TASB Student Solutions

FAPE

DETERMINATION OF ELIGIBILITY

PRESENT LEVELS

ANNUAL GOALS

SPECIAL FACTORS

SUPPLEMENTARY AIDS & SERVICES, SPECIAL EDUCATION & RELATED SERVICES

STATE AND DISTRICTWIDE ASSESSMENTS

EXTENDED SCHOOL YEAR SERVICES

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CONTENTS

DETERMINATION OF ELIGIBILITY 6
What is Required 6
Definitions 7
Additional Procedures 8
Evidence of Implementation 11
Resources 11
Citations 11
PRESENT LEVELS 12
What is Required 12
Additional Procedures 12
Evidence of Implementation 14
Resources 14
Citations 14
ANNUAL GOALS 15
What is Required 15
Definitions 16
Additional Procedures 16
Evidence of Procedure 19
Resources 19
Citations 20
SPECIAL FACTORS 21
STUDENTS WITH BEHAVIORAL NEEDS 21
What is Required 21
Additional Procedures 22

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Evidence of Implementation 24

EMERGENT BILINGUAL STUDENTS 25

What is Required 25

Identification and Placement of EB Students with Disabilities 26

Reclassification and Exit of EB Students with Disabilities 26

EB Students with Significant Cognitive Disabilities 27

Additional Procedures 30

Evidence of Implementation 30

BLIND OR VISUALLY IMPAIRED STUDENTS 32

What is Required 32

Braille 32

Expanded Core Curriculum 32

Texas School for the Blind 33

Additional Procedures 33

Evidence of Implementation 35

COMMUNICATION 37

What is Required 37

Additional Procedures 37

Evidence of Implementation 37

DEAF OR HARD OF HEARING STUDENTS 38

What is Required 38

Additional Procedures 38

Evidence of Implementation 40

ASSISTIVE TECHNOLOGY 41

What is Required 41

Additional Procedures 41

Evidence of Implementation 43

STUDENTS WITH AUTISM 44

What is Required 44

Additional Procedures 45

Evidence of Implementation 48

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DEFINITIONS 49

RESOURCES 50

Citations 52

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES 53

What is Required 53

Supplementary Aids and Services 54

Special Education 54

Related Services 54

Other Supports 55

Additional Procedures 58

Supplementary Aids and Services 58

Personal Communication Devices Accommodations 60

Special Education 60

Related Services 61

Other Supports 62

Evidence of Implementation 64

Resources 65

Citations 66

STATE AND DISTRICTWIDE ASSESSMENTS 68

What Is Required 68

Participation in State and Districtwide Assessments 68

Accommodation Guidelines 68

Paper Administration 68

Alternate Assessments 68

Assessment Requirements for Graduation 69

IEP Documentation 69

EB Students with Disabilities and TELPAS 69

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Definitions 71
Additional Procedures 71
State and Districtwide Assessments 71
Accommodation Guidelines 71
Paper Administration 73
Alternate State Assessments 73
Assessment Requirements for Graduation 74
IEP Documentation 75
TELPAS Alternate 75
Evidence of Implementation 76
Resources 76
Citations 77
EXTENDED SCHOOL YEAR SERVICES 78
What is Required 78
Limitations on ESY 78
Regression-Recoupment Analysis 78
Definitions 79
Additional Procedures 79
Determine Student Needs 79
ESY ARD Committee Meeting 81
Providing ESY Services 81
Evidence of Implementation 82
Resources 82
Citations 82

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DETERMINATION OF ELIGIBILITY

What is Required

A student is eligible to participate in the district's special education program:

1) From birth through 21 years of age if the student has a visual impairment (VI), is deaf or hard of hearing (DHH), or is deaf-blind and that disability prevents the student from being adequately or safely educated in public school without the provision of special education services;

2) From 3 years of age through 9 years of age if the student is experiencing developmental delays as defined by federal law and commissioner rules;

3) From 3 years of age through 21 years of age if the student is a child who has one or more of the following disabilities and that disability prevents the student from being adequately or safely educated in public school without the provision of special education services:

    a. Intellectual Disability (ID);
    b. Deaf or Hard of Hearing (DHH);
    c. Speech or Language Impairment (SI);
    d. Visual Impairment (VI);
    e. Emotional Disability (ED);
    f. Orthopedic Impairment (OI);
    g. Autism (AU);
    h. Traumatic Brain Injury (TBI);
    i. Other Health Impairment (OHI);
    j. Specific Learning Disability (SLD);
    k. Deaf-Blindness (DB); or
    l. Multiple Disabilities (MD).

Further, after completion of student's FIIE, the ARD Committee must determine whether the student has a disability or a developmental delay and, by reason of the disability or developmental delay, the student needs special education and related services. If it is determined, through an appropriate evaluation, that the student has one of the disabilities or a developmental delay, but only needs a related service and not special education, the student is not a student with a disability under the IDEA. *See* [EVALUATION].

The ARD Committee must draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and

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adaptive behavior. The 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
- Emergent bilingual.

District Assessment Personnel must provide a copy of the evaluation report to the student's parent no later than five (5) school days prior to the initial ARD Committee meeting, and Campus Special Education Personnel must also provide documentation of determination of eligibility to the student's parent.

Definitions

A "child/student with a disability" means a child evaluated in accordance with the IDEA as having a/an:

- Intellectual disability;
- Hearing impairment (including deafness);
- Speech or language impairment;
- Visual impairment (including blindness);
- Emotional disability;
- Orthopedic impairment;
- Autism;
- Traumatic brain injury;
- Other health impairment;
- Specific learning disability;
- Deaf-blindness;
- Developmental Delay; or
- Multiple disabilities; <u>and</u>

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by reason thereof, needs special education and related services. *See* [DISABILITIES].

"Developmental Delay" – the term "child with a disability" for a child aged 3 through 9 may, at the discretion of the State and the District, include a child experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development; cognitive development; communication development; social or emotional development; or adaptive development; 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 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 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 with the jurisdiction of the District that apply to all students. Specially designed instruction includes any evidence-based dyslexia program provided by the district.

"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 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 assistive technology, audiology services, counseling services, interpreting services, medical services, 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.

Additional Procedures

District or Campus Assessment Personnel—which includes, but is not limited to, a school psychologist, an educational diagnostician or other appropriately certified or licensed

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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 and the qualified Assessment Personnel. *See* [ARD COMMITTEE MEMBERSHIP].

District or Campus Assessment Personnel will ensure that a copy of the initial evaluation is provided to the parent and other members of the ARD Committee as soon as possible following completion, but no later than 5 school days prior to the initial ARD Committee meeting. Any other evaluation report, including a reevaluation, shall be provided to the parent and the other members of the ARD Committee within a reasonable time before the ARD Committee meeting (at least one week before the ARD Committee meeting, 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 District or Campus Assessment Personnel will review the results of the evaluation prior to the ARD meeting in a face-to-face meeting with the parent, whenever possible. In addition, if feasible, the school members of the ARD Committee may meet with the District or Campus Assessment Personnel 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. However, the ARD Committee may wait to finalize eligibility decisions until the not later than the 15th school day of the following school year if the 30th 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]. The parent shall be provided a copy of the evaluation report prior to the ARD meeting to determine eligibility for special education and related services. District or Campus Assessment Personnel shall make reasonable efforts to review the evaluation report with the parent and answer any questions prior to the ARD meeting.

