

Texas School for the Blind and Visually Impaired

The Texas School for the Blind and Visually Impaired (“TSBVI”) is a state agency established to serve as a special school in the continuum of statewide alternative placements for students who are 21 years of age or younger and who have a visual impairment. The TSBVI is intended to serve students who require specialized or intensive educational or related services related to the visual impairment. The TSBVI is not intended to serve students whose needs are appropriately addressed in a home or hospital setting or in a residential treatment facility, or students whose primary, ongoing needs are related to a severe or profound emotional, behavioral or cognitive deficit.

The ARD Committee for a VI student may determine that the appropriate placement for the student is the TSBVI. If the ARD Committee places a VI student in the TSBVI, Dallas ISD must ensure that it provides the student with FAPE and that all legally required ARD meetings are conducted to develop and review the student’s IEP.

Dallas ISD must provide each parent of a VI student or the adult VI student with the state-adopted form that contains written information about programs offered by state institutions, including the TSBVI.

**Additional Procedures**

VI Students have unique learning needs that must be addressed if they are going to access the regular core curriculum and become independent, productive citizens to the greatest extent possible. Dallas ISD provides educational services for students ages 0-21 who meet eligibility criteria for VI. Eligible infants (ages 0-2 years) are served in their home by Dallas ISD in conjunction with the local Early Childhood Intervention (ECI) Program. At age 3, eligible students are transitioned to Dallas ISD to receive services through special education, as determined by the student’s ARD Committee. See [AGES 0-5]. Each Campus Administrator must ensure that appropriately trained personnel for the blind or visually impaired attend the student’s ARD meeting.

The ARD Committee will develop an IEP for the student based on the requirements described above, including the use of braille. Service delivery options may include indirect/consultation, direct services, community-based activities, or a combination of these options. IEP goals and objectives addressed by VI and Certified Orientation

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Mobility Specialist (COMS) service providers may be integrated with classroom teacher's goals and objectives. Services may include pre-braille instruction, braille instruction, visual efficiency training, instruction in the use of technology for the visually impaired, and the provision of large print or braille textbooks, assignments or tests. Modifications and accommodations necessary for the VI student to access the educational curriculum, appropriate goals and objectives, progress monitoring, and transition services will be addressed through consultation with the VI and/or COMS service providers and regular education staff.

The Campus Special Education Case Manager should document on the VI Section of the IEP the following:

- Whether the student is functionally blind based on the functional vision evaluation and learning media assessment;
- Whether the ARD Committee has received information on the benefits of braille;
- The need for braille and the student's strengths and weaknesses in braille reading and writing;
- Appropriate learning and literacy media information;
- Whether the parent/adult student has been provided a detailed explanation of the various community and state resources;
- Whether the parent/adult student has been provided information about the Texas School for the Blind and Visually Impaired and other programs offered by Texas institutions;
- Plans and arrangement for contacts with and continuing services to student beyond the regular school hours;
- All areas of the expanded core curriculum instruction; and
- Appropriate special media and special tools, appliances, aids, or devices commonly used by VI student (i.e. braille textbooks, braille writer, braille paper, sensory learning kit, low vision devices, canes, etc.).

Instruction for VI students should reflect the assessed needs of each student in all areas of expanded core curriculum. Assessments in all of these areas that determine each student's strengths and weaknesses can be used to assist the ARD Committee to develop a program that truly addresses life-long competencies. Not all areas will have equal urgency each year, but to make informed decisions on where to focus, it is essential to

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measure progress and functioning across all areas. The ARD Committee should prioritize needs in order to develop an appropriate and comprehensive educational program for students with visual impairments.

A student's need for vision services may vary over time. And, a student's needs may differ in intensity and focus at different points during the student's school years. These fluctuations will be reflected in the student's IEP and should be fluid and flexible, based on the student's current educational needs. Consideration for services may be especially necessary during periods of transition between schools or into community activities. Other considerations are when there are significant changes to the IEP and/or vocational considerations.

Campus-based members of the ARD Committee should stay apprised of the various resources in Texas that offer consultation and support to staff and/or family for special education students who are blind or visually impaired. Parents of VI students should be provided information about the Texas School for the Blind and Visually Impaired annually.

At least once annually, training shall be provided to Campus and District Personnel, including Campus and District Special Education Administration, special education teachers, general education teachers, and related service providers, who work with students who are blind or visually impaired on proficiency in reading and writing, appropriate literacy media and literacy skills, benefits of Braille instruction, and instruction in an expanded core curriculum.

### **Evidence of Implementation**

- Referral for Special Education
- Notice of Procedural Safeguards
- FIE
- ARD/IEP
- VI Section of IEP
- Certification for VI and COMS Service Providers
- ARD Attendance Sheet
- Documentation of Training
- TSBVI Information and Parent Receipt

### **COMMUNICATION**

#### **What is Required**

The ARD Committee must consider the communication needs of the child.



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### **Additional Procedures**

Regardless of a student's disability, the ARD Committee must consider a student's communication needs. In determining the student's communication needs, the ARD Committee shall discuss the student's communicative demands and opportunities for communication and determine whether the student has the skills and strategies necessary to meet those demands. Additionally, the ARD Committee shall determine whether the student has adequate opportunities for communication and if the student can appropriately communicate in different settings. Finally, the ARD Committee shall discuss whether the student communicates effectively and, if not, discuss and document any reasons for the lack of effective communication in the IEP.

If the ARD Committee determines that the student has communication needs, the IEP must reflect those needs. The student's communication needs shall be documented in the Present Levels of Academic Achievement and Functional Performance ("PLAAFP"), the statement of annual goals, the provision of special education and related services, accommodations, and supplementary aids and services, including assistive technology.

At least once annually, training shall be provided to Campus and District Personnel, including Campus and District Special Education Administration, special education teachers, general education teachers, and related service providers, who work with students with communication needs to address how to determine the communication needs of a student and the appropriate supports and services to provide to a student with communication needs.

### **Evidence of Implementation**

- Referral for Special Education
- Notice of Procedural Safeguards
- FIE
- ARD/IEP
- Communication Needs Documentation
- ARD Attendance Sheet
- Documentation of Training

## **DEAF OR HARD OF HEARING STUDENTS**

### **What is Required**

The ARD Committee must consider the unique communication needs for students who are eligible for special education as a result of being deaf or hard of hearing and ensure

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that each student's communication mode is respected, used, and developed to an appropriate level of proficiency.

When developing an IEP for a student eligible for special education due to being deaf or hard of hearing, the ARD Committee must consider the following:

- The student's language and communication needs;
- The student's opportunities for direct communications with peers and professional personnel in the student's language and communication mode;
- The student's academic level, considering factors such as the student's grades, benchmark testing, and state assessments; and
- The student's full range of needs, including opportunities for direct instruction in the student's language and communication mode.

Dallas ISD must provide each parent/adult student with the state-adopted form that contains written information about programs offered by state institutions for deaf or hard-of-hearing students.

At least once annually, training shall be provided to Campus and District Personnel, including Campus and District Special Education Administration, special education teachers, general education teachers, and related service providers, who work with students who are deaf or hard of hearing on topics such as language and communication needs, opportunities for direct communication with peers and professional personnel, and opportunities for direct instruction in the child's language and communication mode.

### **Additional Procedures**

Dallas ISD provides educational services for students ages 0-21 who meet eligibility criteria for deaf or hard of hearing (DHH). Eligible infants (ages 0-2 years) are served in their home by Dallas ISD in conjunction with the local Early Childhood Intervention (ECI) Program. At age 3, eligible students are transitioned to Dallas ISD to receive services through special education, as determined by the student's ARD Committee. See [AGES 0-5]. A Campus Administrator must ensure that appropriately trained personnel for the deaf or hard of hearing attend the student's ARD Committee meeting. The ARD Committee shall consider all the student's needs, academic levels, and supports as described above.

Students who are deaf or hard of hearing may receive special education services through a variety of service delivery models. Many students are appropriately served on their home campus with special education services. Other students may need additional instructional support from a teacher of the deaf or hard of hearing, an interpreter, and/or a communication facilitator. For students who need additional Deaf Ed services, Dallas ISD is the Regional Day School Program for the Deaf (RDSPD) for Dallas ISD students

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and surrounding LEAs. Students receiving direct services via RDSPD may receive services according to a continuum of services based on the unique needs of the student.

The continuum of services for DHH students includes some or all of the following:

- Monitor/consult only (indirect services)
- Itinerant/direct services from a certified Teacher of the Deaf
- Site-based direct services in the RDSPD
- In-class support
- External support
- Audiological services
- Interpreting services
- Communication facilitator services
- Audiological management
- Counseling
- Parent education providers

The instructional program for AI students is designed to meet the individual needs of the student and will include both oral and total communication philosophies.

Campus-based members of the ARD Committee should stay apprised of the various resources in Texas that offer consultation and support to staff and/or families for special education students who are deaf or hard of hearing. At the initial ARD and at each annual ARD, the Campus Special Education Case Manager will provide the parent(s)/adult student information about the Texas School for the Deaf describing the program offered, eligibility and admissions, and the rights of students. When signing the ARD document, the IEP should reflect that the parent/adult student received this information.

### **Evidence of Implementation**

- Referral for Special Education
- Notice of Procedural Safeguards
- FIE
- ARD/IEP
- Communication Needs Documentation
- DHH Teacher Certification
- ARD Attendance Sheet
- Documentation of Training
- Parent Receipt of Texas School for the Deaf Information

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## **ASSISTIVE TECHNOLOGY**

### **What is Required**

The ARD Committee must determine if a student needs assistive technology devices (ATD) and/or services. The term assistive technology service means any service that directly assists the student with a disability in the selection, acquisition, or use of an ATD, and includes:

- The evaluation of the needs of the student, including a functional evaluation in the student’s customary environment;
- Purchasing, leasing, or otherwise providing for the acquisition of ATD’s by the student;
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing ATD’s;
- Coordinating other resources, such as therapies, interventions, or services to be used with the ATDs, such as those in the student’s IEP and rehabilitation plans;
- Training or technical assistance for the student or the family, if appropriate, to ensure the student and family understands how to properly use the ATD; and
- Training or technical assistance for all school staff who provide services to or who are substantially involved in the major functions of the student.

### **Additional Procedures**

Assistive Technology services or an ATD can be provided as a supplementary aide and utilized by the classroom teacher or related/instructional service personnel. Assistive Technology can also be a related service and implemented by an assistive technology specialist and/or part of a student’s goals or objectives in the IEP. Campus staff working with students with disabilities will be informed of the assistive technology services and devices available and who to contact when campus staff have questions about the availability of services and devices and the operations and functions of various ATD’s. The ARD Committee will consider AT needs for every special education student, regardless of the student’s eligibility, at least annually through the completion of the Assistive Technology Checklist. It is during this consideration that the ARD Committee is to determine if an AT evaluation is warranted and plan for any necessary AT evaluation.

In some cases, members of the ARD Committee will be knowledgeable about the student’s functional needs and the range of appropriate AT devices/services to meet those needs. In those cases, the ARD Committee may decide what AT devices/services should be provided for the student without the necessity of a formal AT evaluation. This is particularly true with readily available and/or low tech AT devices/services.

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In other situations, the ARD Committee may not have sufficient in-depth knowledge of the student's functional needs, or the members of the ARD Committee may not have the expertise or technical knowledge about what AT devices/services are available to meet the student's needs. In those cases, a formal AT evaluation should be requested by the ARD Committee. In addition, if a student can use an AT device successfully outside of school but struggles to use the same device in the classroom, that may also trigger the need for an AT evaluation.

The ARD Committee must document the necessary AT devices/services needed for the student, with or without a formal AT evaluation, in the student's IEP. If either a parent/adult student or Campus Personnel refers a student for an AT evaluation, the ARD Committee will determine whether the evaluation is needed and, if so, the scope of the evaluation in accordance with the Dallas ISD Assistive Technology Checklist. Should the ARD Committee seek a formal AT evaluation, all IDEA requirements regarding evaluations, such as notice and consent, apply. See [REVIEW OF EXISTING EVALUATION DATA] and [EVALUATION PROCEDURES].

If an ARD Committee determines that an AT evaluation is warranted prior to selecting an ATD, the Campus Special Education Case Manager will invite an AT representative to an ARD meeting to discuss the AT evaluation results and the functions of the recommended device for the student.

Although there are no specific guidelines about what must be included as part of an AT evaluation for it to be sufficient, Dallas ISD Special Education Personnel and Dallas ISD Assessment Personnel should consider both statutory and regulatory requirements regarding evaluations in general. The AT evaluation should be conducted by qualified professional and consist of a detailed review and analysis of the student's needs and abilities and should be based on current information and data derived from a review of the student's educational records, observations, and discussions with classroom teachers, other services providers, and the parent/adult student. The AT evaluation should assess the student's needs across a variety of domains such as communication, written language, academic content areas, fine and gross motor skills, and daily living skills. The evaluation of a particular domain may be informal. For example, if the concern expressed by the ARD Committee relates to the student's handwriting, the evaluation of communication and daily living skills may be informal, based on input from teachers and parents, and simply note that functioning in those areas is adequate for the age and grade level of the student. In other domains, formal evaluation procedures may be appropriate using protocols, skills inventories, and various frameworks to assess the student's functional needs and develop recommendations regarding AT devices/services. The District may also consider providing the parent with a questionnaire regarding technology to be discussed at the ARD meeting. Seeking this input will provide information to the ARD Committee regarding the extent of the student's AT needs and/or the effectiveness

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of the student's current ATD.

When considering a device for a student, the ARD Committee does not have to choose the most sophisticated device, but rather one that will enable the student to access the general education curriculum. The ARD Committee must consider the extent of the student's needs for the ATD. For example, the student may need to take the ATD home to appropriately complete homework. If a student is permitted to take an ATD home, Dallas ISD may require the parent/adult student to complete any Dallas ISD-required forms or paperwork regarding the parent/student's responsibility for care of the ATD.

The procedures followed for purchasing, leasing, or otherwise providing for the acquisition of ATDs for students with disabilities in the District are provided for in [ADMINISTRATION OF EQUIPMENT].

All Campus staff members who work with students should be aware of the ATD addressed in the student's IEP and must allow the student to use the device in the manner described in the student's IEP. The Campus Special Education Case Manager must promptly notify the Dallas ISD AT Representative if the student's ATD malfunctions so that it can be repaired and/or replaced. Dallas ISD is required to provide and maintain any ATD that the student's ARD Committee has determined is necessary for implementing the student's IEP. If the Dallas ISD-issued ATD is not functioning or does not function correctly, the Dallas ISD Assistive Technology Personnel is responsible for providing a substitute device, or requesting an ARD Committee meeting to review and, if appropriate, revise the student's IEP.

Campus Special Education Personnel, with support from the Special Education AT Personnel (as needed), is responsible for consistently implementing strategies, providing training, and collecting data regarding AT use or effectiveness. The Special Education AT Specialist will provide appropriate training to the student, parents, and staff regarding the effective use of the student's ATD. Specifically, the Assistive Technology team provides in-person and virtual training for all stakeholders, including parents, on basic operation of devices, programming (if appropriate), and implementation ideas. If the student is able to participate in the training, the student is also included in the training, so that the student is able to advocate for himself or herself and use the device(s) independently. The District also has the AT Resources website which offers links to training videos and implementation ideas for all stakeholders. When necessary, the AT team provides troubleshooting, customization, and repair support as well to all stakeholders.

### **Evidence of Implementation**

- Referral for Special Education
- Notice of Procedural Safeguards

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- FIE
- ARD/IEP
- AT Evaluation
- AT Checklist
- ATD Check-out
- ATD Progress Documentation
- ATD Student Training Documentation
- ATD Provider Training Documentation

## **STUDENTS WITH AUTISM**

### **What is Required**

In the case of a student with autism, the ARD Committee must consider the following eleven (11) strategies based on peer-reviewed, research-based educational programming practices to the extent practicable, and when needed, in the student's IEP:

- Extended educational programming (e.g., extending the day and/or school year to ensure the student makes appropriate progress in areas of need, such as behavior, social skills, and academics);
- Daily schedules reflecting minimal unstructured time and including active engagement in learning activities. These schedules should consider, for example, meal periods, recess, and adapting to changes such as a substitute teacher, classroom location change, or a school event that deviates from the normal day (e.g., pep rally or student-wide meeting). The goal is to provide consistency for the student and contingency plans when the student's normal daily routine changes;
- 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 community to home);
- Positive behavior support strategies based on relevant information (e.g. antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and a BIP developed from an FBA that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings);
- Transition planning, to begin at any age the ARD Committee determines is appropriate, in considering future planning for the student's integrated living, work, community, and educational environments that consider the skills needed for the

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student’s current and postsecondary environments. See [TRANSITION SERVICES];

- Parent/family training and support by qualified personnel with experience in autism spectrum disorders. The goal of this training is to provide families with supports for the student to succeed beyond school—in home and in the community. The ARD Committee must also provide the parent information for community resources for the student (e.g. parent support groups, videos, and conferences related to parenting a student with autism). The parent/family training should also facilitate parental carryover of in-home training (e.g., behavior management strategies and developing structured home environments);
- Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student’s developmental and learning level that encourages work towards individual independence as determined by, for example, adaptive behavior evaluation results, behavioral accommodation needs across settings, and transitions within the school day;
- Interventions to improve the student’s communication skills across settings;
- Social skills, supports and strategies based on social skills assessment and curriculum and applied across settings (for example: circle of friends, video modeling, social stories, and role playing);
- Professional development for teachers and staff related to educating students who have an Autism Spectrum Disorder; including training on the correct implementation of techniques and strategies described in the student’s IEP; and
- Teaching strategies based on peer-reviewed, research-based practices for students with an Autism Spectrum Disorder (for example those associated with discrete-trial training, visual supports, applied behavioral analysis, structured learning, augmentative communication, or social skills training).

If the ARD Committee determines that the student does not need any of the supports listed above, it must state its decision and the basis of the decision in the student’s IEP.

**Additional Procedures**

The ARD Committee for an AU student will clearly show that each of the 11 strategies noted above were meaningfully discussed, even if the ARD Committee determines that the student does not need some of the listed services. Campus Special Education Personnel should consider the following practices when considering the 11 strategies:



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1. Ensure that staff involved in the provision of ESY services are provided with a copy of the student's IEP. Communication between the student's teacher during the regular school year and ESY staff is imperative to ensure that ESY staff receive updated information about the student and the goals/tasks to work on during ESY. Consider community options for ESY services, if appropriate.
2. Within the student's daily schedule, include, for example, meals, restroom breaks, leisure breaks, course instruction, daily wrap-ups, and pack-up and dismissal. Attach a daily schedule to the ARD document, describe any difficulties with transitions between classes or activities, and address behavioral problems that may occur when a change occurs in routine or location. Minimal unstructured time means that IEP goals/objectives are being addressed throughout the day and across settings.
3. Consider important life skills for in-home training such as training for the student to independent use the restroom or dress him or herself. Consider a data chart to track how often the student is completing the desired tasks. In-home training should be considered to acquire critical skills across settings or help a student generalize critical skills from one setting to another. The ARD Committee should discuss any skills the student exhibits in one setting but has not acquired in another setting and interventions necessary in the home to generalize these skills. In-home training is a related service that requires an evaluation before implementation. When an in-home training evaluation is requested, Dallas ISD Assessment Personnel will obtain consent from the parent/adult student and follow the evaluation procedures. See [CONSENT FOR INITIAL EVALUATION] and [EVALUATION PROCEDURES].
4. Consider including prevention interventions, teacher interventions, and reinforcement interventions in the student's BIP if needed. See *Students with Behavior Needs* above.
5. Begin consideration of transition support in elementary school to ensure the student is successful in his or her post-secondary transition.
6. Gather parent input to determine the appropriate parent/family training and support needed for the student. Such input could be in the form of a parent questionnaire for the parent to express the student's talents, challenges, and specific information the parent needs to assist the student. The goal of parent training is to provide parents with the necessary skills and techniques to assist their student with the ongoing development and maintenance of skills and behaviors.
7. Create a chart that includes activities related to the student's IEP goals and

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objectives and the level of staff-to-student ratio for each subject area. When determining staff-to-student ratios, an ARD Committee should consider the setting, a student's communication abilities, and present levels of competence in each area of instruction. Typically, a student in the acquisition phase of development may need more direct intensive instruction relative to later phases. As a student moves through the phases, there should be less adult supervision, more self-monitoring, and therefore, a higher staff to student ratio.

8. Create a communication functions chart, including strategies such as a schedule card and visual supports. The ARD Committee should consider the student's communication across settings, and this review should not be limited to SLP services. Communication forms include physical, objects, sign language, pictures, line drawings, speech/verbal, independent writing, typing, or pointing to printed words.
9. Social skills are a set of behaviors used to interact and communicate with others. The ARD Committee should consider various social skills including impulse control, willingness to do non-preferred activities, personal responsibility, concept of friendship, response to suggestions or requests, self-regulation, self-monitoring, reading/interpreting/responding to social cues, appropriate communication, environmental regulations skills, self-advocacy skills, play skills, and manners and listening. The ARD Committee may consider social skills strategies including peer facilitators, video modeling, social stories, role playing, incidental teaching, pivotal teaching strategies, social narratives, cartooning, or direct instruction.
10. Document the training staff receives as it relates to educating or providing related services to students who have AU and ensure staff are trained at least annually. This training shall include elements of the autism supplement, including extended educational programming, daily schedules reflecting minimal unstructured time and active engagement in learning activities, in-home and community-based training or viable alternatives, positive behavior support strategies, futures planning, parent/family training and support, suitable staff-to-child ratio to identified activities, communication interventions, social skills and strategies, professional educator and staff support, and teaching strategies based on peer-reviewed, research-based practices for children with autism.
11. Teaching strategies based on peer-reviewed and/or research-based practices for students with AU may include errorless learning, prompting and prompt fading, shaping, task analysis, consistent classroom routines and expectations, choice-making, multiple opportunities to learn and practice skills in structured and naturalistic settings, manipulations of antecedents and consequences to increase desired behaviors and decrease challenging behaviors, discrete trial training,

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and/or structured learning. Special Education Personnel should create a strategy tracking chart to document student’s progress in the various teaching strategies used to share with the ARD Committee.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

**Evidence of Implementation**

- Referral for Special Education
- FIE
- ARD/IEP
- AU Supplement/Section of IEP
- Staff Training
- Strategy Tracking Chart
- ESY Documentation
- Daily Schedules
- In-Home/Community-Training Documentation
- BIP/Behavior Interventions Tracking
- Futures Planning Documentation
- Parent Training Documentation
- Staff to Student Ratios
- Social Skills Documentation
- Documentation for state in TSDS, PEIMS, and SPP

**DEFINITIONS**

“Assistive Technology Device” is any item, piece of equipment, or product, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term excludes surgically implanted medical devices.

