

Sec. 1. PROVISION OF FAPE TO AGES 0-5

International Leadership of Texas must ensure that a free appropriate public education (“FAPE”) in the least restrictive environment is available to all eligible children with disabilities ages 3 to 21. Services will be made available to eligible students on their third birthday. International Leadership of Texas will ensure that FAPE is made available from birth to children with visual impairments, or who are deaf or hard of hearing. *34 C.F.R. 300.101(a); 19 TAC 89.1035(a), (b); Tex. Educ. Code § 29.003(b).*

International Leadership of Texas shall develop a system to notify residents within International Leadership of Texas’s boundaries with children who are at least three but younger than six and who are eligible for enrollment in a special education program of the availability of such programs. *Tex. Educ. Code § 29.009.*

For a student from birth through two years of age with a visual impairment or who is deaf or hard of hearing, an Individualized Family Service Plan (IFPS) meeting must be held in place of an ARD committee meeting in accordance with 34 CFR 300.320-300.324, and the memorandum of understanding between the Texas Education Agency and the Texas Health and Human Services Commission. For students three years of age and older, International Leadership of Texas must develop an Individualized Education Program (IEP). *19 TAC 89.1050(b).*

Sec. 2. DISABILITY ELIGIBILITY CATEGORIES FOR AGES 3-5

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. “Noncategorical early childhood” may apply to a student between the ages of 3 to 5 that is evaluated as having an intellectual disability, and emotional disturbance, a specific learning disability, or autism. The eligibility category of noncategorical must no longer be used by International Leadership of Texas beginning with the 2025-2026 school year. Any eligible student who begins the 2025-2026 school year already identified as noncategorical may maintain this eligibility category, if determined appropriate by the student’s ARD Committee, until the required re-evaluation before the age of 6. *19 TAC 89.1040(c)(14), (d)(3).*

Developmental Delay applies to a student between the ages of 3 through 9 years of age who is evaluated by a multidisciplinary team for at least one disability category under the IDEA and whose evaluation data indicates a need for special education and related services and shows evidence of, but does not clearly confirm, the presence of the suspected disability(ies) due to the child’s young age. The ARD Committee may determine that data supports identification of developmental delay in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development. International Leadership of Texas is not required to use the eligibility category of developmental delay. However, if International Leadership of Texas chooses to use this eligibility category, it must use the definition and criteria describe in 19 TAC 89.1040(c)(13). *19 TAC 89.1040(c)(13), (d).*

Sec. 3. INDIVIDUAL FAMILY SERVICES PLAN (“IFSP”) FOR VI, DHH, AND DB STUDENTS

An IFSP should be held in place of an ARD Committee meeting for students from birth through two years of age with a visual impairment, a student who is deaf or hard of hearing, and/or a student who is deafblind. 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.

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, 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 IDEAC 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.

19 TAC 89.1050, 89.1005; 34 CFR 300.24, 303.20, 303.209, 303.321, 303.344

Sec. 4. TRANSITION FROM ECI TO PRESCHOOL PROGRAMS

The state will have in effect policies and procedures to ensure that children participating in Early Childhood Intervention programs assisted under IDEA Part C, and who will participate in preschool programs assisted under IDEA Part B, experience a smooth and effective transition to those preschool programs. *34 CFR 300.124(a).*

Unless the student with a disability's parent has notified the Health and Human Services Commission ("HHSC") in writing of the decision to opt out, the HHSC will notify International Leadership of Texas 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 International Leadership of Texas 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 International Leadership of Texas but is not required to conduct an evaluation, assessment, or initial IFSP meeting. *34 CFR 303.209.*

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. *34 CFR 303.209; 303.401(d).*

Upon approval of the family, HHSC will convene a transition conference with the family 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. International Leadership of Texas will participate in transition conferences arranged by HHSC to fully inform families of the possible services available under Part B and support family involvement in the transition planning process prior to the child's third birthday. *34 CFR 303.209, 300.124(c), 303.342, 303.343*

In the case of a student who was previously served under Part C services, District 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. *34 CFR 300.321(f).*

Sec. 5. INDIVIDUALIZED EDUCATION PROGRAM ("IEP") FOR AGES 3-5

International Leadership of Texas will ensure that an IEP is in effect for eligible children with disabilities no later than the child's third birthday. The ARD Committee meeting and the IEP developed at the ARD Committee meeting must meet all requirements under state and federal law. The IEP must provide special education and related services in the student's least restrictive environment. The ARD Committee may agree to provide home instruction for students ages 3

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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) years old during the summer.

34 CFR 300.101; 19 TAC 89.1035, 89.1005.

Sec. 6. 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 International Leadership of Texas's kindergarten program, whichever comes first. If the parent of a student chooses dual enrollment, International Leadership of Texas must provide special education and related services to the student.

19 TAC 89.1096.