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 <u>and</u> (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

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by the ARD Committee on an individualized basis, in most cases where a student is being educated in the general education 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 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 District 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 Support Team may meet and recommend other general education services or programs in an effort to help the student. The Campus Support Team may also recommend additional interventions available to non-disabled students. Finally, the student's progress 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.

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Evidence of Implementation

- Intervention History Documentation
- Section 504 Documentation
- Referral Documentation
- Teacher Information
- Parent Information
- Minutes from Review of FIE with Parent/Staff
- FIIE/FIE
- ARD/IEP
- Progress Documentation
- Documentation for the state in TSDS, PEIMS, and SPP

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Determination of Eligibility - Region 18

Eligibility Determination - Learning Disabilities Association of America

Disability Categories - Texas Project First

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 District-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 recitation of the information in the PLAAFP from the previous IEP and must not simply repeat the same information in each section within the PLAAFP.

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 Personnel, such as the student's case manager, should gather all of the relevant 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. It is important that the Campus Special Education Administrator in an ARD meeting understand the legal importance of the PLAAFP and be 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

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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
- Progress Reports on the IEP Annual Goals
- Report Card Grades
- Teacher and Campus Special Education Administrator Input
- Student/Parent Input
- Student Work Samples
- State Assessment Results
- Benchmark Testing
- Input from Related Service Providers
- Documentation for the state in TSDS, PEIMS, and SPP

Resources

The Texas Legal Framework for the Child Centered Special Education Process: Present Levels Framework - Region 18

IEP Tip Sheet: PLAAFP Statement

Texas Essential Knowledge and Skills (TEKS) - TEA

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 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. Each annual goal must include a timeframe, condition, behavior, and criterion. The ARD Committee determines the number of annual goals in a student's IEP through examination of present levels of academic need and functional performance and individual needs. At least one annual goal must be included in the IEP.

The following situations require annual goals:

- Modification in content of a subject or course, whether in a general or special education setting, to address how the content is modified;
- Removal of a student from the general education setting for any period of time not due to modifications in subject or course content (ex. A student progressing on enrolled grade level curriculum is placed in a more restrictive environment for behavior concerns)

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. Mastery of short-term objectives/benchmarks cannot be used as the criterion to indicate mastery of the annual goal. Rather, the short-term objectives/benchmarks reflect the steps the student shall take to reach the annual goal and allow the ARD Committee to successfully monitor the

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student's interim progress towards annual goals. For example, an annual goal that states, "Student will show mastery of the objectives listed below" is not appropriate.

Definitions

"Present Levels / 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. 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 district-adopted prekindergarten curriculum. *See above* [PRESENT LEVELS].

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 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 achievement 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 annual goals when preparing for annual ARD meetings. 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 reasonably attained within one year.

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When developing annual goals, Campus Personnel should include the following components within the annual goals:

- 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 an example of 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.*"

Short-term objectives or benchmarks are only required for students who take alternate tests. When the ARD Committee determines that a student meets criteria for an alternate assessment, the Committee will develop at least two short-term objectives for each goal included in the student's IEP. However, all students in special education can have short-term objectives within their IEP to gauge the student's progress. Benchmarks/short-term objectives should include intermediate steps that serve to gauge student progress or lack of progress toward mastery of the annual goal. For example, if a student's goal involves identifying lower and upper-case letters, the short-term objectives could require the student to master a-m (lowercase) by the first reporting period, a-z (lowercase) by the second reporting period, A-M (uppercase) by the third reporting period, and A-Z (uppercase by the end of the ARD year. The short-term objectives or benchmarks should also include a timeframe, conditions, behavior, criterion, and unit. Mastering benchmarks/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 benchmarks/short-term objectives.

It is imperative that goals and objectives/benchmarks 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. 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.

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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 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 related 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 towards meeting the annual goals and the reporting intervals for the ARD Committee to assess the student's progress on the goals (e.g., quarterly or concurrent with report card grades).

Campus Special Education Personnel, such as the student's case manager, and/or general education teacher for a student who is mainstreamed, should be tasked with collecting student data to create progress reports aligned with the student's IEP goals and objectives to be sent to the student's parent. 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. Although the IDEA does not require the district to provide parents with short-term/benchmark progress data, it is best practice to provide this data to parents to ensure they are apprised of their student's progress

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 appropriate or if the student is not making expected progress on the goal, the ARD Committee should convene to determine if changes to the goals are indicated.

At least once annually, Campus and District Special Education Personnel and General Educators responsible for students with disabilities in Mainstream classrooms will receive training on standards-based IEPs. The training will include information on how to create

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measurable goals that include timeframe, condition, behavior, and criterion. Additionally, the training will address the circumstances in which annual goals are required including when the content of a subject/course is modified (regardless of whether the content is taught in general or special education setting) and when the student is removed from the general education setting for a scheduled period of time but the content of the subject/course is not modified (e.g. when a student requires a more restrictive environment due to behavioral concerns). Campus and/or District Special Education Personnel will periodically review random student files to check compliance in the manner annual goals are developed, written, and monitored.

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
- Progress Reports on Annual Goals
- Progress Monitoring Documentation
- Report Card Grades
- State Assessment Results
- Teacher Input
- Student/Parent Input
- Documentation for the state in TSDS, PEIMS, and SPP

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Annual Goals - Region 18

IEP Goal Development in Texas Online Training – Region 20

Standards-Based Individualized Education Process Training – Texas Education Agency

Texas Essential Knowledge and Skills (TEKS) – Texas Education Agency

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OSEP Letter to Hayden (October 3, 1994) – U.S. Department of Education

OSEP Letter to Kelly (August 24, 2007) – U.S. Department of Education

OSEP Letter to Lenz (February 7, 2014) – U.S. Department of Education

Question and Answer: IEP Measurable Annual Goals - TEA

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 (5th 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 or a Behavior Improvement 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 is based on a functional behavioral assessment ("FBA") of the problem behaviors, 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.

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, the district 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.

TEA shall develop a comprehensive system to ensure statewide and local compliance with federal and state law related to special education including the provision of training and technical assistance to ensure that appropriately trained personnel are available to students with disabilities who have significant behavioral support needs, including by

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making behavior support training available to each paraprofessional or teacher placed in a classroom or other setting that is intended to provide specialized behavioral supports to a student with a disability, as needed or at regular intervals as provided in the student's IEP. The district shall have an opportunity to request technical assistance from TEA or the regional education service center in establishing classroom environments conducive to learning for students with disabilities, including environments for students whose data indicate behavior that significantly impedes the student's own learning and the learning of other students.