“Autism” refers to the developmental disability that significantly affects verbal and nonverbal communication and social interaction, generally evident before age three, and adversely affects a student’s educational performance. See [AUTISM].

“Autism Spectrum Disorder” (ASD) refers to a complex developmental condition that involves persistent challenges in social interaction, speech and nonverbal communication, and restricted/repetitive behaviors. The effects of ASD and the severity of symptoms are different in each person. See [AUTISM].

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“Behavioral Intervention Plan (BIP)” is a written plan developed as part of the IEP to address behavioral concerns affecting the student’s educational progress. It is based on a functional behavior assessment of the problem behaviors, identifies events that predict these behaviors, includes positive interventions to change behaviors, and includes methods of evaluation.

“Deaf or Hard of Hearing” means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, whether permanent or fluctuating, and that adversely affects a student’s educational performance. Deaf usually refers to an individual with very little or no functional hearing and who often uses sign language to communicate. Hard of Hearing refers to an individual who has a mild-to-moderate hearing loss who may communicate through sign language, spoken language or both. See [DEAF OR HARD OF HEARING].

“English Learner” refers to a student whose native language is a language other than English or who comes from an environment where a language other than English is dominant and who has difficulty speaking, reading, writing, or understanding the English language.

“Extended School Year Services (ESY)” means an individualized educational program provided beyond the regular school year for eligible students with disabilities. The need for ESY services must be determined on an individual basis by the student’s ARD Committee from formal and/or informal evaluations provided by Dallas ISD or the parents. A student is eligible for ESY services when the student has exhibited or reasonably may be expected to exhibit severe or substantial regression in one or more critical skill areas that cannot be recouped within a reasonable period of time. See [EXTENDED SCHOOL YEAR SERVICES].

“Functional Behavior Assessment (FBA)” refers to a systematic process for describing problem behavior and identifying the environmental factors and surrounding events associated with problem behavior. The team that works closely with a student exhibiting problem behavior observes and identifies its problematic characteristics, identifies which actions or events precede and follow the behavior, and determines how often the behavior occurs.

“Significant Cognitive Disability” means an impairment in which a student who exhibits significant intellectual and adaptive behavior deficits in the ability to plan, comprehend, and reason, also indicates adaptive behavior deficits that limit the student’s ability to apply social and practical skills such as personal care, social problem-solving skills, dressing, eating, using money, and/or other functional skills across life domains; and is NOT identified based on English learner designation or solely on the basis of previous low academic achievement or the need for accommodations; and requires extensive, direct, individualized instruction, as well as a need for substantial supports that are neither temporary nor specific to a particular content area.

“Visual Impairment including Blindness” means an impairment in vision that, even with correction, adversely affects a student’s educational performance. The term includes both partial sight and blindness. A licensed ophthalmologist or optometrist determines the student has a progressive medical condition that will result in no vision or a serious visual loss after correction. See [VISUAL IMPAIRMENT].

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## **RESOURCES**

[The Legal Framework for the Child-Centered Special Education Process: Special Factors - Region 18 Dallas ISD Special Education](#)

### ***Behavior***

[Texas Behavior Support - Region 4](#)

[Positive Behavioral Interventions & Supports \(PBIS\) - Center on Positive Behavioral Interventions & Supports \(OSEP Technical Assistance Center\)](#)

[OSEP Letter to Anonymous \(Mar. 17, 2008\) - U.S. Department of Education](#)

[OSEP Letter to Trader \(Oct. 19, 2006\) - U.S. Department of Education](#)

[OSERS Questions and Answers on Discipline Procedures \(Revised June 2009\) - U.S. Department of Education](#)

[OSERS Letter to Anonymous \(Dec. 16, 2010\) - U.S. Department of Education](#)

[OSERS Dear Colleague Letter \(Aug. 1, 2016\) - U.S. Department of Education](#)

### **BIP - SPEDTEX**

### ***Emergent Bilingual Students***

[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 - Texas Education Agency](#)

[OSEP Letter to Ralabate \(Oct. 9, 2002\) - U.S. Department of Education](#)

[Tools and Resources for Addressing English Learners with Disabilities - U.S. Department of Education](#)

[Writing Culturally-Relevant IEPs Companion Tool - Dallas ISD](#)

[Writing Culturally Relevant IEPs – TEA](#)

[Dallas ISD ARD/LPAC Collaboration](#)

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[Dallas ISD Step by Step Process for EL/Sped Exit](#)

[Dallas ISD EL/Sped Exit Criteria from Bilingual ESL Services](#)

***Blind and Visually Impaired***

[Sensory Impairments - Texas Education Agency](#)

[Texas School for the Blind and Visually Impaired](#)

[Programs and Administrative - Information and Resources - Texas School for the Blind and Visually Impaired](#)

[American Printing House for the Blind](#)

[OSERS Dear Colleague Letter \(June 19, 2013\) - U.S. Department of Education](#)

[Visually Impaired - SPEDTEX](#)

***Deaf or Hard of Hearing***

[Sensory Impairments - Texas Education Agency](#)

[Statewide Outreach Center - Texas School for the Deaf](#)

[Texas School for the Deaf](#)

[Deaf Students Education Services - U.S. Department of Education](#)

[Deaf/Hard of Hearing - SPEDTEX](#)

***Assistive Technology***

[Assistive Technology - Texas Education Agency](#)

[Texas Assistive Technology Network - Region 4](#)

[Dallas ISD Assistive Technology Website](#)

***Autism***

[Texas Statewide Leadership for Autism Training - Region 13](#)

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## [Autism Spectrum Disorder - SPEDEX](#)

## [Children with Autism - SPEDEX](#)

### **CITATIONS**

Board Policy EHBAB (Students with Behavior Needs; Blind or Visually Impaired; and Autism); Board Policy EHBE (Limited English Proficiency); Board Policy EHBH (Deaf or Hard of Hearing); 34 CFR 300.324(a)(2)(i) (Behavior); 34 CFR 300.24, 300.324(a)(2)(i)–(ii) (English Learners); 34 CFR 300.324(a)(2)(iii), 300.34(c)(7) (Blind or Visually Impaired); 34 CFR 300.324(a)(2)(iii)–(iv) (Communication; Deaf or Hard of Hearing); 34 CFR 300.324(a)(2)(v), 300.5, 300.6 (Assistive Technology); 34 CFR 300.320; 300.324(a)(4) (Autism); Texas Education Code 29.005(g) (Behavior); Texas Education Code 30.002, Texas Education Code 30.004, Texas Education Code 30.021 (Blind or Visually Impaired); Texas Education Code 29.303, Texas Education Code 30.004 (Deaf or Hard of Hearing); 19 TAC 89.1053(i), 89.1055(g) (Behavior); 19 TAC 89.1050(c)(1)(J), 89.1203(7), 89.1226, 89.1230, 101.1005(a),(e) (Emergent Bilingual); 19 TAC 89.1055(d) (Blind or Visually Impaired); 19 TAC 89.1055 (Autism)

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## **SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES**

### **What is Required**

The IEP for each student with a disability must include a statement of the special education and related services and supplementary aids and services to be provided to the student and a statement of the program modifications or supports for school personnel that will be provided to enable the student –

- to advance appropriately toward attaining the annual goals;
- to be involved in and make progress in the general education curriculum;
- to participate in extracurricular and other nonacademic activities; and
- to be educated and participate with other children with disabilities and nondisabled children.

Nonacademic and extracurricular services and activities may include:

- Meals
- Recess periods
- Counseling services
- Extracurricular activities
- Athletics
- Transportation
- Health Services
- Recreational activities
- Dallas ISD Special interest groups or clubs
- Referrals to other agencies that provide assistance to individuals with disabilities
- Employment of students, including both employment by the District and assistance in making outside employment available.

In developing a student's IEP, the ARD Committee will include a schedule of all special education services, supplementary aids and services, related services, and modifications a student will receive, including the projected start date, anticipated frequency, and anticipated duration of those services. Students with disabilities will have available an instructional day commensurate with that of students without disabilities, as appropriate, which will be determined by the ARD Committee and specified in the student's IEP.



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The ARD Committee must determine and include in the student's IEP the expected location of where the student will receive services and modifications. If Dallas ISD assigns the special education student to a different campus other than where the student is zoned to attend based on residence, Dallas ISD must allow any other student who is residing in the special education student's home to transfer to that school if the other student(s) is entitled to attend school in Dallas ISD and the school offers the appropriate grade level for the other student(s) at the campus. Dallas ISD is not required to transport the other student(s) who is permitted to transfer unless the other student(s) is entitled to transportation as a related service. The transfer right does not apply to the other student(s) if the special education student attends a residential facility.

## Supplementary Aids and Services

Supplementary aids and services are aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable the student with a disability to be educated with nondisabled students to the maximum extent appropriate. The ARD Committee must determine the necessary supplementary aides and services to be provided to or on behalf of a student who is eligible to receive special education services.

## Special Education

Special education is specially-designed instruction, at no cost to parent/adult student, to meet the unique needs of the student with a disability. The ARD Committee must determine needed special education services that meet the unique needs of the student with a disability.

Specially designed instruction means instruction adapted, as appropriate, to the needs of the eligible student under the IDEA, which may include the content, methodology or delivery of instruction; addressing the unique needs of the student that result from the student's disability; and ensuring access of the student to the general curriculum so that the student can meet the educational standards within the jurisdiction of Dallas ISD that apply to all students.

## Related Services

The ARD Committee determines what related services a student with a disability needs. Related services mean a wide array of developmental, corrective, and other supportive services that are required to assist the student to benefit from special education. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (mapping), maintenance of that device, or the replacement of that device. Related services may include, but are not limited to, assistive technology, audiology services, counseling services, interpreting services, medical services (only to

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evaluate a student's disability), music therapy, occupational therapy, orientation and mobility services, parent counseling and training, physical therapy, psychological services, recreation, rehabilitation counseling services, school health services, social work services in school, speech-language therapy, and transportation. In Texas, speech-language therapy is considered an instructional service. This means it can be a stand-alone service as well as a supportive service.

For example, audiology services are a related service. The ARD Committee or Section 504 committee may determine that a student is eligible to receive audiology services pursuant to the Health and Human Services Commission if the student is:

- 1) 20 years of age or younger;
- 2) Has a disability or chronic medical condition;
- 3) Is eligible for Medicaid benefits; and
- 4) Has been prescribed the services under the student's Individualized Education Program (IEP) or a plan created under Section 504.

See [FUNDING FOR NONEDUCATIONAL SERVICES].

Transportation is also a related service and extends to transporting students who are residentially placed by Dallas ISD. If an ARD Committee places a student at a residential school, Dallas ISD, which is the resident school district, is required to transport the student, throughout the student's entire term at the residential campus, including regularly scheduled holidays when the student is expected to leave the residential campus. If the ARD Committee determines that the student requires an accompanied adult for safety measures, the committee must designate and provide transportation for an adult who will be with the student during the round-trip transportation. Dallas ISD is not responsible for transportation costs for students who are placed in a residential setting by their parents rather than by the ARD Committee.

## Other Supports

### *Training of General Educators to Implement the IEP*

For those employees who work primarily outside of special education and who do not possess the knowledge and skills necessary to implement the student's IEP, Dallas ISD will train such staff at a time and place designated by Dallas ISD. Such training will be evidence-based and related to instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions and will be designed specifically for educators who work outside of special education. In developing the training, Dallas ISD will consult with experts in research-based practices for students with disabilities who may be associated with outside entities (e.g. colleges, universities, nonprofit organizations, and regional education service centers in Texas) as well as those

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employed by Dallas ISD.

### *Intensive Program of Instruction*

The ARD Committee must design an intensive program of instruction for students who do not perform satisfactorily on a state assessment or who are not likely to receive a high school diploma before the fifth year following the student's enrollment in grade 9. See *below* [STATE AND DISTRICTWIDE ASSESSMENTS].

The purpose of an intensive program of instruction designed by the ARD Committee is to ensure students attain annual growth on the basis of the student's IEP and to carry out the Student Success Initiative (SSI) purpose described further below.

### *Accelerated Reading Instruction*

Dallas ISD will administer a state-adopted or Dallas ISD-adopted reading instrument to determine students' reading development and comprehension. Such reading instruments also evaluate a student's risk for dyslexia or other reading difficulties. See [CHILD FIND - DYSLEXIA]. If the evaluation results reveal a reading deficiency, Dallas ISD will notify the student's parent or the adult student of the results and will implement an accelerated reading instruction program to help the student progress in his or her reading skills.

For special education students in kindergarten or grades 1 and 2 who do not perform satisfactorily on the Dallas ISD-adopted list of reading instruments, the ARD Committee must determine how the student will participate in the accelerated instruction program.

### *Accelerated and Supplemental Instruction*

For any student who does not pass a state assessment, including an EOC assessment, or students who are absent or otherwise do not have valid assessment scores, accelerated instruction must be delivered by either:

- (1) assigning a classroom teacher who is certified master, exemplary, or recognized teacher for the subsequent school year in the applicable subject area; or
- (2) delivering supplemental instruction before or after school, or embedded in the school day. If embedded in the school day, must occur at least once per week.

Supplemental instruction must be TEKS-aligned and provided for no less than 30 hours for each subject area the student did not pass. Instruction must be delivered in a 1-on-1 or small group environment with no more than 3 students (or in a larger ratio with permission from all parents or guardians connected to students in the group). This supplemental instruction must be provided by a person with training in the applicable

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instructional materials and under the oversight of Dallas ISD. To attend supplemental instruction, students cannot be removed from instruction in grade level content for the foundation curriculum (i.e., Reading, Math, Science, Social Studies, etc.), instruction in the enrichment curriculum for the grade in which the student is enrolled (i.e. LOTE, Fine Arts, CTE, Health/PE, Technology Apps, etc.), or recess or physical activity that is available to other student enrolled in the same grade.

Where an ARD Committee determines that a high school student with disabilities is not required to pass EOC assessments to graduate, Dallas ISD is still obligated to provide the student accelerated instruction if the student fails to perform satisfactorily.

### *Accelerated Learning Committees*

Dallas ISD will establish an Accelerated Learning Committee for each student in Grades 3, 5, and 8 who did not perform satisfactorily on the state assessment for math or reading. District or Campus Personnel shall notify the parent of the time and purpose of these meetings. At a minimum, the ALC must include the student's Principal or designee, the parent, and a teacher of the relevant subject. The ALC must develop an educational plan that is in writing and provide a copy of the plan to the parent. ARD Committees will act as the ALC for students with disabilities taking standard or alternate state assessments.

For any student with disabilities in Grades 3, 5, or 8 who do not perform satisfactorily on the state assessment for math or reading, the ARD Committee must meet to determine the manner in which the student will participate in an accelerated instruction program. When an accelerated learning plan is required, the ARD Committee must consider the individual needs of the student and determine whether adjustments are appropriate to the accelerated learning plan. If supplemental instruction is required, it must be provided in accordance with requirements related to Accelerated Instruction and Accelerated Learning Committees for all students, unless the ARD Committee determines some or all supplemental instruction requirements would deny the student FAPE. The ARD Committee must document these decisions in the student's IEP.

If the ARD Committee serves as the ALC to develop a plan to address the student's performance on the state assessment for math or reading, and the student does not perform satisfactorily in the subsequent year, the ARD Committee must meet with the Superintendent or designee to address the student's performance, adjust the accelerated learning plan, and document the changes in the IEP.

### *Student Success Initiative for Children In Grades Three Through Eight*

The ARD Committee must determine the manner in which the student will participate in an accelerated instruction program when required. For special education students in

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grades 5 or 8 who do not perform satisfactorily on the reading or math state assessment the first time, the ARD Committee must meet before the student will take the assessments for a second time. See *below* [STATE AND DISTRICTWIDE ASSESSMENTS]. When meeting, the Committee must determine the manner in which the student will participate in the accelerated instruction and whether the student will be promoted or retained. In accordance with the SSI requirements, the ARD Committee can promote a special education student in grades 5 or 8 to the next grade if the ARD Committee determines that the student has made sufficient progress in measurable academic IEP goals. See *above* [ANNUAL GOALS].

If Dallas ISD promotes the student to the next grade level under the SSI, Dallas ISD does not have to administer the state assessment to the student for a second time (or third time if the ARD determines after the second failed administration that the student will not take it again).

No later than September 1 of each school year, Dallas ISD must notify the parent of the options the ARD Committee has as provided in the SSI.

### *Personal Graduation Plan in Junior High and Middle School*

A graduation plan is required for students who do not perform satisfactorily on a state assessment (or who are likely not to receive a high school diploma before the fifth year following the student's enrollment in grade 9. See *below* [STATE AND DISTRICTWIDE ASSESSMENTS] and [PARENT NOTIFICATION AND PERSONAL GRADUATION PLAN].

A student's IEP may be used as the personal graduation plan for students in junior high and middle school.

## **Additional Procedures**

The unique needs of a student with a disability encompass more than mastering academic subjects. The student's unique needs should be broadly construed to include academic, social, health, emotional, physical, and vocational needs. These needs will be addressed by the student's ARD Committee.

The IDEA does not require a specific instructional methodology. Dallas ISD, through decisions made by teachers and service providers, must provide the student an instructional methodology that enables the student to access a FAPE.

## **Instructional Services**

Instructional services are special education services provided to a student by special

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education personnel that are specially designed to meet the unique needs of a student with a disability. Instructional special education services include specialized instruction provided in the general education setting (inclusion), specialized instruction provided in a special education setting (self-contained or resource services), adapted physical education services, speech services, vision services, deaf and hard of hearing services, and orientation & mobility services. The Campus Special Education Case Manager will document the instructional services in the student's IEP on the instructional schedule of services page and include the duration, location, and frequency of such services.

When a student needs the curriculum modified, the ARD Committee will develop goals and objectives that modify what the student will be taught and what the student is expected to learn. Modifications may include changes to assignment (answer different test questions, do projects instead of tests, complete different homework assignments) or to the curriculum, (learning different materials, being graded using different standards, being excused from projects, etc.).

At least annually, Campus and District Special Education Personnel will receive training in identifying needed special education services using evidence-based interventions. Specifically, at the beginning or each school year and throughout the school year, training is offered on appropriate evidence-based interventions for students receiving special education services. In addition, Campus Personnel may contact District Special Education Personnel to solicit additional training related to a specific student's interventions.

## Related Services

Related services are services provided to the student to support the commitment that all students with disabilities have available to them a free appropriate public education to meet their specific needs in light of the student's unique circumstances. The need for related services is considered during the students ARD meeting and is based on the student's evaluation and other data. An ARD Committee's decision regarding the need for a related service to support educational goals must be clearly identified in the student's IEP and must be determined on an individual basis.

In determining whether a particular related service should be provided, the ARD Committee will consider the evaluation, if any, and the recommendations of the related service provider who conducted the evaluation or other data. When considering related services, the ARD Committee should be mindful that the IDEA does not include an exhaustive list of related services to be provided. Accordingly, an ARD Committee should consider a variety of services that may assist the student to benefit from special education.

However, the IDEA specifically excludes from related services a medical device that is

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surgically implanted (e.g. cochlear implant), the optimization of that device’s functioning (e.g. mapping), maintenance of that device, or the replacement of that device. This exclusion does not limit the right of a student with a surgically implanted device to receive related services that are determined by the ARD Committee to be necessary for the student to receive FAPE, limit the responsibility of Dallas ISD to appropriately monitor and maintain medical devices that are needed for the health and safety of the student, including breathing, nutrition, or operation of other bodily functions, while the student is transported to and from school or is at school; or prevent the routine checking of an external component of a surgically implanted device to make sure it’s functioning properly.

In Dallas ISD, the following are considered related services that must be documented in the student’s IEP in the Related Services section, including the location, duration, and frequency of the service:

- Counseling Services
- Music Therapy
- Occupational Therapy
- Orientation & Mobility
- Physical Therapy
- Psychological Services
- Recreational Therapy
- School Health Services
- Sign Language Interpreting Services
- Transportation

The following practices should be considered by the ARD Committee when making decisions regarding related services:

- Related services are a collaborative, integrative service with a focus on early intervention to minimize deficits and diminish the need for services in later years.
- Related Service Providers are members of the collaborative team, providing needed support to the student, teacher, and other team members.
- Related service evaluations are conducted in natural environments during daily activities and focus on the barriers to learning and participation in the school environment.
- Related service IEP goals and objectives are expressed in terms of desired educational outcomes and all team members will implement (collaborative IEPs).
- Related service delivery will be provided through a continuum of available options.

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- Related service intervention is provided in natural settings during daily routines as the problems are occurring. This allows the Related Service Provider to model strategies/solutions for Classroom Personnel.
- Teachers are the foundation of the integrated model and will incorporate the suggestions of the related service providers throughout the school day.

When considering a related service (with the exception of transportation), the Related Service Provider will conduct an evaluation and make recommendations about the need for the service and for service delivery. The evaluation will be in context of the FIE and will focus on accessing instruction in the educational environment. After considering the need for intensive intervention, the age and developmental level of the student, and the student’s effort, attitude, and motivation, the ARD Committee determines whether or not the student is eligible for the related service.

In addition to the evaluation and determination of need, the Related Service Provider will provide recommendations for services. Service delivery options include: monitoring; consultation; classroom based integrated services; pull out in an individual or group setting; community-based services; or a combination of these options. It is critical that the ARD Committee clarify the service delivery model as direct services (provided directly to the student by the service provider regardless of the setting) or indirect services/consultation (services provided to teachers or other staff, regardless of setting, to assist the student in accessing the curriculum). Recommendations must also include goals and objectives (if appropriate), and frequency, duration, and location of sessions.

At least annually, Campus and District Special Education Personnel will receive training in identifying needed related services and documenting and considering their effectiveness. Specifically, Campus and District Special Education Personnel are provided training on related services through in-person workshops, virtual sessions and when need one-on-one meetings. The Related Service Provider will work with and train Campus Personnel using best practices, assessment and checklists to determine if additional services are needed. Goals and objectives are either written by the service implementer or attached to existing goals and objectives in the IEP. Progress monitoring, through Progress Track is required by the implementer to determine the effectiveness of the related service goal.

### Supplementary Aids and Services

In order to access the general education curriculum in the least restrictive environment, students with disabilities may require supplementary aids and services. Supplementary aids and services encompass a broad range of student supports, which include (but are not limited to):



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Accommodations – changes to materials or procedures that enable students with disabilities to participate meaningfully in learning and assessments. Examples include shortened assignments, extended time given for completing assignments, or preferential seating. Accommodations do **NOT** change what the student is expected to master. The ARD Committee will include all accommodations a student needs in the IEP in each of the following areas: Language/ Communication, Behavioral/Social/Emotional, Health and Development, English Language Arts/Reading, Math, Science, Social Studies/History, Other Academic/ Nonacademic Areas, and Transition.

