ADMISSION, REVIEW AND DISMISSAL COMMITTEES

TLC Academy shall establish an admission, review and dismissal ("ARD") committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted. The ARD committee shall be the individualized education program ("IEP") team defined at 34 § C.F.R. § 300.321.

Sec. 1. ARD COMMITTEE RESPONSIBILITIES

The ARD committee and Texas Leadership Public Schools (TLPS) are responsible for:

1. Evaluating, reevaluating, and determining eligibility for special education and related services;
2. Placement of students with disabilities, including disciplinary changes in placement;
3. Development of student IEPs;
4. Development and implementation of service plans for students who have been placed by their parents in private schools and who have been designated to receive special education and related services;
5. Compliance with the least restrictive environment standard;
6. Compliance with state requirements for reading diagnosis and state assessments;
7. Development of personal graduation plans;
8. Development of accelerated instruction under Tex. Educ. Code § 28.0211 and intensive programs of instruction under Tex. Educ. Code § 28.0213;
9. Evaluation, placement, and coordination of services for students who are deaf, hard of hearing, blind, or visually impaired; and
10. Determining eligibility for extracurricular activities, under Tex. Educ. Code § 33.081.

34 C.F.R. §§ 300.116(a), 300.321(a); 19 T.A.C. § 89.1050(a).

Sec. 2. COMMITTEE MEMBERS

TLPS shall ensure that each ARD committee meeting includes:

1. the parents, as defined by 34 C.F.R. § 300.30, of the student;
2. not less than one general education teacher of the student (if the student is, or may be, participating in the general education environment) who must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student's IEP;
3. not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student. This person must be appropriately certified or licensed as required by 34 C.F.R. § 300.156.
4. a representative of the TLPS who:
   a. is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
   b. is knowledgeable about the general education curriculum; and
   c. is knowledgeable about the availability of resources of the TLPS;
5. an individual who can interpret the instructional implications of evaluation results;

© 2025 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.

6. at the discretion of the parent or the TLPS, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate;
7. whenever appropriate, the student with a disability;
8. to the extent appropriate, with the consent of the parents or a student who has reached the age of majority, a representative of any participating agency that is likely to be responsible for providing or paying for transition services;
9. a representative from career and technical education ("CTE"), preferably the teacher, when considering initial or continued placement of a student in CTE;
10. a professional staff member who is on the language proficiency assessment committee if the student is identified as emergent bilingual;
11. If the student is a student with a suspected or documented visual impairment, the ARD committee must include a teacher who is certified in the education of students with visual impairments;
12. If the student is a student who is suspected or documented to be deaf or hard of hearing, the ARD committee must include a teacher who is certified in the education of students who are deaf or hard of hearing;
13. If the student is a student with suspected or documented deaf-blindness, the ARD committee must include a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students who are deaf or hard of hearing;
14. If the student is a student who is suspected or identified with dyslexia, when determining initial or continued eligibility, the ARD committee must include a professional who meets the requirements of the Tex. Educ. Code § 29.0031(b) and 19 Texas Administrative Code § 74.28 and The Dyslexia Handbook; and
15. Any other member required by state or federal law.

19 T.A.C. § 89.1050.

A TLPS member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and TLPS agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A TLPS member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and TLPS consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

20 U.S.C. § 1414(d)(1)(C); 34 C.F.R. § 300.321(e).

© 2025 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.
SLHA Schulman, Lopez, Hoffer & Adelstein, LLP

a) *Dyslexia and Related Disorders*

The multidisciplinary evaluation team and any subsequent ARD committee convened to determine a student's eligibility for special education and related services as a child with dyslexia or a related disorder must include at least one member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction. The member must:

1. Hold a licensed dyslexia therapist license under Chapter 403, Occupations Code;
2. Hold the most advanced dyslexia-related certification issued by an association recognized by the State Board of Education, and identified in, or substantially similar to an association identified in, the program rules adopted under Sections 7.102 and 38.003; or
3. If a person qualified under 1 or 2 above is not available, meet the applicable training requirements adopted by the State Board of Education pursuant to Sections 7.102 and 38.003.

