

**INTERNATIONAL LEADERSHIP OF TEXAS BOARD POLICY
MANUAL
POLICY GROUP 6 - SPECIAL EDUCATION
NONDISCRIMINATION**

PG-6.1

Sec. 1. NONDISCRIMINATION POLICY

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any service, program, or activity provided or offered by International Leadership of Texas.

42 U.S.C. 12132 (Americans with Disabilities Act); 29 U.S.C. 794(a)(Section 504); 34 CFR 104.4 (Section 504 regulations);, 20 U.S.C. 1400 et seq. (Individuals with Disabilities Education Act).

Sec. 2. FREE APPROPRIATE PUBLIC EDUCATION

Eligible students with disabilities shall enjoy the right to a free appropriate public education (“FAPE”), which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. *Education Code 29.003(a).*

FAPE means special education and related services that:

1. Have been provided at public expense, under public supervision and direction, and without charge;
2. Meet standards set out by Texas Education Agency (“TEA”);
3. Include an appropriate preschool, elementary school, or secondary school education; and
4. Are provided in conformity with the student’s individualized education program (“IEP”) that meets the requirements of 34 CFR 300.320 through 300.324.

“Special education” means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings, and instruction in physical education.

“Specially designed instruction” means adapting, as appropriate to the needs of an eligible child under the IDEA, the content, methodology, or delivery of instruction to address the unique needs that result from the child’s disability and to ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

20 U.S.C. 1401(9); 34 CFR 300.13, 300.17, 300.36, 300.39.

Sec. 3. RELATED SERVICES

“Related services” means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education, including the early identification and assessment of disabling conditions in children.

**INTERNATIONAL LEADERSHIP OF TEXAS BOARD POLICY
MANUAL
POLICY GROUP 6 - SPECIAL EDUCATION
NONDISCRIMINATION**

PG-6.1

The term includes speech-language pathology and audiological services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school hearing services and school nurse services, social work services in schools, and parent counseling and training.

The term does not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.

20 U.S.C. 1401(26); 34 CFR 300.34.

Sec. 4. INDIVIDUALIZED EDUCATION PROGRAM (IEP)

IEP means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 34 CFR 300.320 through 300.324.

34 CFR 300.22; 300.320.

Sec. 5. LEAST RESTRICTIVE ENVIRONMENT

International Leadership of Texas shall ensure that, to the maximum extent possible, children with disabilities are educated with children who are not disabled. Special classes, special schooling, or other removal of children with disabilities from the regular educational environment shall occur only if the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. *20 U.S.C. 1412(a)(5); 34 CFR 300.114(a)(2).*

Sec. 6. DISCIPLINE

All disciplinary actions regarding students with disabilities shall be determined in accordance with applicable federal regulations, Education Code Chapter 37, 19 Administrative Code 89.1053, and International Leadership of Texas policy. *19 TAC 89.1050(k).*

Sec. 7. INSTRUCTIONAL ARRANGEMENTS AND SETTINGS

International Leadership of Texas must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum must include the alternative placements listed in the definition of special education under 34 CFR 300.39 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement. *34 CFR 300.115.*

Instructional arrangements and settings shall be based on the individual needs and IEPs of eligible students receiving special education services. Instructional arrangements and settings include:

1. **Mainstream:** The mainstream instructional arrangement/setting is 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 special education and related services provided to a student in the mainstream setting include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, education aides, curricular or instructional modifications or accommodations, special materials or equipment, consultation with the student and his or her general classroom teacher(s) of other general or special education service providers, staff development, and reduction of ratio of students to instructional staff members. Monitoring student progress in and of itself is not a special education service and cannot be listed as the only specially designed instruction documented in a student's IEP.
2. **Homebound:** The homebound instructional arrangement/setting is 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 weeks for medical or psychological reasons only, as documented by a physician licensed to practice in the United States. If the student is chronically ill, the student's ARD Committee shall determine whether the weeks of confinement need to be consecutive. Home instruction may also be used for special education services to students aged three through five years when determined appropriate by the student's ARD committee. Remote homebound instruction may also be provided if a waiver request is approved by the Texas Education Agency and the student's ARD committee has determined, in a manner consistent with state and federal law, that the remote homebound instruction to be provided meets the needs of the student and all other requirements of homebound instruction is met. Documentation by a physician does not guarantee the placement of a student in homebound placement. A student's ARD committee, as appropriate, determines the amount of services to be provided to the student in this instructional setting in accordance with federal and state laws, rules, and regulations, including the provisions specified in 19 Texas Administrative Code 89.1005(b). The student's ARD Committee, if appropriate, will also review and determine the length of the transition period back to the school-based setting based on current medical information. The instructional arrangement/setting also applies to students confined to or educated in hospitals.
3. **Hospital class:** The hospital class instructional arrangement/setting is for providing special education and related services provided by International Leadership of Texas personnel in a