Modifications – changes in what the student is expected to learn that is different from his or her grade-level curriculum. Examples include reducing the expectations for an assignment or test or modifying the work to a prerequisite skill level compared to the curriculum (TEKS). Modifications **DO** change what the student is expected to master. If a student is to receive modified curriculum, the Special Education Case Manager should include that information in the schedule of services page for that instructional area. If a student is receiving modified curriculum, the ARD Committee must also determine appropriate goals and objectives for that area. *See above* [ANNUAL GOALS].

Assistive Technology (AT) – appropriate items, devices, products, or services that are needed to increase, maintain, or improve the functional capabilities of a student with a disability in the educational environment. The ARD Committee will complete the Assistive Technology Checklist at every ARD meeting. If the ARD Committee determines that AT services or an AT Device is needed for the student, the Special Education Case Manager will document these services and/or the need for the AT device within the IEP, including the duration, frequency and location of such services.

Adapted Equipment – examples include a footstool for a student whose feet do not comfortably reach the floor when sitting in a regular desk or wheelchair accessible playground equipment. The Special Education Case Manager will document these supports in the IEP, including the duration, frequency and location of such supports.

Adapted Materials – examples include large-print textbooks, writing tablets with raised lines, or soft pencil grips to help with manual dexterity. The Special Education Case Manager will document these supports in the IEP, including the duration, frequency and location of such supports.

Communication aids – examples include sign language, interpreting services and assistive and augmentative communication devices.

Personal Care Services – services or supports needed for the student to care for the personal needs of the student during the school day, including, but not limited to:

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- Communication Device - due to student's inability to communicate effectively without assistance
- Diapering/Toileting - due to student's inability to take care of toileting needs independently
- Dressing - due to student's inability to clothe self without assistance
- Eating - due to student's need for assistance in feeding and/or safety concerns
- Housework/Chores - due to student's need for DIRECT assistance doing housework/chores
- Meal Prep/Cooking - due to student's need for assistance planning, preparing, and cooking meals
- Money Management - due to need for budgeting as well as giving and receiving appropriate money
- Adaptive PE/Motor Development - due to student's physical limitations
- Orientation & Mobility - due to student's need for assistance in navigating physical environment
- Personal Hygiene - due to student's need for DIRECT assistance in maintaining hygiene adequately
- Transferring - due to student's physical need of moving from one surface to another
- Escorting - due to safety concern

Parent/Family Training – Parent/family training and support is provided to address significant discrepancies between the school and home functioning levels of a student. The purpose of parent training is to assist parents in acquiring the teaching and management techniques that will enable them to more directly participate in their student's behavioral, communication, self-care and social skills development. The various training activities include, but are not limited to

- District sponsored parent training opportunities;
- Direct, student specific, individualized parent training provided to parents at school, home or in the community;
- Providing videotapes with examples of staff working with the student;
- Daily two-way communication between classroom teacher and parent;
- Providing relevant information regarding local resources and community events; and/or
- Access to relevant reference materials, such as books or videotapes.

Parent/family training specific to a student must be addressed through an ARD Committee meeting and documented in the IEP, including duration, frequency, and location of services.

In-Home Training – In home training is a related service provided to a student to encourage generalization of skills mastered at school to home and community settings

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and/or to support the development of functional critical skills across settings. Areas of focus include communication, self-help, behavior, and social skills. After completion of an in-home training evaluation/survey to identify a student's individual areas of need, the ARD Committee will consider viable alternatives (i.e., consultation with school personnel, classroom observations, etc.) and/or develop goals/objectives outlining specific skills that will be addressed and will determine the frequency and duration of in home training services. In home training may occur within the home or other community settings (i.e., daycare, restaurants, stores, etc.).

Paraprofessional Support – sometimes called an “aide,” the paraprofessional provides instructional support under the direct supervision of a highly qualified teacher. If the ARD Committee determines that the student needs paraprofessional support, such support should be documented in the student’s IEP, including the frequency, location, duration of the support. Prior to the ARD meeting where one-on-one paraprofessional support is being recommended or requested by the Campus and/or the parent, the Campus Administrator must contact the Special Education Campus Support Supervisor.

Collaborative Teaching – the special education teacher acts as a co-teacher in the general education classroom (direct instruction) or as a “consultant” to the general education teacher (indirect instruction). Note: When the IEP calls for coordination between regular and special education teachers, parents should be clear on how responsibilities will be divided: who will be responsible for instruction, who will be responsible for modifications, and who will assign grades. Such support should be documented in the IEP.

Resource support – one-on-one or small group work in subject areas where the student needs re-teaching, tutoring or slower-paced instruction.

Peer tutoring or assistance – natural supports in the classroom. Some students learn best through peer modeling and interactions, and this practice often initiates friendships between students with and without disabilities.

Staff Development – this includes training and supports needed by the teacher or other staff in order to implement the student’s IEP.

Like all special education services, supplementary aids and services are based on the individual needs of the student. Supplementary aids and services are provided in addition to related services, although there can be some overlap between the two.

The ARD Committee will explore, recommend and document the appropriate supplementary aids and services that will support the student in the least restrictive environment, including the duration, frequency and location of such service and support.

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The time to discuss supplementary aids and services should be indicated on the ARD Agenda, following a review of evaluation data, the PLAAFP, and annual goals and objectives. Placement decisions should be made only after the ARD Committee reviews the supplementary aids and support the student will need in order to function in the least restrictive environment. The ARD Committee will also consider those supplementary aids and services as necessary to allow a student with a disability to participate in extracurricular and nonacademic settings with their nondisabled peers. When discussing supplementary aids and services, the ARD Committee should review the student's entire school day and schedule, including playground activities, lunch, and extracurricular activities.

## Other Supports

The ARD Committee should be knowledgeable of the various opportunities for a special education student to interact with the student's nondisabled peers both in education-related settings and in extracurricular and nonacademic settings to determine if supports are necessary.

Dallas ISD Special Education Personnel should ensure that campuses have an intensive program of instruction for those students who are likely not to receive a high school diploma before the fifth school year following the student's enrollment in grade 9.

Each campus should ensure that Special Education Personnel develop and implement an accelerated reading instruction for all special education students who have performed unsatisfactorily on the state assessments.

If a student is not making appropriate progress in light of the student's unique circumstances, the ARD Committee should convene and reconsider the schedule of services. For example, the ARD Committee may consider increasing the amount of inclusion minutes or making the student's placement more restrictive if the student is not progressing. Changes such as these will be reflected in the student's IEP.

The ARD Committee determines placement. Such placement may be at a Dallas ISD campus other than the student's zoned residential campus if another Dallas ISD campus is the only one that can provide the appropriate supports for the student to access the general education curriculum. If the placement will be at a campus other than the student's home campus, the current Special Education Case Manager or Evaluation Case Manager (for an initial ARD) must contact the Special Education Campus Support Supervisor. If placement of the student is at a campus other than the student's home campus, the parent's other children who reside at the home also have the right to attend the new campus, if they are otherwise eligible to attend school in Dallas ISD. The purpose of this transfer rights policy is to accommodate parents with multiple children in Dallas ISD. Campus Administrators will be made aware of this transfer procedure and must not

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deny enrollment solely because the other student was not placed at the school by an ARD Committee.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## Training

Dallas ISD will provide training to staff who work with special education students. The Dallas ISD Special Services Department will solicit input from staff who work directly with students in determining the professional development and training opportunities that the District offers. This training will address how to identify needed supplementary aids and services and program modifications and how to document and consider their effectiveness. Additionally, this training will address how to identify needed supports for school personnel and how to document and consider their effectiveness.

## Evidence of Implementation

- FIE
- ARD/IEP
- Referral Documentation
- Teacher Input
- Parent/Adult Student Input
- Support Service Documentation
- Related Service Provider Documentation
- Session Notes
- Progress Reports on Annual Goals
- Report Card Grades
- Benchmarking Testing
- State Assessment Results
- District-Wide Assessment Results
- Campus Enrollment Documentation
- Staff Training
- Evidence of Accelerated Instruction Programs
- Evidence of Intensive Program of Instruction
- Transfer Documentation
- ALC Educational Plans
- Documentation for the state in TSDS, PEIMS, and SPP

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## **Resources**

[Scientifically Based Research - Region 10](#)

[Response to Intervention \(RtI\) Resources – Region 10](#)

[Progress in the General Curriculum \(PGC\) Network – Region 20](#)

[Accelerated Instruction and Intensive Programs of Instruction for Students in Special Education Programs – Texas Education Agency](#)

[Student Success Initiative – Texas Education Agency](#)

[Related Services for Students with Disabilities–Questions and Answers – Texas Education Agency](#)

[National Center on Intensive Intervention – OSEP Technical Assistance Center](#)

[Center for Parent Information and Resources – OSEP Technical Assistance Center](#)

[National Center on Accessible Educational Materials – OSEP Technical Assistance Center](#)

[OSERS Dear Colleague Letter \(November 16, 2015\) – U.S. Department of Education](#)

[OSEP Letter to Chambers \(May 9, 2012\) – U.S. Department of Education](#)

[OSERS Dear Colleague Letter \(Oct. 23, 2015\) – U.S. Department of Education](#)

[OCR Dear Colleague Letter \(Dec. 26, 2007\) – U.S. Department of Education](#)

[OSEP Letter to McWilliams \(July 16, 2015\) – U.S. Department of Education](#)

[OSEP Letter to Spitzer-Resnick, Swedeen, and Pugh \(June 22, 2012\) – U.S. Department of Education](#)

[OSEP Letter to Anonymous \(Sept. 11, 2007\) – U.S. Department of Education](#)

[OSERS Questions and Answers On Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(Sept. 2011\) – U.S. Department of Education](#)

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[OSERS Questions and Answers on Serving Children with Disabilities Eligible for Transportation \(Nov. 2009\) – U.S. Department of Education](#)

[OSEP Letter to Ackerhalt \(Sept. 6, 2012\) – U.S. Department of Education](#)

[OSEP Letter to Ackron \(Nov. 20, 1990\) – U.S. Department of Education](#)

[White v. Ascension Parish School Board \(5th Cir. 2003\)](#)

[OSEP Letter to Trigg \(Nov. 30, 2007\) – U.S. Department of Education](#)

[OSEP Letter to Clarke \(Mar. 8, 2007\) – U.S. Department of Education](#)

[TEA HB 4545 Frequently Asked Questions \(Sept. 16, 2021\)](#)

## **Citations**

Board Policy EHBA and Board Policy EHBAB (Supplementary Aids and Services; Special Education; Related Services; Program Modifications and Supports for School Personnel; Initiation Frequency, and Duration of Services; Location); Board Policy EHBC, Board Policy EKC, and Board Policy EIE (Accelerated Reading Instruction; Student Success Initiative for Children in Grades Three Through Eight); 34 CFR 300.320 (Special Education; Program Modifications and Supports for School Personnel; Initiation, Frequency, and Duration of Services; Location), 300.39(a) (Special Education), 300.42 (Supplementary Aids and Services), 300.34 (Related Services), 300.107 (Program Modifications and Supports for School Personnel), 300.117 (Program Modifications and Supports for School Personnel); Texas Education Code 38.033 (Related Services), 21.451 28.0023(d) (Program Modifications and Supports for School Personnel), 28.0211, 28.0213, 39.023 (Intensive Program of Instruction), 28.006 (Accelerated Reading Instruction), 28.0211 (Student Success Initiative for Children in Grades Three Through Eight), 28.0212(c) (Initiation, Frequency, and Duration of Services), 25.0343 (Location); 19 TAC 89.1050(a)(1) (Supplementary Aids and Services, Special Education, Related Services, Program Modifications and Supports for School Personnel), 89.1090 (Related Services), 74.38(e)(1) (Program Modifications and Supports for School Personnel), 89.1050(a)(10) (Intensive Program of Instruction), 89.1050(a)(7) (Accelerated Reading Instruction), 89.1050(a)(7) (Personal Graduation Plan in Junior High and Middle School), 89.1075(e) (Initiation, Frequency, and Duration of Services)

## STATE AND DISTRICTWIDE ASSESSMENTS

### What Is Required

#### Participation in State and Districtwide Assessments

All students with disabilities are included in general and Districtwide assessment programs. When necessary, the student's IEP should include the appropriate accommodations and alternate assessments needed for the student, as determined by the ARD committee.

#### Accommodation Guidelines

The TEA (for statewide assessments) or Dallas ISD Special Education Administration (for Districtwide assessments) must develop guidelines for appropriate accommodations. The guidelines will 1) identify those accommodations that do not invalidate the assessment score; and 2) instruct the ARD Committee to select the appropriate accommodations for each assessment.

#### Alternate Assessments

The TEA (for statewide assessments) or Dallas ISD Special Education Administration (for Districtwide assessments) will create guidelines for alternate academic achievement standards for students with significant cognitive disabilities who cannot participate in general assessments, even with IEP accommodations. The guidelines will 1) align with state academic content standards and alternate academic achievement standards under the Every Student Succeeds Act ("ESSA"); and 2) measure the achievement of students with the most significant cognitive disabilities.

The TEA (for statewide assessments) or Dallas ISD Special Education Administration (for Districtwide assessments) must provide the ARD Committee with a clear explanation of the difference between alternate assessments and those based on grade-level academic achievement standards. The TEA (for statewide assessments) or Dallas ISD Special Education Administration (for Districtwide assessments) will inform the parent/adult student of student's selection to take an alternate assessment and that the student's achievement will be measured based on alternate academic achievement standards. The TEA or Dallas ISD Special Education Administration must also provide the ARD Committee, including the parent/adult student, information about how the student's education may be impacted due to taking an alternate assessment. For example, a student who takes an alternate assessment may not meet the requirements for a regular high school diploma or may be delayed in receiving a diploma. However, the TEA or Dallas ISD Special Education Administration shall not preclude a student from attempting



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to complete the high school diploma requirements.

### **Assessment Requirements for Graduation**

A special education student is not subject to the individual graduation committee requirements set forth in Texas law. The ARD Committee must determine if special education students in grades 9 through 12 are required to achieve satisfactory performance on an end-of-course assessment to graduate and receive a high school diploma. See [GRADUATION].

### **IEP Documentation of Assessments**

The ARD Committee will include in the student's IEP a statement about the appropriate and allowable testing accommodations that are needed to measure a student's academic and functional performance on a state or Districtwide assessment.

If the ARD Committee determines that a student will take an alternate state or Districtwide assessment, the IEP will include a statement of why the student cannot participate in the general assessment, as well as the alternate assessment selected by the ARD Committee for the student.

For Emergent Bilingual ("EB") special education students, the ARD Committee and the language proficiency assessment committee ("LPAC") will select the appropriate assessments and document the decisions and justifications in the student's IEP. The ARD Committee will also document any testing accommodations in the IEP.

### **Annual Assessment of English Language Proficiency**

Dallas ISD must annually administer the Texas English Language Proficiency Assessment System (TELPAS) state assessment to EBs in kindergarten through grade 12 in the areas of listening, speaking, reading, and writing. The ARD Committee in conjunction with the LPAC may determine if the TELPAS Alternate is a more appropriate assessment due to the student's disability. The committees' decision and justification must be clearly stated in the student's IEP. An EB who receives special education services may also receive allowable testing accommodations, to be determined by the ARD in conjunction with the LPAC. See *above* [SPECIAL FACTORS].

### **Definitions**

"Emergent Bilingual" (EB) is a student whose native language is language other than English or who comes from an environment where a language other than English is dominant and who has difficulty speaking, reading, writing, or understanding the English language. An EB is a student who has been identified based on the results of the TEA

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approved language proficiency assessment.

A student with a “significant cognitive disability” is a student who:

- exhibits significant intellectual and adaptive behavior deficits in their ability to plan, comprehend, and reason, and also indicates adaptive behavior deficits that limit their ability to apply social and practical skills such as personal care, social problem-solving skills, dressing, eating, using money, and other functional skills across life domains;
- is not identified based on English learner designation or solely on the basis of previous low academic achievement or the need for accommodations; and
- requires extensive, direct, individualized instruction, as well as a need for substantial supports that are neither temporary nor specific to a particular content area.

## **Additional Procedures**

### **State and Districtwide Assessments**

- Assessment of Course Performance (ACPs) – Grades 3 - 12
- Common Assessment
- Measures of Academic Progress (MAP) – Grades K - 12
- STAAR – Grades 3 - 12
- STAAR Alternate 2 – Grades 3 - 12
- Texas English Language Proficiency Assessment (TELPAS) – Grades 3 – 12
- Magnet School Testing – Grades K – 12
- Credit by Examination for Acceleration – Grades K – 12
- Credit by Examination – Grades K – 12
- Credit for Languages Other Than English – Grades K – 12

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## Accommodation Guidelines

Prior to an ARD meeting about accommodations or alternate assessments, Campus Special Education Case Manager should collect baseline data about the student's educational and behavioral performance. An ARD Committee should then review the data and describe its considerations for accommodations and/or alternative assessments in detail in the IEP.

When considering accommodations on assessments, the ARD Committee should consider TEA's policies on accommodations, as to not invalidate the assessment score. The polices are categorized by three different types of accommodations: 1) accessibility features; 2) locally-approved designated supports; and 3) designated supports that require TEA approval.

Accessibility features are procedures and materials available to any student who regularly benefits from their use during instruction. Accessibility features may be provided to students based on their needs; however, a student cannot be required to use them during testing. Testing coordinators are responsible for ensuring that test administrators understand the proper implementation of these procedures and use of these materials. In some cases, a student may need to complete the test in an individual setting to eliminate distractions to other students and to ensure that the security and confidentiality of the test are maintained.

Locally-approved designated supports include accommodations that may be made available to students who meet eligibility criteria. The decision to use a designated support during a state or Dallas ISD assessment should be made by the ARD Committee on an individual basis and take into consideration the needs of the student and whether the student routinely receives the support during classroom instruction and classroom testing. The twelve locally-approved designated supports available for the STAAR are:

- Basic Transcribing
- Braille/Refreshable Braille
- Calculation Aids
- Content and Language Supports
- Extra Time
- Individualized Structured Reminders
- Large Print
- Manipulating Test Materials
- Mathematics Manipulatives
- Oral/Signed Administration
- Spelling Assistance
- Supplemental Aids

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The designated supports requiring TEA approval include complex transcribing, extra day, mathematics scribe, and other. If the ARD Committee determines that the student needs accommodations requiring TEA approval, the Campus Special Education Case Manager will consult with the Campus Test Coordinator to initiate the accommodation request process. As this process may take several months, the ARD Committee should make testing decisions in the fall semester, when feasible. A new accommodation request will need to be submitted each calendar year if the student continues to demonstrate a need. Campus Personnel are trained to ensure they understand the process for requesting student assessment accommodations that require TEA approval. In addition, training is provided to Campus Personnel regarding updates to all state assessments to include participation and allowable accommodations on an annual basis.

### Alternate State Assessments

The ARD Committee will also determine whether a student grades 3 through 8 and those in high school, who has a significant cognitive disability, and is receiving special education services needs to take the STAAR Alternate 2 assessment. This decision must be made on a case-by-case basis, considering each student's individual strengths, needs, instruction, and accommodations—as documented in the student's IEP. In determining whether the student is eligible for the STAAR Alternate 2 assessment, the ARD Committee must carefully consider the following criteria:

- Does the student have a significant cognitive disability?
- Does the student require specialized, extensive supports to access the grade-level curriculum and environment?
- Does the student require intensive, individualized instruction in all instructional settings?
- Does the student access and participate in the grade-level TEKS through prerequisite skills?
- Is the STAAR Alternate 2 assessment determination based on the student's significant cognitive disability and NOT any other factors?

If the answer is “Yes” to all eligibility criteria above, the ARD Committee must discuss assurances related to the student's participation in the STAAR Alternate 2 assessment. Please note that a student must have a significant cognitive disability and must only be able to access and participate in the grade-level TEKS through prerequisite skills. It is unlikely that a student who is identified as specific learning disability or speech impairment only would meet the definition of significant cognitive disability. Likewise, it is unlikely that a student placed in a resource or regular education setting who is participating in grade-

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level TEKS above the prerequisite skill level would be eligible to take the STAAR Alternate 2 assessment.

The STAAR Alternate 2 assessment is given in the spring during a three-week period and may include breaks as needed based on the student's needs. The STAAR Alternate 2 assessment is provided at the student's campus or at an alternate site if determined necessary based on the child's individual needs. Campus Special Education Personnel will ensure that the assessment is provided in a testing environment where the student can avoid distractions and receive all individual accommodations.

Student participation in assessments should be reviewed at each annual ARD meeting. Dallas ISD will provide training to ensure that ARD Committee members are aware of and understand all of the state or Districtwide guidelines on alternate assessments.

### **Assessment Requirements for Graduation**

The ARD Committee can consider different factors for determining whether a student is required to achieve satisfactory performance on an end-of-course assessment. Student progress and demonstrated ability to access the general education curriculum are factors to consider. For example, a special education student may have issues with long-term retrieval that causes the student to perform unsatisfactorily on an end-of-course assessment. Despite this, the student is still making appropriate academic progress and achieving satisfactory scores on classroom assignments and homework. In an instance like this, the ARD Committee may excuse the student from retaking the assessment.

The ARD Committee may also consider whether a special education student improved his or her score on the second administration of the end-of-course exam. If the student does not achieve satisfactory performance but makes improvement the second time, the ARD Committee may excuse the student from retaking the assessment.

A student that takes an alternative assessment will take the STAAR Alternate 2 in all grade levels and subject areas instead of the EOC. The ARD Committee will determine if the student can take standard EOC assessments or will require a modified or alternate form of the assessment.

Student participation in assessments should be reviewed after each assessment in which a student did not meet passing criteria to plan appropriate interventions, and at each annual ARD meeting. In addition, IPI information is presented annually in conjunction with training regarding HB 4545. Guidelines are updated annually to reflect any changes made by the Texas Education Agency.

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### IEP Documentation of Assessments

The PLAAFP section of a student’s IEP should clearly document the results of the previous year’s state assessments, as well as any effective accommodations the student received. Accommodations will also be addressed for each subject area on the state assessment page. Accommodations used on assessments should also be used regularly in the student’s academic instruction.

The ARD Committee should include detailed deliberations in the student’s IEP that reflect its discussion related to state assessments. The deliberations should include the underlying data the ARD Committee relied upon but need not include a list of each test and/or accommodation recommended, as this is detailed elsewhere in the IEP. Detailed deliberations also help to guide the ARD Committee, educators, related service providers, and other campus staff on the student’s expectations. Further, detailed deliberations help demonstrate the ARD Committee’s meaningful discussion.

### Annual Assessment of English Language Proficiency

The Texas English Language Proficiency Assessment System (TELPAS) and TELPAS Alternate was designed by TEA to annually assess the progress that Emergent Bilingual students (“EB students” make in learning the English language. TELPAS and TELPAS Alternate assess K-12 EB students. All EB students in grades K – 12 are assessed annually, including those whose parents deny bilingual/English as a second language (ESL) program services. In rare cases, an EB student served by special education may:

- Not participate in one or more TELPAS language domain by the ARD committee in conjunction with the LPAC, or
- Be eligible to participate in TELPAS Alternate.