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 training), behavior accommodations, curriculum modifications, behavior goals and objectives, and/or a BIP.

If the ARD Committee determines that a BIP is appropriate for the student, Campus or District Special Education Personnel, such as a teacher or a School Psychologist, may conduct an FBA 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, in most cases, parental consent is required for an FBA. *See* [CONSENT FOR INITIAL EVALUATION] and [CONSENT FOR REEVALUATION].

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 considering 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. The District 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. The District or Campus 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

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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. The ARD Committee will review this information 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 staff members assisting the student, such as a paraprofessionals or 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.

If a student who is identified as a student with a disability under the IDEA violates the District'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

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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
- FBA
- FIE

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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.

For students identified as EB and also eligible for special education services (also referred to as "dual-identified" students), the ARD Committee and the Language Proficiency Assessment Committee (LPAC) will collaborate on decisions such as assessment, program services, and instruction. A joint meeting 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 whether second language acquisition support in English is needed or not;
- Review progress; and
- Determine linguistic needs such as language instruction.

The meetings may be informal discussions among members. However, the final recommendations must be discussed and decided during an ARD Committee meeting by the ARD Committee, which must include at least one member of the LPAC. The two committees, in meeting to collaborate in the best interest of the student, will consider information regarding cognitive and linguistic abilities, affective needs, data from progress monitoring, assessment data from both special education and ESL/bilingual programming, and confidentiality of student information regarding the presence of any person not employed by the District.

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].

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Identification and Placement of EB Students with Disabilities

When a student with a disability is in the process of being identified as EB, the student's ARD Committee must work in conjunction with the LPAC to ensure appropriate identification of the student and recommended placement in a bilingual or ESL program. For students with an existing IEP who enroll for the first time in a Texas public school and complete a Home Language Survey identifying a language other than English, the EB identification process begins. The district's special education and EB staff must coordinate to ensure that any allowable IEP accommodations are implemented for the English proficiency assessment. The LPAC in conjunction with the ARD Committee will identify a student as EB if the student's ability in English is so limited or the student's disabilities interfere with the completion of the required English language proficiency assessment. The district will implement assessment procedures that differentiate between language proficiency and any disabling conditions and establish placement procedures that ensure that a placement recommendation for a bilingual or ESL program is not refused solely because the student has a disability. Access to special education and bilingual or ESL services may not be restricted or denied due to limited staffing, scheduling, or other reasons of administrative convenience.

The bilingual or ESL program placement recommendation shall be determined by the LPAC in conjunction with the ARD Committee ensuring access to both the bilingual or ESL program and the special education and related services needed to provide a free, appropriate public education as identified in the student's IEP. For identified EB students who later become eligible for special education services, it is the LPAC/ARD Committee's responsibility to leverage members' knowledge of disability and second language acquisition to identify an appropriate Individualized Education Program (IEP) that acknowledges both aspects of the student.

Reclassification and Exit of EB Students with Disabilities

The district must follow the standardized process for Emergent Bilingual program reclassification for Emergent Bilingual 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 Emergent Bilingual student is eligible to be reclassified or exit an Emergent Bilingual program and be classified as English proficient. In some cases, the LPAC in conjunction with the ARD may determine that the state's assessments are not appropriate because of the nature of the student's disabling condition and the student should take the state's alternate assessments.

Additionally, the LPAC may work in conjunction with the ARD committee to utilize the individualized reclassification process to determine the appropriate performance standards for state reading assessments and the English language proficiency test. A student is deemed English proficient if the student can participate equally in a general education, all-English instructional program. However, EB students, including those with

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parental denials, are eligible for linguistic or non-linguistic based designated supports or accommodations on the state criterion-referenced English language arts and reading assessment instrument when recommended by the ARD Committee/LPAC and such designated supports or accommodations do not prevent an EB student from meeting reclassification criteria.

When determining whether a student can be reclassified or exit an EB program, the ARD Committee and LPAC will review and consider whether the student has achieved the following:

- A composite 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 English language arts and reading assessment instrument under Texas Education Code 39.023(a) or (c), or, for students at grade levels not assessed by the aforementioned assessment instruments, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state-approved norm-referenced standardized achievement instrument; and

- Results from a subjective teacher evaluation using the *Emergent Bilingual/English Learner Reclassification Rubric,* the state's standardized rubric published by TEA, demonstrating attainment of the English language.

Reclassification is generally not appropriate for students prior to Grade 3 due to developmental factors related to emergent language and literacy skills. A child will not be reclassified or exited from a bilingual or ESL program in prekindergarten or kindergarten.

EB Students with Significant Cognitive Disabilities

The district will follow an alternate process for reclassifying EB students with significant cognitive disabilities. According to the STAAR Alternate 2 eligibility and participation requirements, a student with a significant cognitive disability under this section is a student who:

- exhibits significant intellectual and adaptive behavior deficits in the student's ability to plan, comprehend, and reason;

- 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 other functional skills across all life domains;

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- requires extensive, direct, individualized instruction, as well as a need for substantial supports that are neither temporary nor specific to a particular content area; and

- is not identified based on the student's designation as EB or solely on the basis of previous low academic achievement or the need for accommodations.

For an EB student with significant cognitive disabilities, the ARD Committee in conjunction with the student's LPAC may determine on a case-by-case basis whether the state's criterion-referenced and English language proficiency assessments used for reclassification (TELPAS) is or is not appropriate because of the nature of the student's disability to reclassify the EB student.

In situations where the ARD Committee/LPAC determines the English language proficiency assessment is not appropriate, the ARD Committee/LPAC may recommend that the student take TELPAS Alternate. Additionally, the ARD Committee/LPAC may utilize the individualized classification process to determine appropriate performance standard requirements for the state standardized reading assessment and English language proficiency assessment by language domain and utilize the results of subjective teacher evaluation using the state's standardized alternate rubric.

This decision will be made by key members of the ARD Committee and LPAC who are familiar with the student's current progress and needs. At least one decision-maker will have in-depth knowledge of the student's second language acquisition and academic achievement. This decision-making process includes but is not limited to review of both formal and informal assessment data, teacher input, parent input, input of District or Campus EB Personnel and other relevant service providers, classroom performance and needs, documentation of response to intervention and other provided supports, and classroom observations.

The ARD Committee will document evidence of this discussion in the IEP, including a statement that the student is not expected to be able to attain English language proficiency in one or more domains due to a significant cognitive disability and no longer appears to benefit from second language acquisition support in English to address second language acquisition cognitive, linguistic, and affective needs.

If the ARD Committee and LPAC then determine the student qualifies for reclassification, the ARD Committee and LPAC will meet to specify the assessments and individualized criteria for reclassification. This ARD Committee meeting will be held as quickly as possible and prior to participation in the identified assessments. The ARD Committee and LPAC will review the assessment information in the student's IEP and recommend reclassification criteria based on the student's grade:

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First Grade

- Texas English Language Proficiency Assessment System (TELPAS) – The ARD Committee will determine, by language domain and TELPAS Proficiency Level, individualized criteria for reclassification based on the student's language proficiency and disability.
- State Standardized Reading Assessment – There are no requirements for norm-referenced standardized achievement tests at this grade level.
- Subjective Teacher Evaluation – The ARD Committee should use the *Alternative Subjective Teacher(s) Evaluation* form.