The member of a multidisciplinary evaluation team or subsequent ARD committee convened to determine a student's eligibility for special education and related services as described above must sign a document describing the member's participation in the evaluation and any resulting IEP developed for the student.

Tex. Educ. Code § 29.0031(b), (c).

b) *Transition Meeting Membership*

If the ARD committee is meeting to consider postsecondary goals and the transition services needed to assist the student in reaching those goals, TLPS shall invite:

1. The student. If the student does not attend, TLPS shall take other steps to ensure that the student's preferences and interests are considered.
2. To the extent appropriate, and with the consent of the parent or student who has reached the age of majority, a representative of any other agency that is likely to be responsible for providing or paying for transition services.

34 C.F.R. § 300.321(b).

Sec. 3. PARENTAL INVOLVEMENT

TLPS shall take steps to ensure that one or both of the parents of a student with a disability are present at each ARD committee meeting or are afforded the opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include all information required by applicable regulation); and
2. Scheduling the meeting at a mutually agreed time and place.

© 2025 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.
SLHA Schulman, Lopez, Hoffer & Adelstein, LLP

Written notice of an ARD committee meeting, as required by 19 T.A.C. § 89.1050(d), must be provided in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, TLPS must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice.

TLPS shall take all reasonable actions necessary to ensure that the parent understands the proceedings of the ARD committee meeting, including arranging for an interpreter for parents who are deaf or hard of hearing or whose native language is a language other than English.

34 C.F.R. § 300.322(a)–(b); 19 T.A.C. § 89.1050.

Sec. 4. ALTERNATIVE PARTICIPATION METHODS

If neither parent can attend an ARD committee meeting, TLPS must use other methods to ensure parent participation, including individual or conference telephone calls.

20 U.S.C. § 1414(f); 34 C.F.R. § 300.322(c).

An ARD committee meeting may be conducted without a parent in attendance if TLPS is unable to convince the parents that they should attend. In such event, TLPS must keep a record of its attempts to arrange a mutually agreed time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; and
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

34 C.F.R. § 300.322(d).

Sec. 5. ARD COMMITTEE MEETINGS

TLPS shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a student with a disability. The committee shall review each student's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once per year.

If the student has a behavioral intervention plan ("BIP") as part of the child's IEP, the ARD committee must review the BIP at least annually and more frequently if appropriate to address the safety of the student, the safety of others, or changes in the child's circumstances that may impact the child's behavior in accordance with Tex. Educ. Code § 29.005(h).

A meeting does not include informal or unscheduled conversations involving TLPS personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service

© 2025 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.
SLHA Schulman, Lopez, Hoffer & Adelstein, LLP

provision. A meeting also does not include preparatory activities that TLPS personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

20 U.S.C. § 1414(d)(4); 34 C.F.R. §§ 300.116(b)(1), 300.324(b), (c)(1); 300.501(b)(3).

a) *Meeting at Parent Request*

Upon request of a written request for an ARD committee meeting from a parent, TLPS must:

1. schedule and convene a meeting; or
2. within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, TLPS must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice.

19 T.A.C. § 89.1050(e), (f).

b) *Transfer Students*

If a student transfers to TLPS, and the student had a previous IEP in place, TLPS shall provide the student with a free appropriate public education ("FAPE"), including services comparable to those described in the previous IEP, in consultation with the parents, until:

1. In the case of a student who transfers within the state, TLPS adopts the previous IEP or develops, adopts, and implements a new IEP.
2. In the case of a student who had an IEP in effect in another state, TLPS conducts an evaluation, if determined necessary by TLPS, and develops, adopts, and implements a new IEP, if appropriate.

20 U.S.C. § 1414(d)(2)(C)(i); 34 C.F.R. § 300.323(e), (f).

c) *Transfer of Records*

TLPSshall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the child's previous district.

20 U.S.C. § 1414(d)(2)(C)(ii); 34 C.F.R. § 300.323(g).

d) *Military Dependents*

TLPS shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude TLPS from performing subsequent evaluations to ensure appropriate placement of the student.

Tex. Educ. Code § 162.002, art. V, § C.

© 2025 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.
SLHA Schulman, Lopez, Hoffer & Adelstein, LLP

Sec. 6. ELIGIBILITY DETERMINATIONS

The group of qualified professionals that determines whether a child is a child with a disability and the child's educational needs is the ARD committee.