ESSA requires each state to administer an alternate English language proficiency assessment for English learners with the most significant cognitive disabilities who cannot participate in the general assessment, even with allowable accommodations. TELPAS Alternate is a holistic inventory that assesses the language domains of listening, speaking, reading, and writing for students with significant cognitive disabilities in grades 2 through 12 who are in the process of acquiring English proficiency in those areas. The ARD Committee in conjunction with the student’s LPAC Committee will meet to review participation requirements, and determine and document the student’s eligibility for TELPAS Alternate. If the TELPAS Alternate is being considered for a student in grade 2-12, the ARD Committee in conjunction with LPAC must ask the following questions:

- Is the student identified in PEIMS as an EB Student?

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- Does the student have a significant cognitive disability?
- Does the student require specialized, extensive supports to access the grade-level curriculum and environment?
- Does the student require intensive, individualized instruction in all institutional settings?
- Does the student access and participate in the grade-level TEKS through prerequisite skills?
- Is the assessment determination based on the student's significant cognitive disability and English learner status and NOT any other factors?

If the answer is “Yes” to all of the above criteria, the student is eligible to participate in TELPAS Alternate. If a student entering grades 3 through 12 has been identified as Emergent Bilingual and the ARD Committee has followed the guidelines above in “Alternate Assessments” to determine the student’s participation in STAAR Alternate 2, the student will be assessed with TELPAS Alternate.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- The English Language Proficiency Assessment
- FIE
- ARD/IEP
- Report Card Grades
- Progress Reports on Annual Goals/Objectives
- Teacher and Campus Special Education Administrator Input
- State or Districtwide Assessment Results
- Accommodation Requests/Approval
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

**[The Legal Framework for the Child-Centered Special Education Process: State and Districtwide Assessments - Region 18](#)**

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[Assessments for Students with Disabilities – Texas Education Agency](#)

[Accommodation Resources – Texas Education Agency](#)

[2020-2021 Accessibility Features - Texas Education Agency](#)

[Accommodation Request Process - Texas Education Agency](#)

[Guidance Related to ARD Committee and LPAC Collaboration – Texas Education Agency](#)

[OSERS Letter to Anonymous \(August 25, 2009\) – U.S. Department of Education](#)

[STAAR Alternate 2 Resources – Texas Education Agency](#)

[STAAR Alternate 2 Participation Requirements - Texas Education Agency](#)

[TELPAS Alternate Resources - Texas Education Agency](#)

[TELPAS Alternate Participation Requirements - Texas Education Agency](#)

[State Assessments - SPEDTEX](#)

## **Citations**

Board Policy EKB; Board Policy EKBA; 34 CFR 200.1(d), 200.2(e), 300.160(b)–(e), 300.320; Texas Education Code 39.023(a)–(c); 39.025(a-4); 19 TAC 74.1025(n), 89.1055, 89.1203(7), 101.1003(b)–(c), 101.1005, 101.3013(b), 101.3023(a)



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## EXTENDED SCHOOL YEAR SERVICES

### What is Required

Extended School Year (ESY) services are special education and related services provided to a student with a disability beyond the normal school year in accordance with the student's IEP and at no cost to the parent/adult student. ESY services must meet the standards set forth by TEA. The ARD Committee must determine whether ESY services are necessary for the provision of FAPE. The ARD Committee must determine the need for ESY services from formal and/or informal evaluations. For a student enrolling in Dallas ISD during the school year, information obtained from student's previous district, as well as information collected during the current year, may be used to determine the need for ESY services.

If the student for whom ESY services were considered but rejected loses critical skills because of the decision not to provide ESY services, and if those skills are not regained after the reasonable period of time for recoupment, the ARD Committee must reconsider the current IEP if the student's loss of critical skills interferes with the implementation of the student's IEP.

### **Impermissible Limitations on ESY**

Dallas ISD may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services.

ESY services are limited to the educational needs of the student and must not supplant or limit the responsibility of other public agencies to continue to provide care and treatment services pursuant to policy or practice, even if those services are similar to, or the same as, the services in the students' IEP. The student should not be denied ESY services simply because the student is receiving care and treatment services from other agencies.

### **Determination of Need**

A student qualifies for ESY services if, in one or more critical areas addressed in the student's current IEP ("critical skill"), the student has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be regained within a reasonable period of time.

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

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

The reasonable period of time for recoupment of critical skills must be determined on the basis of needs identified in the 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 services may be justified without consideration of the period of time of recoupment of such skills. In any case, the period of time of recoupment must not exceed eight weeks. 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 services.

If the ARD Committee determines the student needs ESY services, the IEP must identify which goals and objectives in the IEP will be addressed during ESY services.

## **Additional Procedures**

### **Determining ESY Needs**

The ARD Committee must determine the need for ESY services for all students with disabilities on an individual student basis. The ARD Committee should make recommendations for ESY services based on documentation and assessment information which shows that in one or more critical areas addressed in the current IEP, the student has exhibited (or reasonably may be expected to exhibit) severe or substantial regression of an acquired critical skill that cannot be recouped within a reasonable length of time, not to exceed 8 weeks.

ESY should be specifically requested and/or recommended at the annual ARD Committee meeting when deemed appropriate based on student data. If the annual ARD is held in the fall semester, the ARD Committee must consider whether to delay the decision about ESY services until later in the school year if limited documentation is available. If this is the case, then another ARD must be held in the Spring to revisit the issue.

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If the student qualifies for ESY services, ESY services should be documented in the ARD paperwork in the ESY section. The ARD Committee must decide on the appropriate IEP goals and objectives the student will work on during the period of time that ESY services are provided. Goals for students recommended for ESY services will be identified from the student's current IEP. These goals should be identified as being critical to the student's academic, behavioral, or functional development. In addition, it should be documented in accordance with student data that without ESY services, the student would suffer regression in that critical skill area that cannot be recouped within a reasonable period of time, not to exceed 8 weeks.

District and Campus Special Education Personnel will be trained at least once annually on the process for determining the need for ESY services.

## ESY ARD Meeting

The ARD Committee will consider the following components during the ARD meeting held to consider ESY services:

- ESY Section – the ESY Section must be completed in its entirety during the ARD and be included in the IEP
- ESY IEP Goals & Objectives – if student meets the ESY recommendation requirements, the ARD Committee must identify current goals that will be addressed during the period of time ESY services will be provided. The ARD Committee documentation must state the time and duration for ESY services.
- Transportation – transportation, as a related service, will be considered and offered to students with disabilities who need this service to benefit from ESY services. If a parent/adult student 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 services, an ARD must be held to add this service. The ARD documentation must indicate that this service will only be for the duration of ESY, if appropriate. The ESY Transportation section must be completed along with the other ESY documentation.

## Providing ESY Services

It is not unusual for the teacher or service providers working with a student during ESY to be different than the teacher or service provider(s) during the regular school year. It is imperative that those who are most familiar with the student, the student's needs and the student's IEP goals to share relevant information with the teacher and service provider who will be providing ESY services. This information should include the critical skills or emerging skills that will be addressed during ESY services, specifics about the BIP if the student has one, specifics about accommodations and any other pertinent information. Additionally, the teacher and service providers providing ESY services must document

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progress in the student's IEP and communicate the levels of performance the student attained on goals back to the student's campus so the student's teacher will have a good baseline for what was accomplished during ESY. All documentation related to the student's academic and behavioral performance during ESY should be included in the IEP updates and shared with the student's regular teacher and other service providers.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Formal/Informal Evaluations by Assessment Team/SPED staff
- ARD/IEP
- ESY Section
- Critical Skills Documentation
- Documentation From Regular Campus to ESY
- Documentation Collected During ESY
- Progress Data Documentation
- Regression Analysis Report
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Extended School Year Services - Region 18](#)

[Extended School Year Services for Students with Disabilities - Texas Education Agency](#)

[Special Education Rules & Regulations Side-by-Side - Region 18](#)

[Extended School Year Services - SPEDTEX](#)

[Parent's Guide to the Admission, Review, and Dismissal Process - Texas Education Agency](#)

[OSEP Letter to Kleczka \(Sept. 29, 1998\) - U.S. Department of Education](#)

[What Are Extended School Year Services? - Partners Resource Network](#)

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## **Citations**

Board Policy EHBA; Board Policy EHBAA; Board Policy EHBAB; Board Policy EHBAF; 34 CFR 300.106; 19 TAC 89.1055; 89.1065

# FAPE

## LEAST RESTRICTIVE ENVIRONMENT

## PLACEMENT IN A RESIDENTIAL FACILITY

## VIRTUAL LEARNING DAYS

October 6, 2022

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

Customized for Dallas ISD

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Least Restrictive Environment

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## LEAST RESTRICTIVE ENVIRONMENT

### What is Required

Dallas ISD and Campus Special Education Personnel must educate a student with a disability in the least restrictive environment (LRE) which means that the student is educated with students who are not disabled to the maximum extent appropriate. Students should only be placed in special classes or separate schooling, or otherwise be removed from regular education classes when the student cannot be appropriately educated in regular education classes with the use of supplementary aids and services. Campus Special Education Personnel must also ensure that students with disabilities are able to participate with nondisabled students in extracurricular or nonacademic activities or services to the maximum extent appropriate to the needs of the student. See [FAPE - SUPPLEMENTARY AIDS AND SERVICES].

### Continuum of Alternative Placements

Dallas ISD and Campus Special Education Personnel must make a continuum of alternative placements for special education and related services available to meet the needs of students with disabilities. The continuum ranges from the least restrictive setting to the most restrictive setting and must include instruction in general education classes, special classes, special schools, home instruction, and instruction in hospitals and institutions along with the provision for supplementary services such as resource room or itinerant instruction provided in conjunction with regular placement. Generally, the farther removed the student is from the general education classroom, the more restrictive the setting.

### Placement Decisions

Decisions regarding placement of students with disabilities must be made by the ARD Committee, including the parent/adult student, at least annually based on the student's IEP, in conformity with the least restrictive environment, and as close as possible to the student's home. Unless the IEP requires some other arrangement, the student should be educated at the school that the student would attend if nondisabled. The placement or instructional setting for a student with a disability must be specified in the student's IEP. The IEP must also include an explanation of the extent, if any, to which the student will not participate with nondisabled peers in the regular class and in extracurricular and other nonacademic activities. The instructional settings/placements include:

- Mainstream
- Homebound

## Least Restrictive Environment

- Hospital class
- Speech therapy
- Resource room or services
- Self-contained (mild, moderate, or severe) regular campus
- Off home campus
- Nonpublic day school
- Vocational adjustment class or program
- Residential care and treatment facility (not school district resident)
- State supported living center.

## Preschool-Aged Students

The requirement that Dallas ISD and Campus Special Education Personnel provide students with FAPE in the least restrictive environment also applies to preschool-aged students regardless of whether Dallas ISD provides free preschool programs to all preschool-aged students. See [CHILD FIND - AGES 0-5].

## Career and Technical Education (“CTE”) Programs

Campus Special Education Personnel may provide Career and Technical Education (“CTE”) services to a student with a disability in a separate program specifically designed to address the student’s individual occupational or training needs if a student is unable to receive a FAPE in a regular CTE classroom using supplementary aids and services. When determining placement in a CTE classroom, the ARD Committee will consider the student’s graduation plan, the content of the IEP including transition services, and classroom supports. See [FAPE – GRADUATION and TRANSITION SERVICES].

## Regional Day School Program for the Deaf

Dallas ISD is an approved Regional Day School Program for the Deaf. Any student who has a hearing impairment which severely impairs processing linguistic information through hearing, even with recommended amplification, and which adversely affects educational performance will be eligible for consideration for the Regional Day School Program for the Deaf, subject to ARD Committee recommendations. See [FAPE-SPECIAL FACTORS]

## Students Residing in a Residential Facility

Students residing in a residential facility must also be educated in the least restrictive environment to the greatest extent appropriate. See [RESIDENTIAL FACILITY WITHIN A DISTRICT].

## Least Restrictive Environment

### Definitions

“General education setting” includes general education classrooms and other settings on a campus, including lunchrooms and playgrounds, in which students without disabilities participate.

“Inclusion” is a personalized special education program delivered to a student with a disability in conjunction with a regular education curriculum where support is provided to the student within the general education classroom.

“Mainstream” is an instructional arrangement/setting for providing special education and related services to a student in the regular classroom in accordance with the student’s IEP. Qualified special education personnel must be involved in the implementation of the student’s IEP through the provision of direct, indirect and/or support services to the student, and/or the student’s regular classroom teacher(s) necessary to enrich the regular classroom and enable student success. The student’s IEP must specify the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum and/or appropriately advance in achieving the goals set out in the student’s IEP. Examples of services provided in this instructional arrangement include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, education aides, curricular or instructional modifications/accommodations, special materials/equipment, positive classroom behavioral interventions and supports, consultation with the student and his/her regular classroom teacher(s) regarding the student’s progress in regular education classes, staff development, and reduction of ratio of students to instructional staff.

“Homebound” is an instructional arrangement/setting for providing special education and related services to students who are served at home or hospital bedside.

- Students served on a homebound or hospital bedside basis are expected to be confined for a minimum of four consecutive weeks as documented by a physician licensed to practice in the United States. Homebound or hospital bedside instruction may, as provided by Dallas ISD policy, also be provided to chronically ill students who are expected to be confined for any period of time totaling at least four weeks throughout the school year as documented by a physician licensed to practice in the United States. The student’s ARD committee shall determine the amount of services to be provided to the student in this instructional arrangement/setting in accordance with federal and state laws, rules, and regulations.
- Home instruction may also be used for services to infants and toddlers (birth through age 2) and young students (ages 3-5) when determined appropriate by

## Least Restrictive Environment

the student's individualized family services plan (IFSP) committee or ARD committee.

“Hospital class” is an instructional arrangement/setting for providing special education instruction in a classroom, in a hospital facility, or a residential care and treatment facility not operated by the school district. If the students residing in the facility are provided special education services outside the facility, they are considered to be served in the instructional arrangement in which they are placed and not considered in a hospital class.

“Speech therapy” is an instructional arrangement/setting for providing speech therapy services whether in a regular education classroom or in a setting other than a regular education classroom. When the only special education or related service provided to a student is speech therapy, then this instructional arrangement may not be combined with any other instructional arrangement.

“Resource room or services” is an instructional arrangement/setting for providing special education and related services to a student in a setting other than regular education for less than 50% of the regular school day.

“Self-contained (mild, moderate, or severe) regular campus” is an instructional arrangement/setting for providing special education and related services to a student who is in a self-contained program for 50% or more of the regular day on a regular school campus.

“Off home campus” is an instructional arrangement/setting for providing special education and related services to the following, including, but not limited to, students at South Texas Independent School District and Windham Independent School District:

- A student who is one of a group of students from more than one school district served in a single location when a free appropriate public education is not available in the respective sending district;
- A student in a community setting or environment (not operated by a school district) that prepares the student for postsecondary education/training, integrated employment, and/or independent living in coordination with the student's individual transition goals and objectives, including a student with regularly scheduled instruction or direct involvement provided by school district personnel, or a student in a facility not operated by a school district (other than a nonpublic day school) with instruction provided by school district personnel; or
- A student in a self-contained program at a separate campus operated by the school district that provides only special education and related services.

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“Nonpublic day school” is an instructional arrangement/setting for providing special education and related services to students through a contractual agreement with a nonpublic school for special education.

“Vocational adjustment class or program” is an instructional arrangement/setting for providing special education and related services to a student who is placed on a job (paid or unpaid unless otherwise prohibited by law) with regularly scheduled direct involvement by special education personnel in the implementation of the student’s IEP. This instructional arrangement/setting shall be used in conjunction with the student’s individual transition goals and only after the school district’s career and technical education classes have been considered and determined inappropriate for the student.

“Residential care and treatment facility (not school district resident)” is an instructional arrangement/setting for providing special education and related services to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the school district providing educational services to the students. In order to be considered in this arrangement, the services must be provided on a school district campus. If the instruction is provided at the facility, rather than on a school district campus, the instructional arrangement is considered to be the hospital class arrangement/setting rather than this instructional arrangement. Students with disabilities who reside in these facilities may be included in the average daily attendance of Dallas ISD in the same way as all other students receiving special education.

“State supported living center” is an instructional arrangement/setting for providing special education and related services to a student who resides at a state supported living center when the services are provided at the state supported living center location. If services are provided on a local school district campus, the student is considered to be served in the residential care and treatment facility arrangement/setting.

## **Additional Procedures**

The student’s ARD Committee and District and Campus Special Education Personnel will ensure that a student with a disability spends as much time as possible with peers who do not receive special education instruction. Dallas ISD and Campus Special Education Personnel will tailor the environment in which the special education and related services are provided to the student’s individual needs and disabilities.

When determining a student’s placement in the least restrictive environment, the general education setting should be the first consideration. The ARD Committee should only remove the student from the general education classroom when it is determined that an appropriate education cannot be provided in that setting even with supplementary aids and services.

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**Continuum of Alternative Placements**

Dallas ISD and Special Education Personnel will provide a continuum of alternative placements that includes instruction in general education classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. Where appropriate, Dallas ISD and Special Education Personnel will offer the opportunity for the student to receive supplementary services, including instruction in a resource classroom or inclusion instruction, in conjunction with placement in the general education setting.

The following continuum of services is provided for special education students enrolled in Dallas ISD:

PLACEMENT	DESCRIPTION
General education classroom.	<ul style="list-style-type: none"> <li>On a full-time basis, student is placed in the classroom he would attend if he did not have a disability.</li> <li>Student does not receive supplementary aids or services.</li> <li>A special education teacher may monitor the student on a daily or weekly basis.</li> </ul>
General education classroom with accommodations and modifications.	<ul style="list-style-type: none"> <li>Student attends a general education classroom on a full-time basis.</li> <li>Student receives accommodations and modifications to the instructional program.</li> </ul>
General education classroom with individualized instruction.	<ul style="list-style-type: none"> <li>Student attends a general education classroom on a full-time basis.</li> <li>Student receives specialized instruction from special education personnel in that classroom during a portion of the day.</li> </ul>
General education classroom with pull-out services.	<ul style="list-style-type: none"> <li>Student attends a general education classroom for most of the school day.</li> <li>Student receives specialized instruction for part of the day in a resource room or self-contained classroom.</li> </ul>
Part time in a general education classroom with most of the day in another setting.	<ul style="list-style-type: none"> <li>Student attends a general education classroom for part of the school day.</li> <li>Student receives specialized instruction in another setting (a resource room or self-contained classroom) for most of the day.</li> </ul>
Self-contained special education classroom.	<ul style="list-style-type: none"> <li>Student attends a regular public school, but he is placed in a self-contained classroom only for students with disabilities.</li> <li>Student has opportunities for participation with nondisabled peers in nonacademic and extracurricular activities.</li> </ul>

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Special day school.	<ul style="list-style-type: none"> <li>• Student does not attend a regular public school. He attends a separate school solely for students with disabilities, usually with no opportunity to participate with nondisabled peers.</li> </ul>
Residential treatment facility or hospital.	<ul style="list-style-type: none"> <li>• Student receives treatment, instruction, and services at a facility where he resides or in a hospital, usually because the student's disability causes him to require round-the-clock services to make educational progress.</li> </ul>
Home instruction.	<ul style="list-style-type: none"> <li>• Student receives all his instruction at home from an itinerant teacher, usually on a temporary basis due to severe medical or psychological issues.</li> <li>• Student is likely to have little or no interaction with other students.</li> </ul>

Dallas ISD offers a continuum of services including external support, inclusion, resource, and specialized classrooms.

**Placement Decisions**

The ARD Committee, including District and Campus Special Education Personnel, the student's parent or guardian, and other persons knowledgeable about the student, will hold an annual ARD meeting to determine the student's placement. In determining placement, the ARD Committee will first consider whether placement in the general education classroom is possible by asking the following questions:

- Can the student be appropriately educated in the general education classroom?
- What efforts have the Campus made thus far to determine whether the student can be appropriately educated in the general education classroom and were those efforts successful?
- Has the whole range of aids, services, or additional supports necessary to allow the student to receive FAPE in the general education classroom been considered including resource rooms and additional inclusion support? See [SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES].
- Has the Campus made efforts to modify the general education program to accommodate the student and were those efforts successful?
- Has the Campus considered both the education benefits as well as the social and communication benefits of a general education setting?
- What are the negative effects on the education of other students in the regular classroom if the student with a disability were integrated in the classroom? Does it significantly impair the education of other students, or does it require so much of the teacher's time that the teacher will be unable to educate the other students?

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- Is the cost of integrated placement, with appropriate supplementary aids and services, so great that it would significantly impact the education of the other students in Dallas ISD?
- Is it possible to place the student in general education for some academic programs?
- Is it possible to place the student in general education non-academic classes?
- Is it possible to provide interaction with nondisabled students during lunch and recess?

The ARD Committee will make an individualized placement determination for each student, considering all relevant evaluation data and placement options. This will include balancing the student's overall educational experience in a general education setting with the benefits the student would receive in a special education setting. For example, a student may greatly benefit from the social aspects of a general education classroom while absorbing limited educational information in that setting. The ARD Committee will also consider any potentially harmful effects on the student or the quality of services when selecting the placement. The ARD Committee should not place a student outside of the general education classroom solely because of needed modifications to the general education curriculum. However, a student with a disability need not fail in the general education environment before the ARD Committee can consider or implement a placement in a more restrictive setting. Moreover, the ARD Committee can consider the student's past record of performance in a general education environment elsewhere in Dallas ISD or even another school district.

Placement decisions must be based on the individual needs of the child, as determined by the student's IEP. Placement decisions may not be based solely on factors such as category of disability, severity of disability, availability of special education and related services, configuration of the service delivery system, or availability of space or staff. In addition, administrative convenience is never a legitimate consideration in determining LRE. The ARD Committee will not consider lack of personnel or resources as an excuse to relieve Dallas ISD of the obligation to make FAPE available to students in the LRE.

The ARD Committee will consider whether the student needs to attend a campus or placement other than the campus that the student would attend if nondisabled. Dallas ISD may choose to centralize services where it is necessary to serve the needs of the student, utilize personnel effectively, and provide a comprehensive and consistent program. If possible, however, the ARD Committee will place the student in the campus that the student would attend if nondisabled. Additionally, for all students that may require placement in a setting outside of the student's home campus, the Campus Special Education Personnel should consider having knowledgeable staff from the particular centralized site or outside placement attend the ARD Committee meeting.



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The ARD Committee will outline the placement decision in the student's IEP and explain the extent, if any, that the student will not participate with nondisabled peers in the general education setting and/or in extracurricular and other nonacademic activities. The ARD Committee should consult with the parent/adult student or guardian to ensure that placement is as close as possible to the student's home.

Following the placement decision, the Campus Special Education Case Manager will provide the parent/adult student with Notice of Proposal/Refusal of Services regarding the placement decision following the ARD meeting and wait the required 5 school days before implementing the student's new placement, unless the parent/adult student waives the 5-day notice.