Second Grade

- Texas English Language Proficiency Assessment System (TELPAS Alternate) – The ARD Committee will determine, by language domain and TELPAS Proficiency Level, individualized criteria for reclassification based on the student's language proficiency and disability. Exemptions by language domain are not permitted for students taking TELPAS Alternate.
- State Standardized Reading Assessment – There are no requirements for norm-referenced standardized achievement tests at this grade level.
- *Subjective Teacher Evaluation* – The ARD Committee should use the *Alternative Subjective Teacher(s) Evaluation* form.

Grades 3-10

- Texas English Language Proficiency Assessment System (TELPAS Alternate) – The ARD Committee will determine, by language domain and TELPAS Proficiency Level, individualized criteria for reclassification based on the student's language proficiency and disability. Exemptions by language domain are not permitted for students taking TELPAS Alternate.
- State Standardized Reading Assessment – STAAR Alternate 2 is an assessment based on alternate academic achievement standards. State assessment standards must be used for all academic assessment requirements. Further modification of performance standards on academic content assessment is not permitted.
- *Subjective Teacher Evaluation* – The ARD Committee should use the *Alternative Subjective Teacher(s) Evaluation* form.

Grades 11-12

- Texas English Language Proficiency Assessment System (TELPAS Alternate) – The ARD Committee will determine, by language domain and TELPAS Proficiency Level, individualized criteria for reclassification based on the student's language

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proficiency and disability. Exemptions by language domain are not permitted for students taking TELPAS Alternate.

- State Standardized Reading Assessment – There are no requirements for norm-referenced standardized achievement tests at this grade level.
- *Subjective Teacher Evaluation* – The ARD Committee should use the *Alternative Subjective Teacher(s) Evaluation* form.

At the end of the school year and following the receipt of assessment results, the ARD Committee in conjunction with the LPAC will meet to review the assessment results and subjective teacher evaluation to determine whether the student has met the individualized reclassification criteria. If the decision is made to reclassify the student, the ARD Committee with LPAC representation documents in the IEP and the student's permanent record file the reclassification of the student from EB to English proficient, entering the student into two years of monitoring. Along with the decision to reclassify, the ARD Committee/LPAC also makes the recommendation to exit the student from bilingual or ESL program services or to continue participation if participating in a DLI program.

Additional Procedures

Prior to an ARD meeting regarding an Emergent Bilingual student's assessments, a Campus Special Education Professional, such as the student's case manager, should gather necessary data for the committees to make a data-based decision regarding the assessments and educational programs the Emergent Bilingual student will take.

The Campus Special Education Professional should start gathering necessary data several weeks before the end of the academic year for the committee to review to determine whether the Emergent Bilingual student may be reclassified or exit an Emergent Bilingual 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 Emergent Bilingual 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

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- EB Assessment
- LPAC Team Documents
- Training for LPAC Members
- ARD Committee Attendance by LPAC Member
- Student's Academic Progress Consideration
- Documentation of Reclassification Consideration

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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 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* [VISUAL IMPAIRMENT].

Braille

When considering a VI student's needs, District Assessment 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, the Campus Special Education 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;

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- 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;
- 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

The Texas School for the Blind and Visually Impaired (the "School for the Blind") 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 School for the Blind is intended to serve students who require specialized or intensive educational or related services related to the visual impairment. The School for the Blind 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 Texas School for the Blind. If the ARD Committee places a VI student in the Texas School for the Blind, the District must ensure that it provides the student with FAPE and that all legally required ARD Committee meetings are conducted to develop and review the student's IEP.

The district must provide each parent of a VI student with the state-adopted form that contains written information about programs offered by state institutions, including the Texas School for the Blind.

Additional Procedures

VI Students have unique learning needs that must be addressed if they are going to access the general education core curriculum and become independent, productive citizens to the greatest extent possible. The district provides educational services for

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students ages 0-21 who meet eligibility criteria for VI. Eligible infants (ages 0-2 years) are served in their home by the district in conjunction with the local Early Childhood Intervention (ECI) Program. At age 3, eligible students are transitioned to the district to receive services through special education, as determined by the student's ARD Committee. *See* [AGES 0-5]. Each Campus Administrator should ensure that appropriately trained personnel for the blind or visually impaired attend the student's ARD Committee 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 and Mobility Specialists ("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 general education staff.

Campus Special Education Personnel should document on the VI Supplement/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 student has been provided a detailed explanation of the various community and state resources;
- Whether the parent 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.).

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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 build 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 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. A student's needs may differ in intensity and focus during the student's school years. These fluctuations will be reflected in the IEP and should be fluid and flexible, based on immediate educational needs at any time during the student's educational process. 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 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 Supplement/Section of IEP
- Teacher/Provider Certification
- ARD Committee Meeting Attendance Sheet
- Documentation of Training
- Texas School for the Blind Information and Parent Receipt

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COMMUNICATION

What is Required

The ARD Committee must consider the communication needs of the child.

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 Committee Meeting Attendance Sheet
- Documentation of Training

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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 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.

The district must provide each parent with the state-adopted form that contains written information about programs offered by state institutions for deaf or hard-of-hearing students.

In recognizing the need for development of language and communication abilities in students who are deaf or hard of hearing but also calling for the use of methods of communication that will meet the needs of each individual student, each student who is deaf or hard of hearing must be thoroughly assessed to ascertain the student's potential for communicating through a variety of means.

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

The district provides educational services for students ages 0-21 who meet eligibility criteria for AI. Eligible infants (ages 0-2 years) are served in their home by the district in

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conjunction with the local Early Childhood Intervention (ECI) Program. At age 3, eligible students are transitioned to the district to receive services through special education, as determined by the student's ARD Committee. *See* [AGES 0-5]. A Campus Administrator should 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 with AI 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, the district participates in the Galveston Brazoria Cooperative for the Deaf and Hard of Hearing Regional Day School Program for the Deaf (RDSPD). 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 AI 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 service
- Communication facilitator services
- Audiological management
- Counseling

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 Committee meeting and at each annual ARD Committee meeting, Campus Special Education Personnel will provide the parents of AI students 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 received this information.

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Evidence of Implementation

- Referral for Special Education
- Notice of Procedural Safeguards
- FIE
- ARD/IEP
- Communication Needs Documentation
- Teacher Certification
- ARD Committee Meeting 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 service and utilized by the classroom teacher. 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 student in special education, regardless of the student's eligibility, at least annually, but need not conduct a formal AT evaluation for every student with a disability. 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

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evaluation. This is particularly true with readily available, low tech AT devices/services. 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 may seek information from other sources such as an outside expert, a vendor of a device, or other Campus Personnel. If either a parent 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.