Evaluations and eligibility determinations shall adhere to the requirements set forth in the IDEA, the Texas Education Code, and their implementing regulations. For additional information, *see* PG-6.14 through 6.16.

19 T.A.C. §§ 89.1040(b), 89.1050(a)(5); 34 C.F.R. § 300.306(a)(1).

TLPS shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

20 U.S.C. § 1414(b)(4)(B); 34 C.F.R. § 300.306(a).

The ARD committee must make its decisions regarding a student's initial eligibility determination and, when appropriate, the student's IEP and placement within the timeframes prescribed by state and federal law.

19 T.A.C. § 89.1011(d), (e).

Sec. 7. INDIVIDUALIZED EDUCATION PROGRAM

TLPS shall develop, review, and revise an IEP for each child with a disability, and TLPS shall have an IEP in effect for each child with a disability at the beginning of each school year.

20 U.S.C. § 1412(a)(4),(d)(2)(A); 34 C.F.R. § 300.320(a).

The term "individualized education program" or "IEP" means a written statement for each child with a disability that includes:

1. A statement of the child's present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the child's progress toward the annual goals will be measured and when periodic reports on the progress of the child will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child;
5. A statement of the program modifications or supports for school personnel that will be provided for the child;
6. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;

© 2025 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.
SLHA Schulman, Lopez, Hoffer & Adelstein, LLP

8. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state or system-wide assessments;
9. If the ARD committee determines that the child must take an alternative assessment instead of a particular regular state or system-wide assessment, a statement of why the child cannot participate in the regular assessment and why the particular assessment selected is appropriate for the child;
10. Beginning not later than the first IEP to be in effect when the child is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate, measurable postsecondary goals and transition services needed to assist the child in reaching those goals; and
11. Beginning not later than one year before the child reaches the age of 17, a statement that the child has been informed of the rights that will transfer to the child upon reaching the age of majority.

20 U.S.C. § 1414(d); 34 C.F.R. § 300.320; 19 T.A.C. § 89.1055.

Sec. 8. TRANSLATING IEPS

If the child's parent is unable to speak English, TLPS shall:

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

Tex. Educ. Code § 29.005(d).

Sec. 9. AUTISM

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments;

© 2025 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.
SLHA Schulman, Lopez, Hoffer & Adelstein, LLP

6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders ("ASD");
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the child's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;
8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

19 T.A.C. § 89.1055(g).

Sec. 10. VISUAL IMPAIRMENT

TLPS shall adopt written procedures as required in Education Code 30.002(c)(10) for providing special education services to students with visual impairments, if such services are necessary.

19 T.A.C. § 89.1075(c).

An IEP for a student with a visual impairment must include instruction in braille unless the student's ARD committee determines and documents that braille is not an appropriate literacy medium for the student, based on an evaluation of the student's appropriate literacy media and literacy skills and the student's current and future instructional needs.

Tex. Educ. Code § 30.002.

Sec. 11. STUDENTS WHO ARE DEAF OR HARD OF HEARING

TLPS must develop an IEP for students who are deaf or hard of hearing in which the students have an education in which their unique communication mode is respected, used, and developed to an appropriate level of proficiency.

Tex. Educ. Code § 29.303.

Sec. 12. COLLABORATIVE PROCESS

© 2025 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.
SLHA Schulman, Lopez, Hoffer & Adelstein, LLP

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions concerning the required elements of the IEP shall be made by agreement of the required members, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

a) *Recess*

When agreement about all required elements of the IEP is not achieved, the parent or adult student who disagrees shall be offered a single opportunity to have the ARD committee recess for a period not to exceed ten school days. This recess is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program.

These requirements do not prohibit the members of the ARD committee from recessing an ARD committee meeting for reasons other than failure of the parents and TLPS to reach agreement about all required elements of an IEP.

During the recess, the ARD committee members shall consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons to enable the ARD committee to reach agreement.

The date, time, and place for continuing the ARD committee meeting shall be determined by agreement before the recess.