The student's placement will be reviewed at least annually by the student's ARD Committee and the continued appropriateness of the placement will be based on the individual student's progress on his or her IEP and current and unique needs. In addition, the ARD Committee will consider any potential harmful effects on the student or on the quality of services that the student needs as well as the student's access to non-disabled peers when analyzing the appropriateness of the placement.

Dallas ISD has an eight step process that must be implemented when a campus considers making a change of placement to a more restrictive environment (MRE). If a MRE is being considered for a student, campus personnel must adhere to the following Eight-Step Process:

1. The Campus will collect and enter behavior and/or academic intervention data related to area(s) of concern for approximately six weeks utilizing an IEP Data Collection Form.
2. The campus will share documentation with all stakeholders to inform them of student development. (Progress reporting should be collected using the IEP Data Collection Form and placed in the Campus Management Notebook).
3. The campus will request assistance from special education campus support using the Let's Talk/Campus Request for Assistance (CRFA) submission form (located on the special education website).
4. The Campus Support team will facilitate student/teacher interviews and classroom observations in collaboration with special education personnel as needed. Campus Support will provide a Plan of Action or next steps.
5. The campus will implement the plan of action or next steps and document the results in the IEP Data Collection Form with fidelity.

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6. Campus Support will schedule a follow-up visit to monitor the progress of the implemented action plan. Campus Support will observe, analyze data, and consult with the student's teacher(s) regarding student progress.
7. If data and observation indicate a lack of progress, an ARD may be needed to review services and IEP implementation.
8. If a change of placement is needed, an ARD Committee meeting will be scheduled to consider options for special education service delivery:
  - a. If the ARD Committee recommends placement in a MRE that is not available on the home campus, the case manager must contact their Campus Support Coordinator regarding an appropriate location of services. Location of services are determined by Campus Support Supervisors/Coordinators only after all data has been reviewed and approved by the Campus Support Supervisor/Coordinator
  - b. The sending school's Campus Support Coordinator will notify the receiving school's Campus Support Coordinator of the new student. The sending school will contact and invite the receiving school (principal) to the ARD meeting. The case manager will arrange transportation as needed, and send the student's Red Audit Folder to the receiving campus.
  - c. The campus will ensure the CRC "transfers" the student between campuses. The campus will NOT withdraw and re-enroll the student as this will stop/delay transportation services.

Should the ARD Committee determine that a continuum of alternative placements and/or placement in the appropriate setting was not provided to the student, the ARD Committee shall determine the type, duration, frequency, and amount of compensatory services, if any, necessary to provide the student. This determination does not require a minute-for-minute computation but rather a qualitative analysis of the services necessary to make up for the skills or learning lost by the previous placement decision. The ARD Committee shall consider what services must be provided to fill the gap, if any, between where a student's present level of performance is and where it would have been if the student had been appropriately placed.

## Preschool-Aged Students

Dallas ISD and Campus Special Education Personnel will provide special education and related services in the least restrictive environment to any student between the ages of 3 through 5 that qualifies for special education services in any eligibility category, and any student from birth through age 2 that qualifies for special education services due to a visual impairment or who is deaf or hard of hearing. The preschool-aged student's

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placement will be outlined in the student's Individualized Family Services Plan ("IFSP") (for a student ages 0 through 2) or IEP (for a student ages 3 through 5).

If the District does not provide preschool programs to nondisabled preschool students, District Special Education Administration will consider whether the District will provide FAPE through other preschool programs operated by public agencies or a private school program. In addition, the ARD Committee may also determine that the least restrictive environment for a preschool-aged student is home instruction where appropriate. See [AGES 0-5].

## Extracurriculars and Nonacademic Services

Pursuant to the IDEA, the District must take steps, including the provision of supplementary aids and services determined appropriate and necessary by a student's ARD Committee, to provide nonacademic and extracurricular services and activities necessary to afford students with disabilities an equal opportunity for participation in those services and activities. Nonacademic and extracurricular services and activities may include athletics, special interest groups and clubs sponsored by the District, health services, recreational activities, counseling, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the District and assistance in making outside employment available. While the IDEA does not require the District to establish extracurricular activities and nonacademic services to students with disabilities, the District is required to take the steps necessary to afford students and equal opportunity for participation in these activities, including informing students of opportunities and providing aids and services for those activities, as determined by the student's ARD Committee.

The ARD Committee shall review at a student's ARD meeting, at least annually, the available extracurricular and nonacademic activities appropriate for the student's age and grade level to ensure each student receiving special education services has equal opportunity to participate in nonacademic and extracurricular activities. While a specific extracurricular activity does not generally need to be included in the student's IEP, the IEP should include any reasonable supplementary aids and services, including transportation, necessary to allow the student equal opportunity to participate in the desired or selected activity. Provision of equal opportunity to participate does not mean every student with a disability has the right to be on an athletic team or that a student is entitled to a particular accommodation. Moreover, the District may require a level of skill or ability of a student in order for that student to participate in a selective or competitive program or activity, as long as the selection or competition criteria are not discriminatory. However, the Special Education Department shall monitor the rates of participation of students with disabilities in extracurricular and nonacademic activities and ensure that there are no generalizations, assumptions, or stereotypes about students with disabilities preventing equal opportunity for participation.

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## **Career and Technical Education (“CTE”) Programs**

The ARD Committee will include a representative from the CTE program as a member of the student’s ARD Committee when determining placement in a CTE program or course. The ARD Committee will also consider whether current enrollment numbers in the CTE classroom could have a harmful effect on the student’s ability to learn.

For a student with disabilities placed in the CTE program, Campus Special Education Personnel will communicate with the CTE teacher and any state rehabilitation agencies (where necessary) regarding planning for the student. Campus Special Education Personnel will monitor the instruction provided to the student in the CTE program to ensure that the instruction is consistent with the student’s IEP. Where necessary and appropriate, Campus Special Education Personnel will provide supplementary aids and services, including, but not limited to, modified instruction and instructional aids and devices in CTE programs. See [SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES].

## **Regional Day School Program for the Deaf**

Dallas ISD is an approved Regional Day School Program for the Deaf (RDSPD). Should the ARD Committee determine that services cannot be provided at the student’s home campus and placement in RDSPD is appropriate for a student who is deaf or hard of hearing, the ARD Committee will outline the services that cannot appropriately be provided on the student’s regular campus and the services that the Regional Day School Program can provide in the student’s IEP.

A member of the ARD Committee and the parent/adult student may visit the RDSPD campus to verify that the student will be able to receive FAPE in accordance with their IEP prior to determining the placement. Campus Special Education Case Manager will communicate any potential placement in the RDSPD to the RDSPD Manager prior to any final decision regarding the placement.

## **Students Residing in a Residential Facility**

The ARD Committee will make decisions related to placement in a residential facility on an individualized basis considering the student’s unique needs, and Dallas ISD will comply with all requirements related to residential placements. See *below* [LRE - PLACEMENT IN RESIDENTIAL FACILITY]. The ARD Committee will consider both educational and non-educational needs, including health and safety, of the student that may impact the student’s ability to receive FAPE on a Dallas ISD campus. However, the ARD Committee should not consider administrative convenience in the determination to

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place a student in a residential facility. In addition, the residential placement should be based on the educational needs, as opposed to the medical needs, of the student.

Dallas ISD Hospital/Homebound Personnel will consult with the proposed residential facility to determine whether the facility has space available for the student and whether such space, if available, is appropriate for the provision of FAPE based on the student's individual needs. The ARD Committee will identify additional placement options if the ARD Committee determines that the proposed residential facility is not appropriate. Furthermore, Campus Special Education Personnel will communicate any potential placement in a residential facility to Dallas ISD Hospital/Homebound Personnel prior to any final decision regarding the placement.

For information relating to District procedures for placing a student at the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf, see *below* [LRE - PLACEMENT IN A RESIDENTIAL FACILITY].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- FIE
- ARD/IEP
- IFSP
- Continuum of Instructional Settings
- Documentation Regarding Special Education Students Participation in Extracurricular & Nonacademic Activities
- Documentation of Communication with Regional Day School for the Deaf
- Documentation of Communication with Residential Facility
- Documentation of Coordination Between Campus Special Education Personnel and CTE teacher
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

**[The Legal Framework for the Child-Centered Special Education Process: Least Restrictive Environment - Region 18](#)**

**[Least Restrictive Environment - Region 20](#)**

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[The Least Restrictive Environment \(LRE\): Question & Answer Document \(Jan. 4, 2016\) - Texas Education Agency and Region 20](#)

[SPEDTEX - Least Restrictive Environment \(TEA\)](#)

[Student Attendance Accounting Handbook \(TEA\)](#)

[OSERS Letter to Anderson \(Dec. 4, 2012\) – U.S. Department of Education](#)

[OSERS Letter to Anonymous \(Mar. 30, 2009\) – U.S. Department of Education](#)

[OSERS Letter to Wohle \(Feb. 1, 2008\) – U.S. Department of Education](#)

[OSERS Letter to Spitzer-Resnick \(June 22, 2012\) – U.S. Department of Education](#)

[OSERS Dear Colleague Letter on Children with Disabilities Residing in Nursing Homes \(Apr. 26, 2016\) – U.S. Department of Education](#)

## **Citations**

Board Policy EHBA; Board Policy EHBAA; Board Policy EHBAB; Board Policy EHBFB;  
Board Policy EHBH; 20 USC 1412(a)(5)(A); 34 CFR 300.101, 300.102(a)(1), 300.107,  
300.114(a)(2), 300.115(a)-(b), 300.116, 300.117, 300.320; 19 TAC 75.1023, 89.63,  
89.1050(a)(6), 89.1075(e), 89.1080

## PLACEMENT IN A RESIDENTIAL FACILITY

### What is Required

Dallas ISD must provide a residential placement to a student with disabilities at no cost to the parent/adult student if the ARD Committee determines that such placement is necessary for the student to receive FAPE. Dallas ISD Special Education Administration may contract with a residential facility to provide some or all of the special education services listed in a student's IEP if the student cannot obtain an educational benefit in a less restrictive setting. See [ADMISSION, REVIEW AND DISMISSAL COMMITTEE] and see above [LEAST RESTRICTIVE ENVIRONMENT].

When the ARD Committee determines that a residential placement is necessary for FAPE, the ARD Committee must list the services in the IEP which Dallas ISD is unable to provide and which the residential facility will provide, document the appropriateness of the facility, and verify during the initial ARD meeting and each subsequent annual ARD meeting that the facility meets minimum standards for health and safety, is needed, appropriate, and the LRE for the student. The ARD Committee must also establish, in writing, criteria and estimated timelines for the student's return to Dallas ISD.

Within 30 calendar days from an ARD committee's decision to place a student in a residential education program, the District must electronically submit to TEA notice of and information regarding placement in accordance with the submission procedures specified by TEA.

When making a residential placement, Dallas ISD must comply with the use of funds for contract services requirements of the law. See [USE OF FUNDS FOR CONTRACT SERVICES INCLUDING RESIDENTIAL PLACEMENTS].

### **Texas School for the Blind and Visually Impaired (TSBVI) and Texas School for the Deaf (TSD)**

Where appropriate based on the student's disability, the ARD Committee may determine that placement at the TSBVI or TSD is necessary. The ARD Committee must include in the IEP the services that TSBVI or TSD can appropriately provide and the criteria and estimated timelines for the student's return to Dallas ISD. Dallas ISD Special Education Personnel may make an on-site visit to verify that TSBVI or TSD can and will offer the services listed in the student's IEP and to ensure an appropriate educational program for the student can be offered.

### **In-State Versus Out-of-State Placements**

Dallas ISD may only enter into a contract with an in-state public or private residential placement that maintains current and valid licensure for the particular disabling condition and age of the student. The facility must be approved by the Texas Commissioner of Education. The same applies for out-of-state placements, so long as the facility is approved by the appropriate agency in the state in which the facility is located.

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### Residential Approval and Application Process

Residential facilities which provide educational services must have their educational programs approved for contracting purposes by the Commissioner of Education. Approval may be for one, two, or three years, as determined by the TEA. The Commissioner will renew approvals and issue new approvals only for those facilities which have students already placed or which have a pending request for approval from Dallas ISD.

If a residential facility is being considered by the ARD Committee which has not been approved by the Commissioner of Education, Dallas ISD Special Education Administration will notify TEA in writing of its intent to place the student at the facility. TEA will begin the approval procedures and conduct an on-site visit within 30 calendar days after notification.

However, prior approval is not required where a residential facility is only to provide related services or where Dallas ISD or Campus Special Education Personnel are to provide the education services within the residential facility.

Dallas ISD Special Education Administration must submit an application to TEA to receive approval from the Texas Commissioner of Education prior to placing a student in a residential facility where the facility will provide educational services listed in the student's IEP. A residential application may *only* be submitted for educational purposes.

### Reporting and Responsibility

The residential facility must periodically report to Dallas ISD Special Education Personnel regarding the services the student has received or will receive in accordance with the contract, as well as any diagnostic or other evaluative information that is required to fulfill Dallas ISD's obligations under the IDEA. In addition, District Special Education Personnel must make an initial and two subsequent onsite visits annually, one announced and one unannounced, to verify that the residential facility can, and will, provide the services listed in the student's IEP that the facility has agreed to provide the student. If a student residentially placed by the ARD Committee changes residence to another Texas school district during the school year but remains in the residential facility, Dallas ISD remains responsible for the residential contract for the remainder of the school year.

### Additional Procedures

The ARD Committee will consider several different factors related to the student's individual needs when determining if residential placement is needed, including, but not limited to:

- Dallas ISD's efforts to provide special education services in a placement within Dallas ISD, including the curriculum offered and the supplemental services provided;
- The educational benefits of receiving services on a traditional campus versus the educational benefits of receiving services in a residential facility;



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- Any possible consequences, both for the individual student and for other students, of having the student educated in a placement within Dallas ISD;
- Any physical or mental conditions or behavioral challenges prohibiting the student from receiving FAPE in a placement within Dallas ISD;
- Any recommendations by evaluators or medical professionals in previous assessments related to residential placement; and
- Whether the demand for residential placement is primarily to provide educational benefit as opposed to medical services.

Dallas ISD or Campus Special Education Personnel must communicate any potential placement at a residential facility to Dallas ISD Hospital/Homebound Personnel prior to any final decision regarding the placement.

The ARD Committee will determine a student's placement. If the ARD Committee determines that placement at a residential facility is necessary for the student to receive FAPE, Dallas ISD will offer the program at no cost to the parent/adult student. This may include transportation costs associated with travel to and from the residential facility for the student and/or the parents, as determined necessary and appropriate by the ARD Committee.

After the ARD Committee determines that a student needs a residential placement and the services and supports needed at the residential facility, the Dallas ISD Hospital/Homebound Personnel will select the appropriate residential facility with input from the parent. The Dallas ISD Hospital/Homebound Administrator and/or designees will select the residential facility that is able to meet the needs of the student, in accordance with the student's IEP, including ensuring that the residential facility can provide the services required in the child's IEP and that the facility employs general education, special education, and related service personnel who are certified, endorsed, or licensed to meet the needs of the student in accordance with the student's IEP.

The Dallas ISD Hospital/Homebound Department will maintain a list of residential placement facilities approved by Texas Commissioner of Education in Texas and the services available at those facilities. The Dallas ISD Hospital/Homebound Department will periodically communicate with and, if appropriate, send representatives of the Dallas ISD Hospital/Homebound Department to visit all the residential facilities in Texas that are approved by the Texas Commissioner of Education to ensure that up to date information is available regarding the characteristics, services, cost, and available resources for the various residential facilities in Texas. During the communication or visit, the Dallas ISD Hospital/Homebound Personnel will gather the following information:

- the special education services available at the facility for students;
- the age, disabilities, and needs served by the facility;
- the personnel at the facility, including the number, role, qualifications, certifications,

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- endorsements, and/or licenses of each person;
- the procedures the facility used regarding emergency behavior interventions
- the instructional curriculum and interventions the facility uses;
- the supervision or monitoring offered for the students throughout the day and night;
- the cost; and
- any and all certifications, approvals, and/or licenses held by the facility.

The Dallas ISD Hospital/Homebound Department will ensure that any in-state facility that the District seeks to place the student maintains current and valid licensure and has been approved or is in the process of being approved by the Texas Commissioner of Education prior to determining that a student will be placed in the facility. The Dallas ISD Hospital/Homebound Department will also ensure that any out-of-state facility in which the District seeks to place the student maintains current and valid licensure and has been approved by the appropriate state agency in the state in which the facility is located. If an out of state residential facility is needed because there are no in-state facilities available to meet the needs of the student, the Dallas ISD Hospital/Homebound Department Administrator will notify TEA in writing of its intent to place the student at the facility and request approval. The Dallas ISD Hospital/Homebound Department will also send a representative to the out-of-state facility before recommending the facility to ensure that the specific needs of the child as identified in the student's IEP can be met.

District and Campus Administrators will receive annual training about placements in residential facilities. This training shall include information regarding the ARD Committee's role in placing students in residential facilities, the various types of residential placements, the application process, and reporting and monitoring responsibilities.

## Residential Application Process

Dallas ISD Hospital/Homebound Personnel will notify TEA of its desire to contract with a residential facility through the residential application process for each individual student Dallas ISD seeks to place in a residential facility. Dallas ISD Hospital/Homebound Personnel will also submit any request for approval of state and federal funding for residential placement through the residential application process.

Dallas ISD Hospital/Homebound Personnel will indicate the following in its request for approval:

- Placement is not due primarily to the student's medical problems;
- Placement is not due primarily to problems in the student's home;
- The ARD Committee has established criteria and timelines for the student to return to Dallas ISD;

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- The ARD Committee has attempted to implement lesser restrictive placements prior to determining that this placement is necessary and appropriate, except in emergency situations as documented by the ARD Committee;
- Placement in the residential facility is more cost effective than alternative placements considered; and
- The residential facility does not provide unfundable/unapprovable services.

## Procurement Process for Residential Facility Contract

If a student with a disability needs a residential program to receive special education and related services as determined by the student’s ARD Committee, the District must provide that program, including non-medical care, room and board, education-related expenses, transportation to and from the residential facility, and travel expenses for visiting the student at no cost to the parents. After the Dallas ISD Hospital/Homebound Personnel determines the residential facility in which a student needs in accordance with the student’s IEP, Dallas ISD will contract with the residential facility to provide the special education services and placement for the student.

Every 3 years, District Special Education Personnel submit to the Dallas ISD Board of Trustees the state approved residential and day facilities requesting approval to be able to use any of the state- approved facilities as determined by the student’s needs. The most recent approval was completed in June 2022 and it will expire on June 30, 2025. When it is determined by an ARD Committee that an outside facility will be required to meet the needs of the student, District Special Education Personnel contract with the Board-approved facility for one year. District Special Education Personnel work with the Dallas ISD Procurement Department and the facility to obtain a quote and execute the contract for the current year. District Special Education Personnel obtain necessary supporting documents, DSA, MWBE, conflict of interest, and insurance approval. Once the contract is executed by all parties, District Special Education Personnel enter the requisition to get a PO for the year.

## Reporting and Responsibility

Dallas ISD Hospital/Homebound Personnel will communicate with the residential facility at least once per grading period to ensure that the student has received or will receive the services outlined in the contract and in the student’s IEP, gather all progress documentation for the student, and discuss any diagnostic or other evaluative information where necessary. Dallas ISD Hospital/Homebound Personnel will also communicate with the residential facility and the parent regarding any need for an ARD Committee meeting to discuss any additions or revisions needed to the student’s IEP to address any lack of progress and/or current needs of the student. Dallas ISD Hospital/Homebound Personnel will also ensure that the residential facility is continuing to employ general education, special education, and related services personnel who are certified,

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endorsed, or licensed in the area of assignment and that it uses appropriate emergency behavioral interventions with the student that comply with state and federal requirements and meet the needs of the student in accordance with the student's IEP.

In addition, Dallas ISD Hospital/Homebound Personnel must make an initial and two subsequent onsite visits annually, one announced and one unannounced, to verify that the residential facility can, and will, provide the services listed in the student's IEP that the facility has agreed to provide the student. During these visits, the Dallas ISD Hospital/Homebound Personnel will review the student's IEP with the residential facility personnel and obtain documentation verifying that all accommodations, services, modifications, goals and objectives, and other provisions of the student's IEP have been provided.

Dallas ISD Hospital/Homebound Personnel will report all students placed in residential facilities to TEA through the Residential Facility Tracker by the end of the school year annually. The District will also maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- ARD/IEP
- Continuum of Alternative Placements Considered
- List & Characteristics of Approved Residential Facilities
- Documentation of Communication with Residential Facility
- Documentation of Site Visits Prior to Placement
- Residential Placement Application and Approval
- Plan for Student Return to Dallas ISD
- Documentation of Annual Visits to Residential Facility
- Documentation of Services & Accommodations Provided by Residential Facility to Student
- Licenses, Certificates, and Other Documentation of Experience of Residential Facility Service Providers
- Documentation of Progress of Student at Residential Facility
- Residential Facility Tracker
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Placement in a Residential Facility - Region 18](#)

[Nonpublic Day and Residential Placement Notification and Application – \(TEA\)](#)

[Residential Facility Tracker - Texas Education Agency](#)

Least Restrictive Environment

[Special Education in Residential Facilities - Texas Education Agency](#)

[Texas School for the Blind and Visually Impaired](#)

[Texas School for the Deaf](#)

**Citations**

Board Policy EHBAC; Texas Education Code 29.008(d); 19 TAC 89.61(a)-(c), 89.1085(c)

Least Restrictive Environment

## VIRTUAL LEARNING DAYS

### What is Required

If Dallas ISD provides virtual learning days or remote learning for its general education students due to a school or class closure, such learning must be also available to an eligible special education student. However, according to the U.S. Department of Education, Dallas ISD is still responsible for providing special education and related services in accordance with a student's IEP in the least restrictive environment on virtual learning days.

### Additional Procedures

If Dallas ISD provides virtual learning days, Dallas ISD Special Education Personnel may provide special education and related services through various methods, so long as the services provided align with the services set forth in a student's IEP. When possible, synchronous instruction via Zoom, Google Classrooms, or other virtual platforms will be provided. However, should synchronous instruction not be possible or appropriate, Dallas ISD Special Education Personnel shall provide special education and related services through asynchronous instruction through various online learning platforms, recorded lessons, packets, workbooks, etc. Direct or indirect instruction may also be provided via phone calls or other methods of service delivery. The provision of special education and related services on virtual learning days must be individualized based on a student's unique needs.

During virtual learning, service providers should consider the following:

- What skills does this student most need to work on given the current learning environment?
- What skills, if strengthened now, will best position this student to make progress on goals once traditional instruction resumes?
- Are there any barriers to services, such as a lack of access to technology or privacy concerns?
- Is this method of service appropriate for the student?
- Is the student receiving the same or close to the same amount of instruction as provided for in the IEP?
- Is it possible to provide services synchronously rather than asynchronously?