Should the ARD Committee seek a formal AT evaluation, all IDEA requirements regarding evaluations, such as notice and parent 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, Campus Special Education Personnel responsible for setting up the ARD Committee will invite an AT representative to an ARD Committee meeting to discuss the AT evaluation results and the functions of the recommended device for the student. Alternatively, the Special Education Assessment Personnel should consult with the AT representative to obtain relevant information to share with the ARD Committee members.

Although there are no specific guidelines about what must be included as part of an AT evaluation for it to be sufficient, the District Special Education Personnel and District Assessment Personnel should consider both statutory and regulatory requirements regarding evaluations in general. The AT evaluation should be conducted by a 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. 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 consider providing the parent with a questionnaire regarding technology to be discussed at the ARD Committee meeting. Seeking this input will provide information to the ARD Committee regarding the extent of the student's AT needs and/or the effectiveness of the student's current ATD.

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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, the district may require the parent to complete any District-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. Campus staff working directly with the student must promptly notify Campus Administrative Personnel, Campus Special Education Personnel, if appropriate and necessary, District Special Education Personnel, or the AT representative if the student's ATD malfunctions so that it can be repaired and/or replaced. The district 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 ATD is not functioning or does not function correctly, the district is responsible for providing a substitute device, or for convening 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 Specialist (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.

Evidence of Implementation

- Referral for Special Education
- Notice of Procedural Safeguards
- FIE
- ARD/IEP
- AT Evaluation
- AT Checklist
- ATD Check-out
- ATD Progress Documentation
- ATD Student Training Documentation
- ATD Provider Training Documentation

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STUDENTS WITH AUTISM

What is Required

In the case of a student with autism, the ARD Committee must consider, at least annually, 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 based on data collected in these areas);

- 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, communication, and self-help 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) and follows all requirements related to a BIP;

- 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 student's current and postsecondary environments, including self-determination and self-advocacy skills *See* [TRANSITION SERVICES];

- Parent/family training and support by qualified personnel with experience in autism. 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

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(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: peer-based instruction, circle of friends, video modeling, social narratives, and role playing);

- Professional development for teachers and staff related to educating students who have autism; 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 n autism (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:

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,

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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 independently use the restroom or dress him or herself. Consider a data chart to track how often the student is completing the desired tasks. To help a student acquire critical skills across settings or 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. In-home training is a related service that requires an evaluation before implementation. When an in-home training evaluation is requested, Assessment Personnel will obtain consent from the parent 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, including self-determination and self-advocacy skills.

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 on-going development and maintenance of skills and behaviors.

7) Create a chart that includes activities related to the student's IEP objectives and goals and the level of staff-to-student ratio for each of the student's developmental and functioning levels. When determining staff-to-student ratios, an ARD Committee should consider the setting, a student's communication abilities, and present level 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.

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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 trained 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 autism may include ABA including 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, 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.

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Evidence of Implementation

- Referral for Special Education
- FIE
- AU Supplement/Section of IEP
- Staff Training
- 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 the state in TSDS, PEIMS, and SPP

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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].

"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 hearing assistive technology, 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].

"Emergent Bilingual" refers to a student whose primary 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 during the student's annual ARD Committee meeting using formal and/or informal evaluations provided by the district 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

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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].

RESOURCES

The Texas Legal Framework for the Child-Centered Special Education Process: Special Factors - Region 18

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

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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

Blind and Visually Impaired

Sensory Impairments - Texas Education Agency

Texas School for the Blind and Visually Impaired

Programs - 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

Blind/Visually Impaired - SPEDTEX

Deaf or Hard of Hearing

Sensory Impairments - Texas Education Agency

Texas School for the Deaf

Deaf Students Education Services - U.S. Department of Education

Deaf/Hard of Hearing - Texas SPED Support (Texas Education Agency)

Assistive Technology

Assistive Technology - Texas Education Agency

Autism

Texas Statewide Leadership for Autism Training - Region 13

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Autism Spectrum Disorder - SPEDTEX

Citations

Board Policy EHBAB (Students with Behavior Needs; Blind or Visually Impaired; and Autism); Board Policy EHBE (Special Programs: Bilingual Education/ESL); 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 29.001, 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) (English Learners); 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
- Athletics
- Transportation
- Health Services
- Recreational activities
- District 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.

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 the District assigns

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the student to a different campus other than where the student is zoned to attend based on residence, the District must allow any other student who is residing in the student's home to transfer to the school if the other student(s) is entitled to attend school in the District and the school offers the appropriate grade level for the other student(s) at the campus. The district 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 general 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 parents, 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.

Related Services

The ARD Committee determines what related services a student with a disability needs. Related services are an array of developmental, corrective, and other supportive services as may be required to assist the student with a disability to benefit from special education. Related services include, but are not limited to assistive technology, audiology services, counseling services, interpreting services, medical services, 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.

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;

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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 a related service and extends to transporting students who are residentially placed by the district. If an ARD Committee places a student at a residential school, the District, which is the resident school district, is required to transport the student, at the beginning and end of the 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. The district 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 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, the District will train such staff at a time and place designated by the district. 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, the district 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 employed by the district.

Intensive Program of Instruction

The district 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 accelerated instruction plan meets requirements for the Intensive Program of Instruction for a student receiving special education services who has not performed satisfactorily on STAAR in any area. The ARD Committee shall address participation and progress in accelerated instruction during the student's next annual ARD Committee meeting. A legally compliant IEP that addresses expectations for academic growth of the student may serve as the Intensive Program of

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Instruction for a student with disabilities who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in Grade 9.

For students with disabilities taking STAAR-Alt 2 assessments, a legally compliant IEP that addresses expectations for academic growth of the student may also serve as the Intensive Program of Instruction due to either STAAR performance or a student not likely to receive a high school diploma before the fifth school year following the student's enrollment in Grade 9.

Accelerated Reading Instruction

The district will administer a state or District-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, the district will notify the student's parent of the results and will implement an accelerated reading instruction program to help the student progress in his or her reading skills. The district must also refer the student for a special education evaluation under the IDEA if the district suspects or has reason to suspect that the student has a specific learning disability, including dyslexia or a related disorder, and may require specialized instruction.

For special education students in kindergarten or grades 1 and 2 who do not perform satisfactorily on the state or District-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 in grades 3 through 8 who does not achieve "approaches" or higher on STAAR in any area, any high school student who does not pass End-of-Course assessments in English I, English II, Algebra I, Biology, or United States History, or any student who does not receive a STAAR score (due to absence, mistake, administration error, etc.), the District must provide accelerated instruction by either assigning a classroom teacher who is a certified master, exemplary, or recognized teacher, or delivering supplemental instruction before or after school, or embedded in the school day. This is in addition to instruction typically provided to students in the applicable grade levels and includes targeted instruction in the Texas Essential Knowledge and Skills (TEKS) for the applicable grade levels and subject areas.