19 T.A.C. § 89.1050(g).

When an ARD committee agrees to recess and reconvene due to a lack of mutual agreement about one or more required IEP elements, the parent or TLPS may request an independent facilitator from the Texas Education Agency in accordance with 19 TAC § 89.1197 and TEC § 29.020.

b) *No Agreement Reached*

If, after the ten-day recess, the ARD committee still cannot reach agreement, TLPS shall implement the IEP that it has determined to be appropriate for the student. A written statement of the basis for the disagreement shall be included in the IEP. Each ARD committee member who disagrees with the IEP is entitled to include a statement of disagreement in the IEP.

Tex. Educ. Code § 29.005(c); 19 T.A.C. § 89.1050(g).

When TLPS implements an IEP with which the parents or an adult student disagree, it shall provide prior written notice in compliance with applicable regulations and TLPS policy.

© 2025 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.
SLHA Schulman, Lopez, Hoffer & Adelstein, LLP

19 T.A.C. § 89.1050.

Sec. 13. IEP MODIFICATION

After a student's annual ARD committee meeting, changes to an IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP. To do so, the parent and TLPS must agree to not convene an ARD committee meeting to amend the IEP and TLPS must develop a written document to amend or modify the IEP. Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated. Decisions regarding eligibility, changes of placement, and manifestation determination reviews may not be conducted through the amendment process.

34 C.F.R. § 300.324(a)(4),(6).

To the extent possible, TLPS shall encourage the consolidation of reevaluation meetings for the child and other ARD committee meetings for the child.

20 U.S.C. §§ 1414(d)(3)(D)–(F); 34 C.F.R. § 300.324(a)(4)–(a)(6).

Sec. 14. LEAST RESTRICTIVE ENVIRONMENT

TLPS shall ensure that, to the maximum extent possible, children with disabilities shall be educated with children who are not disabled. Special classes, special schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily achieved.

20 U.S.C. § 1412(a)(5); 34 C.F.R. § 300.114(a)(2).

Sec. 15. EXTENDED SCHOOL YEAR SERVICES

TLPS shall ensure that ESY services are available as necessary to provide a student with a disability with a FAPE. ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for a FAPE. TLPS may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services.

34 C.F.R. § 300.106; 19 T.A.C. § 89.1065.

Sec. 16. GRADUATION

For information concerning graduation, please refer to PG-6.22.

Sec. 17. STATE ASSESSMENTS

© 2025 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.
SLHA Schulman, Lopez, Hoffer & Adelstein, LLP

The TEA shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Tex. Educ. Code § 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's ARD committee, including assessment instruments approved by the Commissioner that measures growth. The assessment instruments developed or adopted, including the assessment instruments approved by the Commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

The TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required end-of-course ("EOC") assessment instrument under Tex. Educ. Code § 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Sec. 18. TRANSPORTATION

TLPS shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP.

19 T.A.C. § 89.1096(e).

Sec. 19. TRANSITION SERVICES

a) *Definitions*

"Transition services" means a coordinated set of activities for a child with a disability that:

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
2. Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes:
   a. Instruction;
   b. Related services;
   c. Community experiences;
   d. The development of employment and other post-school adult living objectives; and
   e. If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

© 2025 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.
SLHA Schulman, Lopez, Hoffer & Adelstein, LLP

20 U.S.C. § 1401(34); 34 C.F.R. § 300.43.

b) *Individual Transition Planning*

Not later than the first IEP to be in effect when the student turns 14 years of age, and at least annually thereafter, the ARD committee must consider and, if appropriate, address the following IEP:

1. appropriate student involvement in the student's transition to life outside the public school system;
2. appropriate involvement in the student's transition by the student's parents and other persons invited to participate by:
    a. the student's parents; or
    b. the LEA in which the student is enrolled;
3. appropriate postsecondary education options, including preparation for postsecondary-level coursework;
4. an appropriate functional vocational evaluation;
5. appropriate circumstances for facilitating a referral of a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student such as a waiver program established under the Social Security Act (42 U.S.C. Section 1396n(c)), §1915(c); and
6. the use and availability of appropriate:
    a. supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and
    b. supports and services to foster the student's independence and self-determination, including a supported decision-making agreement under Texas Estates Code, Chapter 1357.