Campus and District Special Education Personnel are responsible for ensuring platforms used for virtual learning are accessible and useable for students with disabilities. This is particularly important for students who have Deaf and Hard of Hearing, Visual Impairments, Deaf/Blindness, Intellectual Disabilities, as well as Emergent Bilingual students with disabilities.

Special education and related services may be provided virtually in an individual or group setting, depending on what is set forth in the student's IEP. Campus or District Special Education Personnel shall provide a consent form to the parent of each student participating in virtual

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services in a group setting to protect confidentiality, and other precautions shall be taken on online platforms to prevent the disclosure of a student's name to the parent of another student participating in the virtual group services.

If a student is not available or refuses to participate in virtual special education or related services, Campus and District Special Education Personnel shall document the reasons, if known; inform the parent of the offer of services; and document the offer of services. If a lack of access to technology is preventing the student from participating in virtual learning, the District will provide access to technology, such as a laptop or hotspot, where possible. If Dallas ISD is unable to provide sufficient resources to enable the student access, Campus and District Special Education Personnel shall send work to the student in paper form and document all efforts to educate the student.

Communication with parent(s) during extended period of virtual learning days will be documented through a communication log. This communication log will record the name of the parent, date and time of the conversation, method of communication, and a summary of the conversation.

Campus and District Special Education Administration and Campus and District Personnel, including but not limited to special education teachers, general education teachers, and service providers, will be trained annually regarding the provision of special education and related services during virtual learning days. This training will include information regarding the provision of instructional phone calls, videoconferencing, homework packets, online lessons, and other available distance-based learning approaches. This training will also address maintaining documentation of the provision of services and progress during virtual learning and the procedures for conducting virtual ARD meetings.

## Documentation During Virtual Learning

The ARD Committee shall document all decisions made regarding virtual learning in the IEP. Campus and District Special Education Personnel shall document what services are provided virtually, including the date, amount, duration, and mode of delivery. Campus and District Special Education Personnel are responsible for monitoring and documenting student progress during virtual learning days. Documentation should be sufficiently detailed for the ARD Committee to determine whether and/or to what extent additional services may be needed once the student returns to in-person instruction.

## Virtual ARD Meetings

Dallas ISD offers the option for parents and Campus Personnel to attend ARD meetings remotely. However, the legal requirements for virtual ARD meetings remain the same as the legal requirements for in-person ARD meetings. See [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING] & [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEMBERSHIP]. This includes the requirement to provide prior notice of an ARD meeting to a parent at least five (5) school days prior to the meeting, identifying the location as virtual/video-conference, the reason for convening virtually, and the issues to be discussed during the meeting.

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The Campus Special Education Case Manager shall document attempts to have the parent participate in a virtual ARD meeting, including any efforts to provide access to parents. Campus and District members of the ARD Committee must have access to the proper technology to participate in the ARD meeting and be trained on how to access the technology prior to the ARD meeting. Additionally, all mandatory members of the ARD Committee are still required to sign the IEP at the end of the ARD meeting to indicate agreement. Electronic signatures are considered valid and legal signatures.

Virtual ARD meetings should be treated in the same manner as in-person ARD meetings. As such, Campus and District members of the ARD Committee must maintain a professional and courteous tone during virtual ARD meetings. Each virtual ARD meeting shall have a clear agenda, should follow the Dallas ISD ARD Script, and the ARD Committee shall remain focused on the agenda. Cameras should be turned on during virtual ARD meetings to ensure all members are in attendance and participating. As with in-person ARD meetings, the ARD Committee shall listen to and document the parent's concerns and include the District's response in the IEP.

## Assistive Technology During Virtual Learning

The District must permit the use of assistive technology at home or in other settings if the ARD Committee determines it is necessary. Should virtual learning be needed for an extended period, a student's ARD Committee shall determine whether a Revision ARD is necessary to document the necessity of at-home access to assistive technology. District Special Education Personnel may need to facilitate a temporary transfer to the student's home if the assistive technology is not easily portable. The transfer of assistive technology to a student's home shall be documented in writing, and the parent must confirm receipt of the assistive technology in writing.

## Compensatory Services

Upon returning to in-person instruction, the ARD Committee will make an individualized determination whether and to what extent compensatory services may be needed, consistent with the applicable requirements, to make up for any skills that may have been lost during virtual learning. This decision shall be made on a case-by-case basis, considering the following individual data for each student:

- What services were temporarily reduced or suspended due to virtual learning;
- Benchmark data from before virtual learning;
- Progress documentation during virtual learning;
- Services provided and student's response to the services;
- If adequate progress was not made, any documentation as to why it was not; and
- Any additional considerations or documentation necessary to determine whether the student requires compensatory services.

If the ARD Committee determines that compensatory services are necessary, the ARD Committee should determine type, location, duration, and frequency of services. This does not require a minute-for-minute computation of services but rather a qualitative analysis of what the student needs to continue to make progress. Compensatory services may be provided before or



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after school or during the summer months but cannot be provided during regular school hours, during ESY, or through remediation programs offered to all general education students.

## **Evidence of Implementation**

- ARD/IEP
- Virtual lesson plans
- Communication logs with parents
- Service logs
- Evidence of participation in virtual learning from online platform
- Training documentation
- Documentation for the state in TSDS, PEIMS, and SPP
- Dallas ISD ARD Agenda
- Dallas ISD ARD Script

## **Resources**

[At Home Learning for Students with Disabilities - Texas Education Agency](#)

[Supplemental Fact Sheet Addressing the Risk of COVID in Preschool, Elementary, and Secondary Schools While Serving Children with Disabilities – U.S. Department of Education](#)

[Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak - U.S. Department of Education](#)

[Letter to Wolfram and Mandlawitz \(Jan. 10, 2022\) - U.S. Department of Education](#)

## **Citations**

34 CFR 300.114(a)(2), 300.115

# FAPE

## TRANSITION SERVICES

## ADULT STUDENT & TRANSFER OF RIGHTS

## GRADUATION

October 6, 2022

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

Customized for Dallas ISD

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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Transition Services

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## TRANSITION SERVICES

### What is Required

Transition services are the coordinated set of activities for a student with a disability that is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. Transition services are based on the individual student's needs, taking into account the student's strengths, preferences, and interests; and includes instruction, related services; community experiences; the development of employment and other post-school adult living objectives; and the acquisition of daily living skills and provision of a functional vocational evaluation, if appropriate. Transition services may be special education, if provided as specially designed instruction, or a related service, if required to assist the student with a disability to benefit from special education. See [FAPE - SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES].

Transition planning is done by the ARD Committee and must include the input of the student. If the student does not attend the ARD Committee meeting, the Campus Special Education Case Manager must take other steps to ensure the student's preferences and interests are considered during the transition planning. See [FAPE - ARD COMMITTEE MEETING] and [FAPE - ARD COMMITTEE MEMBERSHIP].

### **By Age 14**

Not later than when the student reaches the age of 14, the ARD Committee must annually consider and, if appropriate, address the following in the student's IEP during transition planning:

- appropriate student involvement in the student's transition to life outside of the public school system;
- appropriate involvement in the student's transition by the parent/adult student and other persons invited to participate by the parent/adult student or the Campus Special Education Personnel (if the student is younger than 18);
- appropriate postsecondary education options, including preparation for postsecondary level coursework;

## Transition Services

- appropriate functional vocational evaluation;
- appropriate employment goals and objectives;
- if the student has reached 18, the availability of age appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the adult student's transition goals and objectives;
- appropriate independent living goals and objectives;
- appropriate circumstances for facilitating a referral of a student or the student's parent to a governmental agency for services or public benefits, including a referral to place a student on a waiting list for public benefits; and
- the use and availability of appropriate supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills and supports and services to foster the student's independence and self-determination, including a supported decision-making agreement.

### By Age 16

Not later than the first IEP to be in effect when the student turns 16, the ARD Committee must include and update annually the following in a student's IEP during transition planning:

- appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and independent living skills; and
- Transition services, including courses of study needed to assist the student in reaching those postsecondary goals.

### By Age 17

Not later than one year before the student's 18th birthday, the Campus Special Education Case Manager must comply and provide notification to the student and the student's parent of the transfer of rights to the adult student. *See below* [ADULT STUDENT AND TRANSFER OF RIGHTS].

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### By Age 18

For an adult student, the ARD Committee must consider and, if appropriate, address involvement in the student's transition and future by the adult student's parent and other persons, if the parent or other person is invited to participate by the adult student or the Campus Special Education Personnel or has the adult student's consent to participate pursuant to a supported decision-making agreement or other legal document. See *below* [ADULT STUDENT AND TRANSFER OF RIGHTS].

### Other Issues Relevant to Transition

When determining the course of study, the ARD Committee must consider the student's graduation plan and post-secondary goals. See [GRADUATION]. In addition, Dallas ISD must ensure that students with disabilities have access to career and technical education (CTE) classes. When determining placement in a CTE class, the ARD Committee must consider the student's graduation plan, the content of the student's IEP, including the consideration of transition services, and classroom supports. If a participating agency fails to provide the transition services described in the student's IEP, the ARD Committee must identify alternative strategies to meet the transition objectives set out in the IEP.

### Transition and Employment Guide

Dallas ISD must post the *Texas Transition and Employment Guide* (the "Guide") on Dallas ISD's website. The ARD Committee will provide written information and, if necessary, assistance to the student or parent regarding how to access the electronic version of the Guide at each and every ARD Committee meeting. In addition, on request, the Campus Special Education Personnel will provide a printed copy of the Guide to the student or parent.

### Transition and Employment Designee (TED)

Dallas ISD must designate at least one employee to serve as the District's designee on transition and employment services for special education students. This person is Dallas ISD's Transition and Employment Designee or TED. The TED is the District's primary contact for transition and employment services for students with disabilities. This employee must also be able to provide information and resources about effective transition planning and employment services to school staff, parents, and agency providers, including the following:

- Student involvement
- Parent involvement
- Adult Student Support
- Postsecondary Education

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- Functional Vocational Evaluation
- Employment
- Age-Appropriate Instructional Environments
- Independent Living
- Referral to State Agency Services
- Self-Determination
- Supported Decision-Making Agreements

In addition, the TED must also help identify contacts at the following state agencies and ensure communication between local staff an regional or local staff at the following agencies:

- Health and Human Services Commission (HHSC)
- Texas Workforce Commission (TWC)
- Department of State Health Services (DSHS); and
- Department of Family and Protective Services (DFPS).

Dallas ISD will determine which employee will serve in the role of the TED. In determining who will serve as the TED for the District, the Dallas ISD Executive Director of Special Services will consider whether the employee is able to lead training and communicate effectively about transition planning and transition assessment, 18-21 services, work-based learning and career experiences, and self-determination. In addition, does the employee feel comfortable answering questions and facilitating discussions with staff, students and parents about agency support and collaboration, supported decision-making agreements, community connections and outreach, and postsecondary education and training. The employee who serves as the TED must have effective communication skills and must continually work to develop partnerships among school staff, students, parents, and local and regional representatives of state agencies. The employee designated as the TED for the District will be inputted into the AskTED and into the Legal Framework website by the District Special Education Director or designee. The Dallas ISD Transition Services Manager will serve as the TED for Dallas ISD.

## **Additional Procedures**

Transition planning provides the focus for the development of the IEP for students age 14 (or younger if deemed appropriate by the ARD Committee) and older. For students with autism, transition planning will be considered at every ARD meeting at any age. Transition planning is intended to be flexible, dynamic and appropriate. Transition services emphasize the acquisition of functional skills and hands-on knowledge, enabling students to enter the workforce or continue their education or training. Such services also allow students to live as autonomously as possible, given the extent of their disabilities.



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At a minimum, the ARD Committee must review the transition information in a student's IEP at least once annually, or more as needed, and update the IEP as necessary. This may be done in the annual ARD meeting or through a revision ARD meeting as needed.

The student's individual transition plan should be individually designed and based on the student's interests, strengths, and preferences. Students should be encouraged and coached to advocate for themselves during the transition planning, at the ARD Committee meeting, and in future environments. The transition planning should always include the student (except for students with autism who are under age 14), and it is preferable that the student attend at least that portion of the ARD meeting that focuses on transition planning. If the student cannot attend for behavioral and/or cognitive reasons (or it is a student with autism under age 14), the student's general education teacher (if appropriate), CTE teacher (if appropriate) and special education teacher should collaborate on providing feedback regarding the student's interests, strengths, and preferences. The ARD Committee shall document the reason that the student did not attend the ARD meeting, as well as the decisions made on the student's behalf, in the IEP. In addition, if the student's interests are difficult to ascertain, the ARD Committee should consider recommend conducting a functional vocational evaluation, if appropriate, to be considered by the ARD Committee during transition planning.

Transition planning is documented by the ARD Committee on the Transition Section of the IEP and should include, if appropriate:

- appropriate measurable postsecondary goals that are annually updated and based upon age appropriate transition assessment;
- transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals;
- annual IEP goals related to the student's transition service needs;
- evidence that the student was invited to the ARD meeting where transition services are discussed or documentation that the student's input was obtained and considered if the student is unable to attend the ARD meeting; and
- if appropriate, evidence that a representative of any participating agency was invited to the ARD Committee meeting with the prior consent of the parent or adult student.

The ARD Committee will determine appropriate, measurable postsecondary goals and transitions services to assist the student in meeting those postsecondary goals by reviewing the student's special education eligibility folder, evaluation(s), transition assessments, classwork and assignments, assessments, progress documentation,

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observations, input from teachers, parent(s), and student, etc. These goals are updated, at a minimum, during the annual ARD meeting to ensure they continue to reflect the student's postsecondary needs.

The Campus Special Education Administrator will designate one person on the campus responsible for contacting the outside agencies that are identified as part of the student's transition plan to invite them to the ARD meeting with the consent of the parent/adult student and to gather information regarding the agency's services for the ARD Committee to consider during transition planning. This individual is also responsible for identifying the Texas Workforce Commission Vocational Rehabilitation Counselor who works with the District and/or Campus. If the ARD Committee determines that connecting with a participating agency is inappropriate for the student, the decision will be documented in the student's IEP either in the Transition section or in the deliberations, including the rationale for the decision and the data considered when making the decision.

## Training

At least once annually, Campus and Dallas ISD Special Education Administration and Campus and Dallas ISD Special Education Personnel who work with students in grades 6 through 12 must participate in training about state transition requirements that must be in place for students by age or younger if determined appropriate by the ARD Committee. Additionally, Campus and Dallas ISD Special Education Administration and Campus and District Special Education Personnel who work with students in grades 9 through 12 must participate in training about the federal transition requirements (courses of study, age-appropriate transition assessments, and postsecondary goals) that must be in place by age 16 or younger if determined appropriate by the ARD Committee. This may be the same training for those who work with students in grades 9 and up.

In addition, Dallas ISD will provide training to families about transition services for children of all ages, including children younger than age 14, to include information about graduation endorsements, appropriate class and course offerings, career-related training, self-determination resources, opportunities for community participation, and agency resources. The parent/adult student will also be provided the name and contact information of the District's TED and the TED's role in facilitating transition services connections between school staff, student, parents, and agency representatives.

## Documentation Requirements

Dallas ISD will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will be provide annual training, with follow up, to ensure the documentation required is in place and compliant. Specifically for Secondary Transition, Dallas ISD Special Education Administration will

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comply with the documentation requirements for State Performance Plan Indicator 13 (SPPI 13). SPPI 13 measures the percent of youth with IEPs aged 16 and above with an IEP in compliance with 7 items:

- (1) appropriate measurable postsecondary goals
- (2) annually updated postsecondary goals
- (3) postsecondary goals based on age-appropriate transition assessment(s)
- (4) transition services, including courses of study, that reasonably enable the student to meet post-secondary goals
- (5) IEP goal(s) related to student’s transition services needs
- (6) If appropriate, evidence student invited to ARD; and
- (7) If appropriate, evidence agency representative invited to ARD.

Dallas ISD Special Education Personnel will track and monitor the above compliance items for all special education student’s aged 16 and above. Dallas ISD will also utilize Keep It 100 (Transition Planning for Students with Disabilities Ages 13-22) and ANTE-Up (Future Planning for Students with Autism Ages 3-12) to track and monitor transition services for students with disabilities.

## Transition Assessments and Functional Vocational Evaluations

Prior to an ARD meeting to discuss transition planning, District or Campus Transition Personnel and/or Campus Special Education Personnel will assess the student using a variety of transition assessments involving the continual collection of information about a student’s strengths, needs, preferences, and interests. The ARD Committee then uses the results to identify appropriate measurable goals and transition services to include in the student’s IEP. District or Campus Transition Personnel and/or Campus Special Education Personnel shall determine which assessments are appropriate on a case-by-case basis and ensure that all transition assessments are focused on measurable post-secondary goals. Using a variety of formal and informal assessments that test a student’s skills and uses in education/training, employment, independent living/personal allows District or Campus Transition Personnel and/or Campus Special Education Personnel to obtain information on a student’s current performance and identify those skills needed for the future. The most commonly administered assessments address student interests (i.e., topics or subjects relating to vocations), aptitudes (i.e., job-related knowledge and abilities), or preferences (i.e., working individually or in groups, working inside or outside, physical activity or sedentary work, etc.).

Transition assessments will be age-appropriate, nondiscriminatory, and sensitive to a student’s cultural background. Additionally, transition assessments will consider the student’s disability-related needs, including the student’s abilities, communication barriers, and need for various accommodations. Professionals who conduct transition assessments will be knowledgeable and experienced in administering and interpreting a

## Transition Services

wide range of assessment tools. At least once annually, District or Campus Transition Personnel and/or Campus Special Education Personnel will receive training on the process of conducting transition assignments, as well as the various transition assessments available. Specifically, currently Dallas ISD has the following transition assessments available to assess a student’s needs:

- Onet
- Picture Inventory Career Survey (PICS)
- Transition Planning Inventory (TPI)
- Person Centered Transition Assessment (PCTA)
- Transition Assessment and Goal Generator (TAGG)
- 123 Assessment
- Photographic Assessment
- Supplemental School Assessment
- Independent Living Skills Checklist

Campus or District Transition Personnel and/or Campus Special Education Personnel will communicate the results of the transition assessments to parents/adult student at least annually during ARD meetings and make reasonable efforts to obtain parent/adult student input and encourage engagement in transition planning. In addition to annual ARD meetings, Campus or District Personnel and/or Campus Special Education Personnel will attempt to contact the parent/adult student prior to conducting transition assessments to obtain relevant information regarding appropriate assessments for the student. Should the parent’s native language be a language other than English, the District will provide an interpreter to ensure the parent is able to effectively communicate in the process.

A functional vocational evaluation (FVE), which is an ongoing process that identifies a student’s interests, work-related aptitudes and skills, and need for training, may also be conducted. A FVE may be considered when a student has difficulty communicating their career interests, when a student has completed training at multiple job sites, but there is not a clear direction for next steps; and/or when a transition assessment has not provided enough information to develop a comprehensive transition plan. An FVE should include information from multiple sources, including student and parent input, and include recommendations related to career interests, aptitudes, and skills.

### **Transition Planning for Students with Significant Needs**

Students with severe and multiple developmental disabilities demonstrate diverse skills, strengths, limits, and support needs, and generally have associated health conditions of various severity. These students usually present with multiple system impairments that impact the student, family, and community participation. The transition services and supports needed for these students are usually pervasive and extensive in order to

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achieve community living, employment, and self-sufficiency. As such, transition planning for students with complex or more significant needs should start early, as soon as the student is identified as eligible for special education services.

Transition planning should be reviewed and discussed at the student's initial ARD meeting and at every subsequent ARD meeting to ensure that the needs of the student are met. At the primary levels, grades K through 4, transition discussions should focus on employability skills, independent living skills, and self-determination attitudes. The student's transition planning should be based on the student's need to develop positive work and activities of daily living and to develop an understanding of the student's disability and needed support. At the middle school grades, the focus for transition planning should shift to career exploration and transition planning related to the course of study as well as developing independent living skills. At that point, the focus should be on the student's need to understand the relationship of school and work; understand the student's interests, preferences, and aptitudes; understand work, education, independent living, and community options; determine a general course of secondary study; and identify needed accommodations and supports for secondary education.

Then, in high school, the student's entire IEP should be focused on career exploration and transition with the focus of transitioning and overlapping into postsecondary environments desired by the student. In the early years of high school, the student needs are to develop meaningful and realistic postsecondary goals, develop work, education, residential, and community participation skills and supports relevant to those goals, and, as much as possible, independently learn to manage disability needs and request accommodations. And, in the last two years of high school, the student should be testing goals through experiences and activities, securing options for postsecondary education and/or employment, developing residential and community participation supports and contacts, developing linkages with adult services, and empowering families to function in adult service environments.

### **Self-Determination Skills**

Self-determination is a combination of skills, knowledge, and beliefs that enables a student to engage in goal-directed, self-regulated, and autonomous behavior. Self-determination allows a student with disabilities to understand the student's strengths and limitations together with a belief in oneself as capable and effective. As part of the self-determination curriculum, students will be able to identify areas of strength, difficulties, interests, and values. Additionally, students will understand their disabilities and be able to explain them to others.

Self-determination instruction is typically provided through embedded TEKS and supplemental lessons as needed. Students will be taught the skills associated with self-determination including choice making, decision making, problem solving, goal setting,

## Transition Services

planning, goal attainment, self-management, self-advocacy, self-awareness, and self-knowledge. The student will then be provided opportunities to use and practice these skills, and needed supports and accommodations to lead self-determined lives.

## Outside Agencies

Students transitioning from high school to adulthood may require services and supports from outside agencies to live independently. At least annually in ARD meetings, Campus and District Transition Personnel shall provide information to students with disabilities and their parents regarding the services and supports available within the community to assist in the transition process.

Many services are available through waiver programs, meaning certain Medicaid requirements do not apply. Some of the services available through these waivers include personal care services, nursing care, home modifications, car modifications, respite care, and various therapies. Texas has seven waivers, and each one has its own interest list. Waivers are managed by the Health and Human Services Commission (“HHSC”) and the Department of State Health Services (“DSHS”). Parents should be encouraged to add students to as many waiver interest lists as soon as possible and preferably as soon as the child is diagnosed with a disability or special health care need. Students will be added to these programs once there is availability. District and Campus Personnel will inform parents of the HHSC waiver list and the process for enrollment in annual ARD meetings as early as Early Childhood Intervention and Early Childhood Special Education.

Prior to a student turning 14, Campus and District Transition Personnel will encourage parents to identify any needs for long-term services and supports and the type of long-term services and supports needed. Additionally, Campus and District Transition Personnel will encourage parents to explore the community and long-term services and supports that are available and provide contact information for community and long-term services and support agencies. Campus and District Transition Personnel shall be available to assist parents in applying for long-term services and supports as appropriate.