The district must offer supplemental instruction to these students for not less than 15 or 30 hours, depending on student performance, for subject areas the student did not pass. The district will not provide supplemental instruction in more than two subject areas. In the event a student does not perform satisfactorily in more than two subject areas, the district will prioritize supplemental instruction in math and reading language arts if the

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student did not perform satisfactorily in both areas. The district may provide all required supplemental instruction to the student during the summer or no less than once a week during the school year. Instruction must be delivered in a small group environment with no more than four students per instructor (or in a larger ratio with permission from all parents or guardians connected to students in the group). The district may waive the accelerated instruction ratio requirements through the use of an approved automated supplemental instruction product from the HB 1416 Ratio Waiver List Products and adhering to all other requirements established by TEA.

The rules will also provide that third-grade students who do not approach grade level or higher will be required to receive 30 hours of supplemental instruction.

Supplemental instruction is designed to assist the student in performing satisfactorily in the applicable grade level and subject area and includes effective instructional materials designed for supplemental instruction. A person trained in the use of these materials will provide the supplemental instruction, and when possible, remain with the same group for the entirety of the accelerated instruction.

Where an ARD Committee determines that a high school student with disabilities is not required to pass End-of-Course assessments to graduate, the district is still obligated to provide the student accelerated instruction if the student fails to perform satisfactorily on assessment measures determined appropriate by the ARD Committee. Accelerated instruction is not applicable to students who take the STAAR-Alternate 2, are retained, or take substitute high school assessments.

When a student does not achieve “approaches” grade level or higher on state assessment instruments, the district will provide a notice of performance to the student’s parent or guardian in a parent-teacher conference. This notice may be provided by other means if a parent-teacher conference cannot be scheduled. A parent or guardian may choose to decline accelerated instruction by submitting a written request to the Campus Administrator. District and Campus Personnel may not encourage or tell the parent or guardian to submit this request.

A student’s ARD Committee may convene to modify a student’s IEP based on the accelerated and supplemental instruction requirements as needed, but this is not required. The ARD Committee must, however, review the student’s participation and progress in accelerated and supplemental instruction at the student’s next annual ARD Committee meeting.

Accelerated Education Plan

The district will develop an accelerated education plan (AEP) for each student who does not achieve “approaches” or higher on a state assessment instrument in the same subject

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area for two or more consecutive years. The plan will include no less than 30 hours of accelerated instruction in the applicable subject area. The AEP will be developed in a manner conducive to parent or guardian participation. The goal of the AEP is for the student to perform at grade or course level by the end of the school year. The district will document the plan in writing and provide a copy to the parent or guardian of the student either in person or via regular mail.

The AEP must identify the reason the student did not perform satisfactorily on the assessment and the number of hours of accelerated instruction the student will receive (at least 30 hours). The plan must be easy to understand and written in either English or the primary language of the parent or guardian. Parents or guardians who disagree with either the content or implementation of the AEP must utilize the grievance process established by the district. If a student who receives special education and related services does not perform satisfactorily on an assessment, the student's ARD Committee shall review the student's AEP at the student's annual ARD Committee meeting.

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 *see* [GRADUATION]. A student's IEP may be used as a graduation plan for students in junior high and middle school.

Additional Procedures

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):

- 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.
- 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

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compared to the curriculum (TEKS). Modifications **DO** change **<u>what</u>** the student is expected to master.

- Assistive technology – items, devices or products that are used to increase, maintain, or improve the functional capabilities of a student with a disability.
- 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.
- Adapted materials – examples include large-print textbooks, writing tablets with raised lines, or soft pencil grips to help with manual dexterity.
- Communication aids – examples include sign language, interpreting services and assistive and augmentative communication devices.
- Resource support – one-on-one or small group work in subject areas where the student needs re-teaching, tutoring or slower-paced instruction.
- Paraprofessional support – sometimes called an "aide," the paraprofessional provides instructional support under the direct supervision of a highly qualified teacher.
- 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 general 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.
- Staff development – this includes training and supports needed by the teacher in order to implement the student's IEP.
- 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.

Like all special education services, supplementary aids and services are based on the individual needs of the student, not what the parent may want for 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. The time to discuss supplementary aids and services should be indicated on the ARD Committee Meeting 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

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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 peers without disabilities. 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.

Personal Communication Devices Accommodations

Texas law requires the district to establish a policy which prohibits the use of personal communication devices (cell phone, tablet, smartwatch, radio device, paging device, or any other electronic device capable of telecommunication or digital communication) by a student while on school property during the school day. However, both Texas law and District policy establish an exception to the District's cell phone policy for students who have a documented need in the student's IEP to use a personal communication device, a documented need based on a directive from a qualified physician; or to comply with a health or safety requirement imposed by law or by the District's safety protocols.

Any need for a cell phone exception for a student with an IEP to be provided FAPE will be considered by the student's ARD Committee and documented in the student's IEP. If the student does not need a cell phone exemption for FAPE, but does have a documented need based on a directive from a qualified physician, such exemption will be documented by the nurse in an individualized health plan.

Special Education

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. The student's ARD Committee will address these needs.

The IDEA does not require a specific instructional methodology. The district, through decisions made by teachers and service providers, must provide the student an instructional methodology that enables the student to access a FAPE.

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.

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Related Services

Related services are a support to the commitment that all students with disabilities have available to them a free appropriate public education with special education services designed to meet their specific needs. Some students may need related services to meet their individually designed special education goals. The need for related services is considered during the students ARD Committee meeting in the review and discussion of the student's evaluation and ongoing assessment data. An ARD Committee's decisions regarding the need for related services 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 and the recommendations of the related service provider who conducted the evaluation. 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 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 the District to appropriately monitor and maintain medical devices that are needed to maintain 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.

The following "best service" 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.
- Related service IEP goals and objectives are expressed in terms of desired educational outcomes and all team members will implement (collaborative IEPs).

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- Related service delivery will be provided through a continuum of available options.
- 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, 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. 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 will also include goals and objectives, 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.

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.

Although training on IEP implementation is only required for staff members who work primarily outside of special education, the district will provide training to staff who work with special education students. The district 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

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effectiveness. Additionally, this training will address show to identify needed supports for school personnel and how to document and consider their effectiveness.

If a student is not making appropriate progress in light of the student's unique circumstances, the ARD Committee should convene and review the student's current special education and/or related 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 can determine to place a student at a District campus other than the student's zoned residential campus. The ARD Committee may make this decision if it believes another District campus can provide more appropriate supports for the student to access the general education curriculum. If an ARD Committee places a student in a campus other than the student's zoned residential campus, the parent's other children who reside at the home also have the right to attend the campus, if they are otherwise eligible to attend school in the district. The purpose of this transfer rights policy is to accommodate parents with multiple children in the district. Campus Administrators will be made aware of this transfer procedure and must not deny enrollment solely because the other student was not placed at the school by an ARD Committee.