classroom, hospital facility, or residential care and treatment facility not operated by International Leadership of Texas. If a student residing in the facility is provided special education and related services on a District campus but the student's parent does not reside within the District's boundaries, the student is considered to be in the residential care and treatment facility instructional arrangement/setting. If a student residing in the facility is provided special education and related services at the District and the parent, including a surrogate parent, resides within the District's boundaries, the student's instructional arrangement/setting shall be based on the services provided at the campus on the same basis as a resident student residing with his or her parents.

4. Speech therapy: The speech therapy instructional arrangement/setting is for providing speech therapy services whether in a regular education classroom or other setting. 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. If a student's IEP indicates that a special education teacher is responsible for implementing the student's IEP but does not indicate how that teacher provides a special education service, the student is in the speech therapy instructional arrangement/setting. Likewise, when a student receives speech therapy but no other special education service, the student is in the speech therapy instructional arrangement/setting.
5. Resource room/services: The resource room/services instructional arrangement/setting is for providing special education and related services to a student in a setting other than the regular education classroom for less than 50% of the student's instructional day. A student's instructional day is defined as that portion of the school day in which instruction takes place (not to include lunch, recess, passing periods, etc.).
6. Self-contained (mild, moderate, or severe) regular campus: The self-contained (mild, moderate, or severe) regular campus instructional arrangement/setting is for providing special education and related services to a student who is in a setting other than general education for 50% or more of the student's instructional day on a regular school campus. A student's instructional day is defined as that portion of the school day in which instruction takes place (not to include lunch, recess, passing periods, etc.). For funding purposes, mild/moderate will be considered at least 50% but no more than 60% of the student's instructional day, and severe will be considered more than 60% of the student's instructional day.
7. Off home campus: The off-home campus instructional arrangement/setting is for providing special education and related services to the following: (1) a student who is one of a group of students from more than one LEA served in a single location when FAPE is not available on an International Leadership of Texas campus; (2) a student in a community setting, facility, or environment operated by International Leadership of Texas that prepares the student for postsecondary education/training, competitive integrated employment, and/or independent living in coordination with the student's individual transition goals, with regularly scheduled instruction or direct involvement provided by International Leadership of Texas personnel; (3)

**INTERNATIONAL LEADERSHIP OF TEXAS BOARD POLICY
MANUAL
POLICY GROUP 6 - SPECIAL EDUCATION
NONDISCRIMINATION**

PG-6.1

a student in a facility not operated by International Leadership of Texas with instruction provided by International Leadership of Texas personnel; or (4) a student in a self-contained program at a separate campus operated by International Leadership of Texas that provides only special education and related services.

8. Nonpublic day school: The nonpublic day school instructional arrangement/setting is for providing special education and related services to students through a contractual agreement with a nonpublic school for special education when International Leadership of Texas is unable to provide FAPE for the student. A student is placed in a nonpublic day school through the ARD committee process in accordance with federal and state laws, rules, and regulations, including the provisions specified in 19 Texas Administrative Code 89.1094.
9. Vocational adjustment class: The vocational adjustment class is a support program 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, as documented through transition planning in the student's IEP and may include special education services provided in career and technical education work-based learning programs. Periodic consultation with employers in a work-based learning program does not constitute eligibility for this instructional setting.
10. Residential care and treatment facility (not International Leadership of Texas jurisdiction): The residential care and treatment facility (not International Leadership of Texas jurisdiction) is for providing special education and related services to students who reside in care and treatment facilities, who were not placed at the facility by the student's ARD Committee, and whose parents do not reside within the jurisdiction of International Leadership of Texas. In order to be considered in this arrangement, the services must be provided on an International Leadership of Texas campus. If the instruction is provided at the facility, rather than on a school campus, the instructional arrangement is considered to be the hospital class setting rather than this instructional arrangement, or if the student resides at a state-supported living center, the instructional arrangement will be considered the state school arrangement/setting.
11. State supported living center: The state-supported living center instructional arrangement/setting is 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 International Leadership of Texas campus, the student's instructional setting would be a residential care and treatment facility.
12. Other program options that may be considered for the delivery of special education and related services to a student include contracts with other districts and programs approved by TEA.

19 TAC 89.1005(c) and (f)