When or before a student turns 16, Campus and District Transition Personnel will encourage parents to identify natural supports for students and routinely contact HHSC for updates in positions on waiver lists. If the parent and/or adult student has not already done so when or before the student turns 18, Campus and District Transition Personnel will provide parents and/or adult students information on applying for long-term services and supports, if appropriate.

## Evidence of Implementation

- ARD/IEP
- Transition Supplement/Section of ARD/IEP

## Transition Services

- Documentation of Student Participation in Transition Planning
- Course of Study
- Transition/Vocational Assessments
- Contacts with Outside Agencies
- Consent to Invite Outside Agency Representative to ARD
- Prior Written Notice
- Document Acknowledging Receipt of *Texas Transition and Employment Guide*
- *Texas Transition and Employment Guide*
- Transition and Employment Services Designee
- Self-Determination Curriculum/Instruction
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[Secondary Transition Guidance \(TEA\)](#)

[Texas Transition and Employment Guide](#)

[Texas Transitions Network \(TEA\)](#)

[Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities \(OCR\)](#)

[OSERS Questions and Answers on Secondary Transition \(2011\)](#)

[SPEDTEX - Secondary Transition in Texas](#)

[Navigate Life Texas - Medicaid Waivers Overview](#)

[Dallas ISD Transition Services Department](#)

## **Citations**

34 CFR 300.43(a)-(b), 300.320(b), 300.321(b)(2), 300.324; Texas Education Code 28.025, 29.011, 29.0111, 29.0112(e); Texas Estates Code Ch. 1357; 19 TAC 75.1023, 89.1055(j)-(l)

## ADULT STUDENT AND TRANSFER OF RIGHTS

### What is Required

Except for a student who has been determined to be incompetent under state law, a student with a disability who is 18 years of age or older has the same rights to educational decision-making as a student without a disability. Therefore, when a student with a disability turns 18 years old, all rights under the IDEA transfer from the parent to the adult student, except that Campus Special Education Personnel must provide any notice required under the IDEA to both the adult student and the parent.

In addition, 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 if the adult student is a dependent student, or when another exception applies. See [WHEN CONSENT IS NOT REQUIRED TO DISCLOSE INFORMATION].

### **Notification of the Transfer of Rights by Age 17**

The Campus Special Education Case Manager must provide both the student and the student's parent written notification of the transfer of rights under the IDEA, as well as information and resources regarding guardianship and alternatives to guardianship, at least one year before the student's 18<sup>th</sup> birthday. The student's IEP must include a statement that Campus Special Education Personnel provided the required notice, information, and resources within the required timeframe.

This written transfer of rights notice must inform the student and the parents that:

- The student with a disability who is age 18 or older or whose disabilities of minority have been removed will have the same right to make educational decisions as a student without a disability;
- All rights granted to the parent under the IDEA will transfer to the student unless the parent or other individual has been granted guardianship, except that Campus Special Education Personnel must provide any notice required under IDEA to the adult student and the parent; and
- All rights granted to the parent under the IDEA will transfer to an 18-year-old who is incarcerated in an adult or juvenile state or local correctional institution unless the parent or other individual has been granted guardianship.

Campus Special Education Personnel must also provide information and resources regarding guardianship and alternatives to guardianship—including supportive decision-



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making—and other supports and services that may enable the student to live independently at least one year before the student’s 18<sup>th</sup> birthday. Campus Special Education Personnel must also provide this information upon request by the student or student’s parent at any time.

### Notice of the Transfer of Rights at Age 18

Additionally, upon the student turning age 18, the Campus Special Education Case Manager must also provide the student and the student’s parents written notice that the rights have transferred to the adult student, information and resources regarding guardianship and alternatives to guardianship, and contact information about where to seek additional information.

### Notice to Parent of Adult Student After Transfer of Rights

The Campus Special Education Case Manager must continue to provide any notice required by the IDEA to both the adult student and the parent after the transfer of rights. However, providing the parent Prior Written Notice of an ARD meeting does not constitute an invitation or create a right for the parent to attend the meeting. Prior Written Notice also does not create a right for the parent to consent to or participate in the proposal or refusal reflected in the Prior Written Notice. However, the adult student or Campus Special Education Personnel may invite the parent, as an individual with knowledge or special expertise regarding the adult student, to attend the ARD Committee meeting and provide input. In addition, an adult student who holds rights under the IDEA is not prohibited from executing a supported decision-making agreement or a valid power of attorney after the transfer of parental rights.

### Definitions

“Guardianship” is a legal process that removes rights and privileges from a person aged 18 and older who is considered incapacitated under state law. The process involves the court system and an attorney. Unless parents have gained guardianship of their student with a disability or made other legal arrangements, all rights, including signing and agreeing to the IEP, will be transferred to the student upon turning 18.

“Supportive decision-making agreement” is an alternative to guardianship that involves supporting and accommodating an adult with a disability to enable the adult to make life decisions. In a supported decision-making agreement, the 18 year old student chooses someone (called a “supporter”) they trust to help them get information they need to make an informed decision, consider their options, understand the risks and communicate their decisions to others. The law does not place any restrictions on who may become a supporter. Typically, the supporter may be a family member, relative or friend. But, the adult with a disability may only enter a supported decision-making agreement voluntarily,

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without being influenced by others. The student and the supporter fill out and sign a legally valid supported decision-making agreement form and have it witnessed or notarized, as required by law.

“Power of attorney” is a legal document that gives someone else the legal power to act on your behalf. The power of attorney must be signed before a notary public and it must be executed by someone 18 years of age or older who is of sound mind and who knows what he/she is doing when they sign the document.

## **Additional Procedures**

The Campus Special Education Case Manager will keep track of the birthdays for those students on their caseload turning 17 and 18 years old during that school year.

The Campus Special Education Case Manager will provide written notice regarding the transfer of rights and resources regarding guardianship and alternatives to guardianship at the ARD meeting when the student is 16 years of age (but no later than the student’s ARD meeting closest in time before the student’s 17<sup>th</sup> birthday) and obtain the signature of the parent and student regarding receipt of this notice and the information. If the Campus Special Education Case Manager is unable to provide this notice to the parent and student at the ARD meeting because the parent and/or student is not in attendance, the notice should be sent to the parent and student and signatures obtained no later than the student’s 17<sup>th</sup> birthday. Specifically, before the student’s 17<sup>th</sup> birthday, the Campus Special Education Case Manager shall provide the Notice of Transfer of Education Rights for students who are turning 17 years of age as well as all the information and resources regarding guardianship, alternatives to guardianship, supported decision-making, and other supports and services to the parent and student.

In addition, within the first grading period after the student turns 18 years of age, the Campus Special Education Case Manager must send the Notice of Transfer of Educational Rights for students who are 18 years of age as well as the packet of information and resources regarding guardianship, alternatives to guardianship, supported decision-making, and other supports and services to the parent and adult student and obtain the signature of receipt from both the adult student and the parent on the notice. At the first ARD after the adult student turns 18, the Campus Special Education Case Manager will document receipt of the signed notice in the adult student’s ARD paperwork and attach the signed notice to the ARD document.

The Campus Special Education Case Manager will document all efforts to provide the transfer of rights notices and information in a timely manner. This will be documented in the IEP and should be included in the minutes/deliberations of the ARD meeting when the student turns 17 and when the student turns 18.

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Unless the parent or guardian has been appointed legal guardianship of the student, the Campus Special Education Case Manager will consult with the student to determine whether the student would like to include the parent or guardian, or any other individual with information relevant to the student, to any ARD meeting following the transfer of rights. The Campus Special Education Case Manager will document in the minutes/deliberations of the ARD meeting that the adult student invited the parent or other individual to the ARD meeting.

If an adult student provides the Campus Personnel with a supported decision-making agreement, a power of attorney, or other legal document which appoints or allows another individual, including the parent, to make or assist the adult student with making educational decisions, the Campus Administrator will consult with Dallas ISD's Legal Services Department to determine the legality and validity of the document before allowing the appointed person to make or assist in making educational decisions for the adult student.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- ARD/IEP
- Documentation of Student Birthdays on Caseload
- Notice of Transfer of Rights for Student Are Turning 17 Years of Age
- Notice of Transfer of Rights for Students Who Are 18 Years of Age
- Guardianship and Alternatives to Guardianship Information and Resources
- Prior Written Notice
- Legal Documents Related to Guardianship or Power of Attorney
- Supportive Decision-Making Agreement
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Adult Student and Transfer of Rights - Region 18](#)

[Notice of Procedural Safeguards - Texas Education Agency](#)

[Guide to the ARD Process - Texas Education Agency](#)

## Transition Services

[Notice of Transfer of Rights Model Form with Information and Resources- Texas Education Agency](#)

[Adult Student - SPEDTEX](#)

[OSERS Letter to Bieker \(July 20, 2000\) - U.S. Department of Education](#)

[Questions and Answers on Special Education and Homelessness \(Feb. 2008\) - U.S. Department of Education](#)

[Texas Transitions Network \(TEA\)](#)

[Texas Transition and Employment Guide- English](#)

[Texas Transition and Employment Guide- Spanish](#)

## Citations

Board Policy EHBAE; 34 C.F.R. 99.31(a), 99.5(a), 300.520, 300.625; Texas Education Code 29.017; Texas Estates Code 1357.002; Texas Family Code Chapter 31; 19 TAC 89.1049

## GRADUATION

### What is Required

Dallas ISD's obligation to make FAPE available to all students with disabilities does not apply to students with disabilities who have graduated from high school with a regular high school diploma. Graduation from high school with a regular high school diploma constitutes a change of placement, requiring Prior Written Notice, and requires compliance with the Summary of Performance procedures. See [PRIOR WRITTEN NOTICE] and [SUMMARY OF PERFORMANCE]. An eligible student who is receiving special education services who is 21 years of age on September 1 of a school year will be eligible for services through the end of that school year or until graduation with a regular high school diploma, whichever comes first.

#### Foundation High School Program

A special education student without modified curriculum who entered 9<sup>th</sup> grade in the 2014-2015 school year or later may graduate and be awarded a regular high school diploma if the student:

- Demonstrates mastery of the required state standards or Dallas ISD standards, if they are greater;
- Satisfactorily completes the credit requirements for graduation under the Foundation High School Program; and
- Achieves satisfactory performance 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. See [ADMISSION, REVIEW AND DISMISSAL COMMITTEE] and [STATE AND DISTRICTWIDE ASSESSMENTS].

A special education student entering the 9<sup>th</sup> grade in the 2014-15 school year or later whose curriculum is modified may graduate and be awarded a regular high school diploma if the student:

- Demonstrates mastery of the required state standards or Dallas ISD standards if they are greater;
- Satisfactorily completes the credit requirements for graduation under the Foundation High School Program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to general

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education;

- Achieves satisfactory performance 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; and
- Successfully completes the student’s IEP and meets one of the following conditions:
  - Has obtained full-time employment and mastered sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of Dallas ISD;
  - Has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of Dallas ISD;
  - Be involved with an agency that can provide services that are no longer the responsibility of Dallas ISD; or
  - No longer meets age eligibility requirements.

## Endorsements

Special education students may earn an endorsement by successfully completing, with or without modification, the curriculum requirements for graduation under the Foundation High School Program, as well as the additional endorsement curriculum requirements, and successfully completing all curriculum requirements for that endorsement without modification of the curriculum or with modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student’s ARD Committee.

The student’s ARD Committee will determine whether the student is required to achieve satisfactory performance on an end-of-course assessment to earn an endorsement on the student’s transcript.

A special education 11<sup>th</sup> or 12<sup>th</sup> grade student is eligible to receive an endorsement if the student has taken each of the required state assessments, but failed to achieve satisfactory performance on no more than two of the assessments, as long as the student meets the other endorsement requirements.

In order for a special education student to use a course to satisfy both a requirement under the Foundation High School Program and an endorsement requirement, the student must satisfactorily complete the course without any modified curriculum.

## Substitutions under the Foundation High School Program

In accordance with Texas Administrative Code §74.12, the following substitutions are permitted under the Foundation High School Program for Languages Other than English (LOTE) requirements.

- (1) A student may substitute another appropriate course for the second credit of LOTE, if after successfully completing the first LOTE credit, the student is determined unlikely to complete the second LOTE credit. The student's ability to complete the second credit of LOTE must be determined by the appropriate committee. See TAC §74.12(5)(C)(i-iii) for details.

The substitute course may only be applied for the second LOTE credit if the first credit of LOTE has been awarded. The following courses may be used as a substitute course for the second LOTE credit:

- Special Topics in Language and Culture
  - World History Studies or World Geography Studies (if both are not required by the local district)
  - Another course selected from another language
  - Computer Science I, II, or III
- (2) With the approval of the appropriate committee, a student, who due to a disability is unable to complete two credits in the same language, may substitute one of the following:
    - A combination of two credits from English language arts, mathematics, science, or social studies
    - Two credits in career and technical education (CTE)
    - Two credits in technology applications

In addition, a student who, due to student's disability or illness, is unable to participate in physical activity, may substitute one credit in English language arts, mathematics, science, social studies, a locally-designed course that meets the state criteria for substitution under state law, or one academic credit elective for the physical education credit requirement if the ARD Committee determines that the student is unable to participate in the physical activity.

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Please note, when using a substitute course for the LOTE or physical education to satisfy the graduation requirements of the Foundation High School Program, the substitute course may not also be used to satisfy another requirement in the Foundation High School Program, such as an elective or the third science credit. However, courses substituted to meet the LOTE requirement may be used to satisfy a requirement for an endorsement (TAC §74.13(g)). For example, a student with a STEM endorsement, may use Computer Science I and II to meet both the LOTE requirement as well as the coherent sequence for the computer science option.

### **Transition to the Foundation High School Program**

A special education student 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, if the student's ARD Committee determines that the program is appropriate for the student and the student satisfies the requirements of the program.

A special education student transitioning to the Foundation High School Program who meets the requirements for an endorsement may earn an endorsement.

A special education student transitioning to the Foundation High School Program during the student's 11th or 12th grade year who has taken each of the required state assessments but failed to achieve satisfactory performance on no more than two assessments, may graduate if the student has satisfied all other applicable graduation requirements.

### **Distinguished Achievement, Recommended & Minimum High School Programs**

A special education student entering the 9th grade before the 2014-15 school year may graduate and be awarded a regular high school diploma if the student demonstrates mastery of the state standards (or Dallas ISD standards if they are greater), satisfactorily completes credit requirements for graduation under the recommended or distinguished achievement high school programs, and achieves satisfactory performance on the required state assessment.

An 11<sup>th</sup> or 12<sup>th</sup> grade special education student who has taken each of the required state assessments but failed to achieve satisfactory performance on no more than two of the assessments is eligible to graduate under the recommended or distinguished achievement high school program if the student meets all other applicable graduation requirements.

A special education student entering the 9th grade before the 2014-15 school year may also graduate and be awarded a regular high school diploma if the student demonstrates mastery of the state standards (or Dallas ISD standards if they are greater), satisfactorily



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completes credit requirements for graduation under the minimum high school program, and participates in or satisfactorily performs on the required state assessments, as determined by the ARD Committee.

A special education student entering the 9th grade before the 2014-15 school year may also graduate and be awarded a regular high school diploma if the student:

- Demonstrates mastery of the state standards or Dallas ISD standards if they are greater through courses, one or more of which contain modified content that is aligned to the standards required under the minimum high school program;
- Satisfactorily completes credit requirements under the minimum high school program; participates in or satisfactorily performs on the required state assessments, as determined by the ARD Committee; and
- Successfully completes the IEP and meets one of the following conditions:
  - Has obtained full-time employment and mastered sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of Dallas ISD;
  - Has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of Dallas ISD;
  - Be involved with an agency that can provide services that are no longer the responsibility of Dallas ISD; or
  - No longer meets age eligibility requirements.

## Students Eligible to Return to School After Graduating

A special education student who meets the age requirement for eligibility for continued services—i.e., who has not reached age 21 on September 1 of a school year—will be eligible for services and may return to school after graduation as long as the student was awarded a diploma that meets the following conditions:

- The student was required to successfully complete the student’s IEP; and
- The student was required to:
  - Obtain 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

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- educational support of Dallas ISD;
- Demonstrate mastery of specific employability skills and self-help skills that do not require direct and ongoing education support of Dallas ISD; or
- Have access to services that were not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

The ARD Committee must determine the student’s educational service needs upon the request of the parent/adult student to resume services.

### **Certificates of Attendance and Participation in Graduation Ceremonies**

Campus Administration must issue a certificate of attendance to a special education student who has completed four years of high school but has not yet completed the student’s IEP. Campus Administration must allow special education students receiving certificates of attendance to participate in a graduation ceremony with students receiving high school diplomas. A special education student may participate in only *one* graduation ceremony to receive a certificate of attendance. The student will then return to school to complete the IEP goals and objectives before receiving a diploma. A student receiving a certificate of attendance is not prevented from receiving a diploma if the student completes the student’s IEP.

### **Financial Aid Application Requirements**

Beginning with students enrolled in grade 12 during the 2021-22 school year, each student will complete and submit a free application for federal student aid (“FAFSA”) or a Texas application for state financial aid (“TAFSA”) before graduating from high school.

A student is not required to submit a FAFSA or TASFA if:

- The student’s parent submits a signed form indicating that the parent authorizes the student to decline to complete and submit the financial aid application;
- The student signs and submits a form declining to complete and submit the financial aid application, if the student is 18 years of age or older or the student’s disabilities of minority have been removed for general purposes; or
- A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

Dallas ISD Administration must adopt a form to be used for purposes of documenting a

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waiver to submit the FAFSA or TASFA, and the form must be approved by the Texas Education Agency and made available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program in Dallas ISD or campus. If a school counselor notifies Dallas ISD Administration that a student has complied with the financial aid application requirement for the purpose of determining whether the student meets high school graduation requirements, the school counselor may only indicate whether the student has complied and may not indicate the manner in which the student complied.

### **Personal Graduation Plan for Junior High and Middle School**

Campus Personnel must develop and implement a personal graduation plan for each student in junior high or middle school who has not performed satisfactorily on the STAAR or who is unlikely to receive a high school diploma before the fifth school year following the student's enrollment in the ninth grade.

The personal graduation plan must:

- Identify educational goals for the student;
- Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
- Include an intensive program of instruction;
- Address participation by the student's parent or guardian, including consideration of educational expectations for the student; and
- Provide innovative methods to promote the student's advancement, such as flexible scheduling, alternative learning environments, online instruction, and other interventions scientifically proven to improve learning and cognitive ability.

For students with disabilities who receive special education services through an IEP, the IEP may serve as the Personal Graduation Plan.

### **Personal Graduation Plan for High School**

Every high school student in the District must have a personal graduation plan. District Administration must publish in English and Spanish on the District website the information provided by TEA that explains the benefits of choosing a high school graduation plan that includes the distinguished level of achievement under the Foundation High School Program and includes one or more endorsements to enable the student to achieve a class rank in the top 10 percent of students at the campus and encourages parents, to the greatest extent practicable, to have the student choose these options. This information must be available to all high school students and their parents in the language in which the parents are most proficient only if at least 20 students in a grade level speak that

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language.

Each high school principal must choose a school counselor or school administrator to discuss personal graduation plan options with each student entering ninth grade, along with the student's parent. This plan must be confirmed and signed by both the student and the student's parent before the end of the student's ninth grade school year.

A personal graduation plan for a student in high school must identify a course of study that promotes college and workforce readiness and career placement and advancement. The personal graduation plan must also help the student transition from secondary to postsecondary education, where applicable. Campus Personnel cannot prevent the student and the student's parent or guardian from choosing a distinguished level of achievement or an endorsement.

The personal graduation plan can be amended by the student as the student progresses through high school, but Campus Personnel must send written notice to the student's parent regarding the change.

### Summary of Performance

A summary of performance ("SOP") generally refers to a summary of the student's academic achievement and functional performance, which includes recommendations on how to assist the student with a disability in meeting the student's postsecondary goals. An SOP is required for the student whose eligibility under special education terminates due to graduation from secondary school with a regular high school diploma or due to exceeding the age of eligibility for FAPE.

The SOP must consider the views of the parent, the views of the student, and written recommendations for adult service agencies (such as the Department of Assistive and Rehabilitative Services) on how to assist the student in meeting postsecondary goals.

An evaluation must be included as part of the SOP for students graduating based on:

- Completion of the credit requirements for graduation under the Foundation High School Program or the Minimum High School Program through courses, one or more of which contain modified curriculum;
- Satisfactory performance on required state assessments, unless the ARD Committee has determined that satisfactory performance on the assessments is not necessary for graduation; and
- Completion of the individualized education program. See [EVALUATION PROCEDURES] and [REVIEW OF EXISTING EVALUATION DATA].

## Definitions

“Regular high school diploma” means the standard high school diploma awarded to the preponderance of students in Texas that is fully aligned with Texas standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 1111(b)(1)(E) of the ESEA. A regular high school diploma does not include a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

“Employability and Self-Help Skills” are those skills that directly relate to the preparation of students for employment, including general skills necessary to obtain or retain employment.

“Modified curriculum” and “Modified content” refer to any reduction in the amount or complexity of the required Texas Essential Knowledge and Skills. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content.

## Additional Procedures

The above graduation requirements are designed to ensure students finish high school with skills designed to meet their unique needs and prepare them for further education, employment, and/or independent living. Because graduation is a change of placement, the ARD Committee decides whether a student has met graduation requirements under the above framework.

In order for the ARD Committee to determine whether a student has met his/her graduation requirements, the following questions may be considered:

- For a student graduating in accordance with his/her IEP by obtaining full-time employment and mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support, the ARD Committee may consider:
  - What is the student’s postsecondary goal in the areas of employment, education/training, and independent living (if applicable)?
  - What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?
  - 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?

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- What jobs (paid or unpaid) has the student held during high school?
  - Is the student currently employed? If so, where and for how long?
  - Is the student successful in this job(s)? How do you know?
  - Did the student require any support from special education in order to obtain or retain the job?
  - 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?
  - If so, is the student already in contact with this person/agency?
- For a student graduating in accordance with his/her IEP by demonstrating mastery of specific employability skills and self-help skills that do not require direct ongoing educational support, the ARD Committee may consider:
    - What is the student's postsecondary goal in the areas of: employment, education/training, and independent living (if applicable)?
    - What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?
    - 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?
    - What jobs (paid or unpaid) has the student held during high school?
    - Is the student currently employed? If so, where and for how long?
    - Is the student successful in this job(s)? How do you know?
    - Did the student require any support from special education in order to obtain or retain the job?
    - 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?
    - If so, is the student already in contact with this person/agency?
    - 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)?
    - Was the student successful in these courses? How do you know (ex. IEP goal was created, and the student mastered the goal)?
  - For a student graduating in accordance with his/her IEP by being involved with an agency that can provide services that are no longer the responsibility of Dallas ISD, the ARD Committee may consider:

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- What is the student’s postsecondary goal in the areas of: employment, education/training, and independent living (if applicable)?
  - What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?
  - 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?
  - What jobs (paid or unpaid) has the student held during high school?
  - Is the student currently employed? If so, where and for how long?
  - Is the student successful in this job(s)? How do you know?
  - Did the student require any support from special education in order to obtain or retain the job?
  - 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?
  - If so, is the student already in contact and receiving services with this person/agency?
  - If not, what should be the next steps for the student to complete in order to access this support or service?
- For a student who no longer meets age eligibility requirements, the ARD Committee may consider:
    - Is this student currently 22? If so, they will not be eligible for services through special education during the next school year.
    - 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.