Campus Special Education Personnel will ensure that the student's ARD Committee develops an appropriate accelerated reading instruction program for all students in special education who do not perform satisfactorily on a state or District-adopted reading instrument in grades Kindergarten through Second and Seventh to determine students' reading development and comprehension. This program should not, however, replace the ARD Committee's and/or District Assessment Personnel's responsibility to determine whether the student requires an additional special education evaluation to properly assess a student's reading difficulties and determine the presence of a specific learning disability in reading, including dyslexia or a related disorder.

Campus Special Education Personnel shall also ensure that an ARD Committee meeting is held for each student receiving special education services who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9 to address expectations for academic growth of the student. The student's IEP that properly addresses expectations for academic growth of the student will constitute the student's Intensive Program of Instruction.

For a student receiving special education services who requires accelerated instruction, the ARD Committee may convene to modify the student's IEP based on the accelerated instruction requirements but is not required to do so. If the ARD Committee does not convene, Campus Personnel shall apply the same processes and procedures for a student with an IEP as it does with all other students to implement the accelerated instruction requirements. Campus Special Education Personnel will ensure that the

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student's ARD Committee reviews and discusses the student's progress in accelerated instruction during the next annual ARD Committee meeting for the student and document this discussion in the deliberations of the IEP.

At least annually, the ARD Committee shall consider what, if any, supports the student needs in the event of an emergency situation. The committee should document identified needs in the IEP. Potential supports include use of a buddy system during drills or evacuations, as well as specific communication devices, mobility aids, medication management, respiratory equipment, etc. if removed to a setting outside of the school building. Any Campus Personnel who may be responsible for assisting the student in the event of an emergency must be aware of any necessary supports identified in the student's 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

- FIE
- ARD/IEP
- Referral Documentation
- Teacher Input
- Parent 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 Intensive Program of Instruction
- Evidence of Supplemental Instruction Provision
- Documented Progress in Supplemental Instruction Program
- Documented Progress in Accelerated Education Plan

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- Evidence of Accelerated Instruction Programs
- Documentation for the state in TSDS, PEIMS, and SPP

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Supplementary Aids and Services, Special Education, Related Services – Region 18

Accelerated Instruction – Texas Education Agency

HB 1416 Frequently Asked Questions – Texas Education Agency

Minimum Middle/Junior High School Personal Graduation Plan (PGP) Standards and Guidance Associated with Intensive Programs of Instruction (IPI)

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

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

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

Guidelines for Multihazard Emergency Operations – Texas Education Agency

Accelerated Instruction: HB 1416 Ratio Waiver List for the 2024-2025 School Year – To the Administrator Addressed Letter (June 6, 2024)

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

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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)

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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 District 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.

Paper Administration

On request of the parent, guardian, or teacher in the applicable subject area, the district may administer the STAAR in paper format to up to 3 percent of students enrolled in the district. This limitation does not include any student whose ARD Committee determines the student requires paper administration in accordance with their IEP.

Alternate Assessments

The TEA (for statewide assessments) or District 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 District 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 ARD Committee must also complete TEA's STAAR 2 Alternate Participation Requirements form to determine if the student qualifies for alternative statewide assessments. TEA (for statewide assessments) or District Special

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Education Administration (for Districtwide assessments) will inform the parents of students selected to take an alternate assessment that their child's achievement will be measured based on alternate academic achievement standards. The TEA or District Special Education Administration must also provide the ARD Committee, including the student's parent, 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 District Special Education Administration shall not preclude a student from attempting to complete the regular 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

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. The IEP will include a copy of TEA's STAAR 2 Alternate Participation Requirements form the ARD Committee discussed during the meeting when the decision was made.

For Emergent Bilingual ("EB") students in special education, 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.

EB Students with Disabilities and TELPAS

Prior to the administration of statewide assessments each year, the Language Proficiency Assessment Committee (LPAC) will determine the appropriate assessment option for each Emergent Bilingual (EB) student. Depending on the student's unique needs and grade level, EB students will typically participate in the general State of Texas Assessments of Academic Readiness (STAAR) or STAAR Spanish assessment and/or

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the Texas English Language Proficiency Assessment System (TELPAS) or TELPAS Alternate assessment annually. Younger students will participate in a holistically rated assessment. For students with disabilities receiving special education services, the Admission, Review, and Dismissal (ARD) Committee, in conjunction with the LPAC, will select the appropriate assessment(s), document the decisions and justifications in the student's Individualized Education Program (IEP), and determine and document any allowable testing accommodations.

For a student receiving special education services taking the TELPAS, the student's ARD Committee, in conjunction with the LPAC, will decide whether the student needs to be assessed in one or more language domains. Participation will be considered on a domain-by-domain basis. Should the ARD Committee and LPAC determine the student need not be assessed in one or more language domains, the ARD Committee will document the reasons for this decision in the deliberations for the ARD Committee meeting.

In addition, a student in grades 2 through 12 with significant cognitive disabilities who cannot participate in the general TELPAS assessment with allowable accommodations may be eligible for the TELPAS Alternate, an alternate English language proficiency assessment designed to measure an EB student's ability to become proficient in the use of academic English. This is only available for students who are in the process of acquiring English proficiency in listening, speaking, reading, and writing; have one or more disabilities that significantly limit their intellectual functioning, as demonstrated by their ability to plan, comprehend, and reason; and have one or more disabilities that significantly limit their adaptive behavior, as shown by their ability to apply social and practical skills (e.g. personal care, social problem-solving skills, dressing, eating, using money) across all life domains. The student requires extensive, direct, individualized instruction and needs substantial supports that are neither temporary nor specific to a particular content area.

The ARD Committee may exempt a student in grades 2 through 12 who qualifies for TELPAS Alternate from the assessment if the student also qualifies for "No Authentic Academic Response" or "Medical Exception." If the student is exempted from statewide assessments under one of these two exceptions, the ARD Committee will document the exception in the student's IEP. To be considered for a No Authentic Academic Response designation, the ARD Committee must determine that the student is unable to receive information during instruction and assessment because of multiple impairments or is consistently unable to provide an authentic academic response during instruction. Reasons that a student may be consistently unable to provide an authentic academic response during instruction include that the student is unable to demonstrate a meaningful, observable reaction to a specific stimulus; that the student exhibits only startle responses; that the student tracks or fixates on objects at random and not for a purpose; that the student moves or responds only to internal stimuli; and that the student vocalizes intermittently regardless of changes in environment around the student.

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To qualify as a student with a medical exception, the student will either: (1) be unable to respond to test questions due to a terminal or degenerative illness; (2) be receiving extensive short-term medical treatment due to a medical emergency or serious injury in an accident; (3) be unable to interact with peers or educators without risk of infection or contamination to himself/herself or others; or (4) be unable to receive sufficient or consistent homebound services due to medical issues.

Definitions

"Emergent Bilingual" is a student whose primary 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.

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

Hitchcock ISD uses MAPS testing three times a year for students in Kindergarten through 12th grade. The district also administers STAAR testing for grades 3 to 11.