19 T.A.C. § 89.1055(k), (o).

In accordance with 34 C.F.R. § 300.320(b), beginning not later than the first IEP to be in effect when the student turns 14 years of age, or younger if determined appropriate by the ARD committee, and at least annually thereafter, the IEP must include:

1. appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
2. the transition services, including courses of study, needed to assist the student in reaching the postsecondary goals.

20 U.S.C. §§ 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. § 300.320(b); Tex. Educ. Code § 29.011(a)(6), (8); 19 T.A.C. § 89.1055(l),(m), (o).

© 2025 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.
SLHA Schulman, Lopez, Hoffer & Adelstein, LLP

Beginning not later than the first IEP to be in effect when the student turns 18 years of age, and at least annually thereafter, the ARD committee must consider and, if appropriate, address the following issues in the student's IEP:

1. involvement in the student's transition and future by the student's parents and other persons, if the parent or other person:
    a. is invited to participate by the student or the school district in which the student is enrolled; or
    b. has the student's consent to participate pursuant to a supported decision-making agreement under Texas Estates Code, Chapter 1357; and
2. the availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives.

19 T.A.C. § 89.1055(n), (o).

TLPS shall post the transition and employment guide on the TLPS website if TLPS maintains a website; provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at: (A) the first meeting of the student's ARD committee at which transition is discussed; and (B) the first committee meeting at which transition is discussed that occurs after the date on which the guide is updated. Upon request, TLPS shall provide a printed copy of the guide to a student or parent.

Tex. Educ. Code *§ 29.0112*.

c) ***Driving with Disability Program Information***

TLPS may provide information pertaining to the Texas Driving with Disability Program along with transition planning materials. For additional information, *see* PG-6.30.

Tex. Educ. Code *§ 29.0113.*

d) ***Graduation – See PG-6.22.***

Sec. 20. BEHAVIOR IMPROVEMENT PLANS/BEHAVIOR INTERVENTION PLANS

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan ("BIP") is appropriate for a student with an IEP. If deemed appropriate, the BIP shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student.

If a BIP is included as part of a student's IEP, the ARD committee shall review the plan at least annually and more frequently if appropriate to address:

1. changes in a student's circumstances that may impact the student's behavior, such as:

© 2025 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.
SLHA Schulman, Lopez, Hoffer & Adelstein, LLP

a. the placement of the student in a different educational setting;
b. an increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;
c. a pattern of unexcused absences; or
d. an unauthorized unsupervised departure from an educational setting; or

2. the safety of the student or others.

Tex. Educ. Code § 29.005(g), (h).

Sec. 21. SUPPLEMENTAL SPECIAL EDUCATION SERVICES PROGRAM/PARENT-DIRECTED SPECIAL EDUCATION SERVICES (PDSES)

The Texas Education Agency ("TEA") shall administer the Supplemental Special Education Services Program under Chapter 29, Education Code, Subchapter A-1 ("SSES Program" or "SSES") as under the name Parent-Directed Special Education Services ("the PDSES Program" or "PDSES"). Any reference to the SSES Program, supplemental special education services, supplemental special education instructional materials, or SSES is to be considered synonymous with the PDSES Program. The PDSES Program provides a $1,500 grant to parents and guardians of eligible students, so long as funds are available, for use in the purchasing of materials and services through the curated marketplace of educational goods and services.

19 T.A.C. § 102.1601.

a) ARD Committee Duties

For a student who has been approved to participate in the PDSES Program, the ARD committee shall provide the student's parent:

1. Information regarding the types of supplemental special education services available under the SSES Program and provided by TEA-approved providers for which an account maintained under Education Code 29.042(b) may be used; and
2. Instructions regarding accessing the SSES Program account.

Tex. Educ. Code § 29.048(b).

b) ARD Committee Prohibited Considerations

The ARD committee shall not consider a student's current or anticipated eligibility for any materials or services that may be provided under the PDSES Program when developing or revising the student's IEP, when determining a student's educational setting, or in the provision of a free and appropriate public education.

Tex. Educ. Code § 29.048(a); 19 T.A.C. § 102.1601(k).

© 2025 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.
SLHA Schulman, Lopez, Hoffer & Adelstein, LLP