When the ARD Committee determines that modifications to the curriculum are required, the ARD Committee must also ensure that the curriculum remains sufficiently rigorous for the student to retain eligibility for an endorsement.

In regard to state assessments, the ARD Committee will determine whether the state assessment or an alternate assessment is appropriate. The ARD Committee will also determine whether a student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student’s transcript. See [STATE AND DISTRICTWIDE ASSESSMENTS].

A student dismissed from special education services must complete the requirements for high school graduation and perform satisfactorily on any remaining assessments taken after the student is dismissed from special education. Therefore, the ARD Committee

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should carefully consider whether the student is capable of completing the requirements and passing the statewide exit-level assessment before dismissing the student.

Students who have completed four years of high school but have not completed the graduation plan in their IEP may be allowed to participate in a graduation ceremony with their peers and receive a certificate. Campus Special Education Personnel determine which students meet this requirement and will contact and notify the parent and the adult student that they have an opportunity to participate in the ceremony. Campus Special Education Personnel will tell the parent and adult student that the student may only participate in one graduation ceremony and if the student were to participate now, that when the student completes his/her IEP graduation plan, he/she will receive a diploma, but will not be allowed to participate in another ceremony.

Campus Special Education Administration and Personnel will participate in training regarding the graduation requirements for students with disabilities at least once annually.

### **Personal Graduation Plan for Junior High and Middle School**

Campus Special Education Personnel will be responsible for implementing a personal graduation plan for each student in junior high or middle school receiving special education services who has not performed satisfactorily on statewide assessments or who is unlikely to receive a high school diploma before the fifth school year following the student's enrollment in the ninth grade.

The student's ARD Committee is responsible for developing and making decisions related to the student's personal graduation plan. The student's IEP itself will include all of the required elements of the personal graduation plan for general education students and will be used as the personal graduation plan for special education students. The ARD Committee will discuss and review the personal graduation plan annually at the ARD meeting. The Campus Counselor will attend the ARD meeting to discuss and share information about the Foundation High School Program, courses of study, and endorsements.

### **Personal Graduation Plan for High School**

The Campus Special Education Administrator will be responsible for reviewing the personal graduation plan options for each ninth-grade high school student receiving special education services, including the distinguished level of achievement option and endorsements. See [GRADUATION]. For a student with an IEP, the student's ARD Committee will develop and make decisions related to the student's personal graduation plan, with the input of the parent and the student and such information will be included in the student's IEP in a separate section related to graduation. The ARD Committee will work together to identify a course of study that promotes college and workforce readiness,



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promotes career placement and advancement, and facilitates the student's transition from secondary to post-secondary education.

The personal graduation plan will be discussed and reviewed at each annual ARD meeting, as well as upon request by the ARD Committee at any time, with the student's input. Campus Special Education Personnel will provide Prior Written Notice to the parent or guardian when any change to the student's personal graduation plan is made. The Campus Counselor will attend the ARD meeting to discuss and share information about the Foundation High School Program, courses of study, and endorsements.

### **Summary of Performance (SOP)**

When the SOP will be completed may vary depending on the student's post-secondary goals, but must be completed no later than the final year of a student's high school education. The SOP is critical as a student transitions from high school to higher education, training and/or employment. Students may share their SOP with colleges, adult agencies, vocational and rehabilitative centers, employers, and others. The SOP helps entities identify services and accommodations the student may require in the classroom, the workplace, or the community. In some instances, it may be most appropriate to wait until the spring of a student's final year to provide an entity, agency, or employer the most updated information on the performance of the student.

The completion of the SOP may require the input of the student's special education teacher, regular education teacher, school psychologist, and/or related service personnel. The SOP should include information about the student, including the most recent formal and informal assessment reports that document the student's disability and provide information to assist in post-high school planning. The SOP should also provide information about the student's performance in at least three areas: functional, academic, and cognitive. The SOP should identify, if applicable, the accommodations, modifications, assistive technology, or general areas of need that were essential in high school to assist the student in making progress and which are needed for the student to be successful in a post-high school environment.

Campus Special Education Personnel will meet with the student and parent prior to the student's annual ARD to explain and discuss the SOP and solicit the student and parent's input. The student's contribution to the SOP can help the student better understand the impact of his/her disability on academic and functional performance in the postsecondary setting. The SOP will then be completed at the student's annual ARD that occurs no later than the final year of a student's high school education. The student will be given a copy of the SOP at the student's final annual ARD Committee meeting.

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## **Documentation Requirements**

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant. As part of this documentation, the Campus Administrator will ensure that the number and graduation type code for students with disabilities graduating based on ARD Committee decisions is accurately reported through the TSDS/PEIMS system.

## **Evidence of Implementation**

- FIE
- ARD/IEP
- Personal Graduation Plan
- Summary of Performance
- State and Districtwide Assessments
- Prior Written Notice
- Graduation ARD
- Dallas ISD SB 673/Consent for Participation of Students with Disabilities in Graduation Ceremonies Form
- Dallas ISD LOTE Substitution Form
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Graduation - Region 18](#)

[The Legal Framework for the Child-Centered Special Education Process: Summary of Performance - Region 18](#)

[Graduation Guidance - Texas Education Agency](#)

[Statewide High School Transition Network - Texas Education Agency](#)

[State Graduation Requirements - Texas Education Agency](#)

[Graduation Guidance - Region 4](#)

[Dallas ISD Graduation Plan](#)

## Transition Services

### **Citations**

Board Policy EHBAA; Board Policy EHBAB; Board Policy EHBAD; Board Policy EIF; 20 U.S.C. 1412(a)(1)(A); 34 CFR 300.101(a), 300.102(a)(3), 300.305(e)(1-3); Texas Education Code 28.0212, 28.02121, 28.022, 28.025, 28.0256, 39.023, 39.024, 39.0241, 39.025, 39.034, 39.302-39.304, 42.003(a), 74.1021, 74.1025(n), 74.12, 74.13; 19 TAC 89.1035, 89.1070, 89.1414(c)(5)(A), 101.3022(f), 101.3023; Texas Family Code Chapter 31; HB 3 Sec. 5.001(c)

# FAPE

## AMENDMENT WITHOUT A MEETING

August 31, 2022

Model operating procedures created by



Student Solutions

and

**Thompson  
& Horton** LLP  
ATTORNEYS | COUNSELORS

Customized for Dallas ISD

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Amendment Without A Meeting

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## **AMENDMENT WITHOUT A MEETING**

### **What is Required**

According to the IDEA, after the annual ARD meeting, changes to a student's IEP may be made either:

- By the entire ARD Committee at an ARD Committee meeting; or
- By amending the IEP rather than by redrafting the entire IEP.

Specifically, in making changes to a student's IEP after the annual ARD meeting for a school year, the parent of a special education student and the District may agree not to convene an ARD meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP (the "IEP Amendment"). However, Dallas ISD does not generally utilize the IEP Amendment process. As such, any changes to a student's IEP in Dallas ISD must be made by the entire ARD Committee at an ARD Committee meeting.

In rare circumstances, Dallas ISD may utilize the amendment process under the IDEA in a health pandemic, Dallas ISD-wide emergency situation, or in other rare circumstances. However, use of the IEP Amendment must be approved in writing by the Executive Director of Special Programs. If an IEP Amendment is used, an IEP Amendment Agreement, which will include a Prior Written Notice, will be developed for the parent/adult student's signature. After the IEP Amendment Agreement is signed detailing the amendments to the IEP agreed to by the parent/adult student and the District, a Revision ARD/IEP will be created on the District's online program and dated the date the parent/adult student signed the IEP Amendment Agreement with the agreed to revisions incorporated. The Special Education Case Manager will attach the IEP Amendment Agreement to the Revision ARD/IEP and ensure that the Revision ARD/IEP is sent to the parent and all service providers.

### **Evidence of Implementation**

- Documentation of Pandemic/Dallas ISD-Wide Emergency/Rare Circumstances
- Approval by Executive Director of Special Programs
- Documentation of Amendment Discussions
- ARD/IEP Amendment Agreement and Prior Written Notice Signed by Parent/Adult Student
- Revision ARD/IEP

Amendment Without A Meeting

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Amendment Without a Meeting - Region 18](#)

[Amending an IEP Without a Meeting - Partners Resource Network](#)

[OSERS Dear Colleague Letter \(Aug. 1, 2016\) - U.S. Department of Education](#)

[OSERS Questions and Answers on Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(Sept. 2011\) - U.S. Department of Education](#)

## **Citations**

Board Policy EHBAA; Board Policy EHBAB; 20 U.S.C. 1414, 1415(k); 34 CFR 300.116, 300.306, 300.324(a), 300.530(e)

# FAPE

## PRIOR WRITTEN NOTICE

August 31, 2022

Model operating procedures created by



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Prior Written Notice

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## PRIOR WRITTEN NOTICE

### What is Required

Dallas ISD Campus Special Education and/or Assessment Personnel must provide Prior Written Notice to a parent/adult student before Dallas ISD:

- Proposes or refuses to initiate or change the identification of the student;
- Proposes or refuses to initiate or change the evaluation of the student;
- Proposes or refuses to initiate or change the educational placement of the student;
- Proposes or refuses to initiate or change the provision of a free appropriate public education (FAPE) to the student;
- Proposes to convene an ARD Committee meeting as part of the invitation to the Admission Review, and Dismissal meeting;
- Implements an IEP with which the parent/adult student disagrees; or
- Ceases the provision of special education and related services due to the parent/adult student's revocation of consent for services.

### **Timeline and Manner for Prior Written Notice**

In most cases, Dallas ISD Campus Special Education and/or Assessment Personnel must provide the Prior Written Notice at least five school days before Dallas ISD proposes or refuses the action, unless the parent/adult student agrees to a shorter timeframe.

If the parent/adult student submits a written request to Dallas ISD's Executive Director of Special Services or to a Campus or Special Education Administrator for an initial evaluation of the student for special education services, Dallas ISD Special Education Assessment Personnel must, not later than the 15<sup>th</sup> school day after the date of receipt of the request, either:

- Provide the parent/adult student with 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 the initial evaluation. See [CONSENT FOR INITIAL EVALUATION]; OR
- Provide the parent/adult student with Prior Written Notice of its refusal to conduct

## Prior Written Notice

an evaluation and a copy of the *Notice of Procedural Safeguards*.

If a parent/adult student revokes consent for services, Dallas ISD must provide Prior Written Notice to the parent/adult student before ceasing the provision of special education and related services to the student. See [CONSENT FOR SERVICES].

The Prior Written Notice must be in a language understandable to the general public and in the native language of the parent/adult student or other mode of communication used by the parent/adult student, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent/adult student is not a written language, Dallas ISD must take steps to ensure that the notice is translated orally or by other means for the parent/adult student in the parent/adult student's mode of communication and that the parent/adult student understands the content of the notice.

The parent/adult student may elect to receive Prior Written Notices by electronic mail communication, if Dallas ISD makes that option available.

### Required Contents of the Prior Written Notice

Dallas ISD must include the following in the Prior Written Notice:

- A description of the action proposed or refused by Dallas ISD;
- An explanation of why Dallas ISD proposes or refuses to take the action;
- A description of each evaluation procedure, assessment, record, or report Dallas ISD used as a basis for the proposed or refused action;
- A description of other options that the ARD considered and the reasons why those options were rejected;
- A description of any other factors that are relevant to Dallas ISD's proposal or refusal;
- A statement that the parent/adult student has protection under the procedural safeguards of the IDEA, and if the notice is not an initial referral for evaluation, the means by which a copy of the *Notice of Procedural Safeguards* can be obtained; and
- Sources for the parent/adult student to contact to obtain assistance in understanding the IDEA.

If Dallas ISD is proposing to conduct an evaluation, it must also include in the Prior Written

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Notice a description of any evaluation procedure it proposes to conduct.

## Definitions

“Consent for services” is the informed consent that Dallas ISD must obtain before the initial provision of special education and related services.

“Informed Consent” means that: the parent/adult student has been given all the information related to the action for which parental permission is sought in the parent/adult student’s native language or other mode of communication; the parent/adult student understands and agrees in writing to the activity for which permission is sought, and the written consent describes the activity and lists any records that will be released and to whom; and the parent/adult student understands that the granting of the consent is voluntary and may be withdrawn at any time.

## Additional Procedures

Dallas ISD must provide a parent/adult student with Prior Written Notice (“PWN”) when it proposes or refuses to initiate or change the student’s identification, evaluation, placement, or how the student is provided a FAPE, or to provide notice of an ARD meeting. This notice must be provided regardless of whether the parent/adult student or Dallas ISD initiated the change, whether the parent/adult student agrees or disagrees with the change, or whether Dallas ISD refuses to make a change or provide a service requested by the parent/adult student.

### **PWN to Schedule ARD Meeting**

PWN must be provided to notify the parent/adult student of the scheduling of an ARD meeting. In Dallas ISD, this notice is called the *Notice of ARD/IEP Committee Meeting*. The Campus Special Education Case Manager or Assessment Personnel will provide the parent/adult student the Notice of ARD/IEP Committee Meeting at least 5 school days prior to the date of the ARD. If the Notice of ARD/IEP Committee Meeting is received by the parent/adult student less than or equal to 5 school days prior to the ARD, the parent/adult student must sign that they waive their right to the 5-day notice. If the parent/adult student will not waive their 5-day notice, the ARD meeting must be rescheduled to give the parent/adult student the requisite notice. The Case Manager must send three (3) Notices of ARD/IEP Committee Meeting to the parent/adult student. See [PARENT PARTICIPATION]. The 3 notices must be maintained in the red audit folder.

### **PWN After an ARD Meeting**

The Special Education Case Manager will also create and send to the parent/adult

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student a PWN after each and every ARD meeting, detailing the decisions of the ARD Committee. In Dallas ISD, this notice is called the *Notice of Proposal/Refusal of Services*. The Notice of Proposal/Refusal of Services must include:

- a description of all of the actions the ARD Committee has decided upon regarding the student's IEP;
- a description of all the actions that the ARD Committee rejected;
- an explanation of why the ARD Committee is proposing or refusing to do the stated actions;
- a description of all the alternate actions or options the ARD Committee considered;
- a description of the data and other relevant factors that the ARD Committee considered to make its decisions;
- a statement of the parent/adult student's procedural rights; and
- information about Dallas ISD, state, and local sources the parent/adult student can contact for questions regarding their rights.

None of the actions documented in the ARD Committee can be implemented until 5 school days after the parent/adult student has received a copy of the Notice of Proposal/Refusal of Services, unless the parent/adult student has waived the waiting period at the ARD meeting.

### Other Times to Send PWN

Further, the Special Education Case Manager or Assessment Personnel will create and send to the parent/adult student a PWN when:

- Dallas ISD Special Education Assessment Personnel propose to conduct an initial evaluation or reevaluation of a student. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES] and [CONSENT FOR INITIAL EVALUATION]. In Dallas ISD, this form is called the *Notice of Full and Individual Evaluation*.
- Dallas ISD Special Education Assessment Personnel refuses to conduct an initial evaluation or a reevaluation of a student. See [REVIEW OF EXISTING EVALUATION DATA] and [CONSENT FOR REEVALUATION]. In Dallas ISD, this form is called the *Notice of Proposal/Refusal of Services*.

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- Campus Special Education Personnel refuse to schedule an ARD meeting at parent/adult student request. See [ARD COMMITTEE MEETING]. In Dallas ISD, this form is called the *Notice of Proposal/Refusal of Services*.
- Campus Special Education Personnel, with the express written consent of the Executive Director of Special Programs, amend the IEP without an ARD meeting. See [AMENDMENT WITHOUT A MEETING]. In Dallas ISD, this form is called the *IEP Amendment Agreement and Prior Written Notice*.
- The parent/adult student has given Dallas ISD written notice revoking consent for an evaluation. See [CONSENT FOR INITIAL EVALUATION] and [CONSENT FOR REEVALUATION]. In Dallas ISD, this form is called the *Notice of Proposal/Refusal of Services*.
- The parent/adult student has given Dallas ISD written notice revoking consent for the student to receive special education services. See [CONSENT FOR SERVICES]. In Dallas ISD, this form is called the *Prior Written Notice Upon Request to Revoke Consent for Special Education Services*.
- The Campus Special Education Case Manager must provide PWN to a parent or an adult student when the student graduates from high school since graduation constitutes a change in placement. See [GRADUATION]. In Dallas ISD, this form is called the *Notice of Proposal/Refusal of Services*.

## Drafting the Notice

Special Education Personnel must provide the parent/adult student with several pieces of information in the Prior Written Notice, including the following:

- A description of the action proposed or refused by Dallas ISD. Examples may include, but are not limited to, the following:
  - *Dallas ISD is proposing to conduct a three-year evaluation using existing data that includes teacher observations, student test results, and behavior logs.*
  - *Student has displayed aggressive behavior in the classroom for the last three months. Dallas ISD is proposing an evaluation to determine if student has a disability due to observed behavioral problems.*
  - *Dallas ISD will conduct a transition assessment to gather information intended to help your student prepare for leaving high school.*
  - *Due to student's below grade level academic skills, student will receive direct*

## Prior Written Notice

*special education services for reading and math as indicated in the attached IEP.*

- An explanation of why Dallas ISD proposes or refuses to take the action. Examples may include, but are not limited to, the following:
  - *Student's reading skills are more than two years below grade level even after receiving small group instruction on specific skill deficits for the last six months.*
  - *Student is displaying severe aggressive behavior. An FBA will be conducted to analyze the factors that may be contributing to this behavior.*
  - *Student's speech or pronunciation at her age is not clear to teachers and parents. Teachers and parents have difficulty understanding her when she talks.*
- A description of each evaluation procedure, assessment, records, or report that Dallas ISD used as a basis for the proposed or refused action. The basis for the proposed action or refusal could include, but are not limited to, the following:
  - teacher and/or parent/adult student input,
  - classroom performance,
  - formal assessment results,
  - work samples,
  - behavior logs,
  - progress on previous IEP goals and objectives, and/or
  - results of prereferral interventions.
- A statement that the parent/adult student has protection under the procedural safeguards of Part B of the Individuals with Disabilities Education Act (IDEA) and, if this notice is not an initial referral for evaluation, the means by which a copy of the Notice of Procedural Safeguard can be obtained. For example, Campus Special Education Personnel may direct the parent/adult student to the link on Dallas ISD's website.
- Sources to contact for the parent/adult student to obtain assistance in understanding the provisions of Part B of the IDEA. For example, the contact information for Region 10 Education Service Center.

## Prior Written Notice

- A description of other options that the ARD Committee considered and the reasons why those options were rejected. Other options considered by the ARD Committee could include, but not limited to, the following:
  - delaying an evaluation,
  - conducting additional prereferral interventions,
  - conducting different assessment procedures,
  - reviewing existing data,
  - adding or deleting services in an IEP,
  - adding accommodations and modifications to an IEP; or
  - considering the alternative placements on the continuum of placements.
  
- A description of any other factors that are relevant to Dallas ISD's proposal or refusal. Other factors affecting a proposal or refusal could include language issues, cultural issues, communication concerns, health concerns, behavior concerns, and/or assistive technology. For example, it could include, but is not limited to, the following:
  - *Student is legally blind. Dallas ISD will conduct a Braille evaluation.*
  - *Student's primary language is Spanish. Some accommodations will be made for student's evaluation.*
  - *Student requires frequent restroom breaks due to student's health condition. Accommodations related to student's need for frequent breaks are addressed in the attached IEP.*

## ARD Committee Record as Notice

The record from an ARD Committee meeting may be used for the Prior Written Notice so long as the documents the parent receives contain all the content that must be included in the Prior Written Notice as described above. It is often easier, and more efficient, to prepare a separate document identified as a Prior Written Notice to ensure that all required elements of the Prior Written Notice are included, especially if the deliberations of the ARD Committee meeting are incomplete.



## Prior Written Notice

### **Provide Notice in a Timely Manner**

The ARD paperwork and the Prior Written Notice should be provided to the parent/adult student at the conclusion of the ARD meeting, but no later than the next school day. Campus Special Education Personnel must provide the ARD paperwork and the Prior Written Notice at least five school days before Dallas ISD implements the proposal described in the ARD and Prior Written Notice, unless the parent/adult student agrees at the ARD to waive the five-day notice requirement. If the parent/adult student waives the five-day notice requirement, the ARD/IEP must indicate such waiver.

### **Evidence of Implementation**

- ARD/IEP
- Documentation of Parent/Adult Student Agreement/Disagreement
- Notice of ARD/IEP Committee Meeting
- Notice of Proposal/Refusal of Services
- Notice of Full and Individual Evaluation
- Prior Written Notice Upon Request to Revoke Consent for Special Education Services
- IEP Amendment Agreement and Prior Written Notice
- Prior Written Notice for Graduation
- Notice of Procedural Safeguards
- Parent/Adult Student's Guide to the Admission, Review, and Dismissal Process
- Parent/Adult Student Request for Evaluation
- Parent/Adult Student Request for ARD Meeting

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Prior Written Notice - Region 18](#)

[Notice of Procedural Safeguards - Texas Education Agency](#)

[Parent's Guide to the Admission, Review, and Dismissal Process - Texas Education Agency](#)

[Prior Written Notice Questions and Answers - Region 13](#)

[Prior Written Notice - Region 4](#)

[OSEP Letter to Ferrara \(Feb. 29, 2012\) - U.S. Department of Education](#)

Prior Written Notice

[OSEP Letter to Lieberman \(Aug. 15, 2008\) - U.S. Department of Education](#)

[OSEP Letter to Spitzer-Resnick, Swedeen, and Pugh \(June 22, 2012\) - U.S. Department of Education](#)

[OSEP Letter to McWilliams \(July 16, 2015\) - U.S. Department of Education](#)

[OSEP Letter to Ward \(Aug. 31, 2012\) - U.S. Department of Education](#)

[OSEP Letter to Chandler \(Apr. 26, 2012\) - U.S. Department of Education](#)

## CITATIONS

Board Policy EHBAA; Board Policy EHBAE; 20 U.S.C. 1414(b)(1), 1415; 34 CFR 300.300, 300.304(a), 300.322, 300.503, 300.504, 300.505; 19 TAC 89.1011, 89.1015, 89.1045(a), 89.1050(h), 89.1055(g)