Accommodation Guidelines

Prior to an ARD Committee meeting about accommodations or alternate assessments, Campus Special Education Personnel should collect baseline data about the student's educational and behavioral performance. An ARD Committee should then review the data

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and describe its considerations for accommodations and/or alternative assessments in detail in the IEP.

When considering accommodations that do not invalidate the assessment score, the ARD Committee should consider TEA's policies on accommodations for alternative assessments. The policies 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 assessment should be made by the ARD Committee on an individual student 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, Campus Special Education Personnel will notify the District Testing Coordinator who will submit an Accommodation Request Form to TEA. TEA's Accommodations Task Force will communicate with the District Testing Coordinator by email once a decision has been made. Campus Special Education Personnel should note the expiration date for the provided accommodation included in the TEA decision email. As this process may take several weeks, Campus Special Education Personnel should make this request within a reasonable amount of time before a scheduled assessment, when feasible. A new accommodation request will need to be submitted each calendar year if the student continues to demonstrate a need. Campus Special Education Personnel should be trained to ensure they understand the process for requesting student assessment accommodations that require TEA approval.

Paper Administration

To request that a student with or without an IEP be allowed to take a STAAR assessment in paper format, the parent, guardian, or teacher in the applicable subject area will submit a request for paper administration to the District Testing Coordinator within legally established timelines.

- For Fall administration – on or before September 15 of the school year in which the assessment will be administered; and
- For Spring administration – on or before December 1 of the school year in which the assessment will be administered.

The district will accept requests in the order received until the maximum number is reached.

Should the parent, guardian, or teacher of a student who receives special education and related services request a paper assessment at any time, the ARD Committee should convene to discuss this request and determine whether the student requires this modification to receive FAPE. If the ARD Committee agrees the student requires this modification and includes it in the student's IEP, the student will not count towards the three percent limitation for paper assessments.

Alternate State Assessments

The ARD Committee will determine whether a student in 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

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whether the student is eligible for the STAAR Alternate 2 assessment, the ARD Committee must carefully complete TEA's STAAR 2 Assessment Participation Requirements form, which assesses the student's need for alternate state assessments.

If, based on completion of this form, the ARD Committee determines that the student is eligible to participate in the alternate statewide assessment, the ARD Committee must discuss assurances related to the student's participation in the STAAR Alternate 2 assessment. If the ARD Committee determines that a student will take an alternate state or Districtwide assessment, the IEP will also 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. The IEP must include a copy of TEA's STAAR 2 Alternate Participation Requirements form the ARD Committee discussed during the meeting when the decision was made.

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 Committee meeting. The district 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

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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 Committee meeting.

IEP Documentation

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.

TELPAS Alternate

The 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, the ARD Committee and LPAC must ask the following questions:

- Is the student identified in PEIMS as EB?
- 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

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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
- 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 Texas Legal Framework for the Child-Centered Special Education Process: State and Districtwide Assessments - Region 18

Assessments for Special Populations – Texas Education Agency

Accommodation Resources – 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

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TELPAS Alternate Resources - Texas Education Agency

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), 39.02342, 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

The ARD Committee must ensure extended school year ("ESY") services are available as necessary to provide a FAPE to students with disabilities.

ESY services are special education and related services provided to a student with a disability beyond the normal school year of the district in accordance with the student's IEP and at no cost to the parents of the student that meets the standards set forth by TEA. During the annual ARD Committee meeting, the ARD Committee must consider 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 provided by the district or the parents. For a student enrolling in the district 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 a student enrolls in the district and the previous District had determined the need for ESY services, the new District must ensure provision of 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.

Limitations on ESY

The district 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.

Regression-Recoupment Analysis

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

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expected to exhibit, severe or substantial regression that cannot be regained within a reasonable period of time.

The reasonable period of time for recoupment of acquired skills must be determined on the basis of needs identified in the student's IEP. If the loss of acquired 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. The period of time of recoupment must not exceed eight weeks.

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.

Definitions

"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.

"Critical Skills" – 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: 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.

Additional Procedures

Determine Student Needs

District and Campus Special Education Personnel are responsible for collecting regression and recoupment data to support the determination of the need for ESY services throughout the year. 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, including formal and/or informal evaluations provided by the Assessment Personnel, Campus Special Education Personnel, Campus General Education Personnel, and/or the parents, that in one or more critical areas addressed in the current IEP goals and/or objectives the student has exhibited (or reasonably may be expected to exhibit) severe

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or substantial regression of an acquired critical skill that cannot be recouped within a reasonable length of time, not to exceed 8 weeks.

During the annual ARD Committee meeting, the ARD Committee will address whether the student exhibits a need for ESY based on student data. If the annual ARD Committee meeting is held in the fall semester and limited documentation is available, the ARD Committee must consider whether to delay the decision about ESY services until later in the school year. If this is the case, then another ARD Committee meeting must be held in the Spring to revisit the issue. If the ARD Committee determines during the student's annual ARD Committee meeting that the student does not need ESY services and the student later demonstrates a potential need for ESY, Campus Special Education Personnel will schedule another ARD Committee meeting and review current data to determine whether the student now exhibits a need for ESY.

If a student enrolls in the district 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 previous District had identified the need for ESY services, the district will address this at the student's ARD Committee meeting to ensure provision of ESY services.

If a student enrolls in the District during the summer and the previous District had identified the need for ESY services, District or Campus Special Education Personnel will convene an ARD Committee meeting as soon as possible to ensure timely provision of ESY services either during the summer or at another time if no time remains in the summer.

If the student qualifies for ESY services, ESY services should be documented in the IEP in a supplement or separate 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 and documented in the student's IEP. 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, and 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.

Following the completion of an FIIE, if the 30th calendar day required to hold the initial ARD Committee meeting falls during the summer when school is not in session, the ARD Committee must still convene as soon as possible and prior to ESY if the FIIE determines that the student would benefit from ESY during the summer.

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ESY ARD Committee Meeting

The ARD Committee will consider the following components during the ARD Committee meeting held to consider ESY services:

- ESY Supplement/Section – the ESY ARD Supplement/Section must be completed in its entirety during the ARD Committee meeting 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 Supplement/Section – 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 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 Committee meeting must be held to add this service. The ARD Committee meeting documentation must indicate that this service will only be for the duration of ESY. In addition, a Transportation Supplement/Section must be completed and submitted 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 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 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.

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Evidence of Implementation

- Formal/Informal Evaluations by Assessment Team/SPED staff
- ARD/IEP
- ESY Supplement/Section
- Transportation Supplement
- Documentation Collected During ESY
- Documentation for the state in TSDS, PEIMS, and SPP

Resources

The Texas Legal Framework for the Child-Centered Special Education Process: Extended School Year Services - Region 18

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

Citations

Board Policy EHBA; Board Policy EHBAA; Board Policy EHBAB; Board Policy EHBAF; 34 CFR 300.106; 19 TAC 89.1055; 89.1065

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