

Section 8

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VIII – Other Special Education Procedures

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GENERAL INFORMATION

FBISD Board Policies: DGBA (Legal, Local), EEM (Legal), EHB (Legal), EHBAC (Legal), EHBAF (Legal, Local), EHBAE (Legal), EHBAD (Legal), EHBF (Legal), FD (Legal), FFAC (Legal, Local), FFG (Legal, Local), FL (Legal, Local), FNC (Legal), FNG (Legal, Local), FO (Legal, Local), FOA (Legal), FOB (Legal), FOC (Legal), FOCA (Legal, Local), FOD (Legal), FODA (Legal), FOE (Legal), FOF (Legal), GBA (Legal), GKC (Legal, Local); 19 TAC §§89.1070, 89.1047, 89.1053(e), 97.1072, 103.1301; TEC §§ 25.002, 29.001(10), 29.015, 29.022, 37.10, 26.002, 42.151, 39.053(g-2); 34 CFR Part 99; TGC § 552.002(a); 34 CFR §§ 300.30, 300.151-300.154, 300.519, 300.503(c), 300.504-300.515; 20 USC §§ 1415(b)(2), 1439(a)(5); and TFC §§ 153.371, 261.001, 261.406, 261.410.

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REQUEST FOR DISTRICT SUPPORT SERVICES

Behavior Support

The Behavior Response Team (BRT) includes a Program Manager, Program Specialists, BCBA's, and District-Wide Behavior Paraprofessionals. The team is supported by an Assistant Director, Behavior and Special Sites. This team was created to support teachers and other campus staff with implementing behavior interventions for identified students served with special education services.

Accessing the Special Education Behavior Response Team (BRT)

If a student served with special education services is exhibiting one or more behaviors, new behaviors, or increased behavior levels that impede his/her learning or that of others, and the teacher needs support, the teacher should contact the case manager to discuss the observed difficulties.

- 1) The case manager should review with the teacher the instructional accommodations and supports to ensure understanding and implementation. If the student has a Behavior Intervention Plan (BIP), the case manager should review the BIP to ensure understanding and implementation, providing supports as needed.
- 2) If behavioral challenges continue, the case manager should request support from the Program Specialist for the student's current special education program.
- 3) The Program Specialist should review the student's instructional program to ensure implementation, and provide written recommendations for instructional supports, as well as behavior recommendations as appropriate. The Program Specialist should reference the BIP and ensure implementation fidelity, if applicable.
- 4) After the Program Specialist consult/recommendations have been provided, the teacher will implement the strategies for a minimum of two weeks, monitoring both academic and behavioral progress. The Case Manager/Teacher will share data with the Program Specialist weekly.
- 5) If after implementation of the strategies for the two-week period, the student continues to struggle behaviorally, the campus staff (CCC/AF, Case Manager, evaluator, campus administrator, sped admin) should make a referral to the Behavior Response Team (BRT). Recommendations provided by the Program Specialist must be included within the request for support.
 - a. Campus CCC/AF must notify parent/guardian if a referral to the BRT is being made. This can be via email, or phone call.
 - b. The referral may result in a consultation with BRT.
- 6) Once the request is received, BRT will review the student's educational program, conduct observations and interviews, as necessary, and provide written recommendations.
 - a. BRT will provide training and coaching to staff on implementation of the recommendations provided.
 - b. The student's current Program Specialist will be involved in this process to ensure understanding of the recommendations.
- 7) As the plan is implemented, an ARD meeting may be required to review the plan and update the IEP as necessary.

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- 8) The Case Manager/Teacher will share weekly data with the Program Specialist and BRT for progress monitoring purposes. BRT will check-in once every other week to provide support, for up to four weeks.
- 9) If successful after 4 weeks, BRT will fade out and the Program Specialist will continue to support as needed.
- 10) If unsuccessful within the 4-week period, BRT will provide follow-up support as requested by the campus; to review the plan and adjust, as needed.
 - a. For students served with special education services who transfer to a new campus or are new to FBISD and exhibit significant behavior levels and do not have an appropriate BIP, a referral to BRT may be made immediately.
 - b. Campus CCC/AF must notify parent/guardian if a referral to the BRT is being made.

Functional Behavior Assessments (FBA)

If a student served with special education services is exhibiting behaviors that interfere with his/her learning or that of others and does not have a Behavior Intervention Plan (BIP), or the function of the behavior appears to have changed from the previous FBA, an FBA may be requested. FBAs for students currently in the initial evaluation or re-evaluation process will be completed by the assigned evaluator within the current evaluation. If a stand-alone FBA is required due to current levels of behavior, an FBA request should be submitted to the Behavior Response Team (BRT):

- 1) The campus administrator, CCC/AF, campus evaluator, and/or district administrator will submit a request for an FBA to BRT.
- 2) The Program Manager of BRT will review the request and contact the campus within three days to inform if BRT will be available to complete the FBA or if it will be directed to the campus LSSP.
- 3) For approved requests, the BRT staff member will complete Functional Behavior Assessment (FBA) and utilize the results to develop a proposed Behavior IEP/BIP.
- 4) Within two weeks of completion of the FBA, BRT will staff with the campus to review the FBA, proposed BIP and behavior IEPs (as needed), to prepare for the ARD committee meeting.
- 5) Once the ARD meeting is held, the BRT staff member will review the FBA, BIP and behavior IEPs (as needed) within the meeting for the committee, to be added to the student's educational program.
- 6) A BRT staff member will provide training and modeling of the behavior interventions and strategies recommended, to assist in decreasing the inappropriate and increasing the appropriate behavior levels.
- 7) The Case Manager will share data weekly with BRT for progress monitoring. BRT will check-in once every other week to provide support for at least four weeks.
- 8) If the BIP is successful, BRT will fade out after four weeks.
- 9) If unsuccessful within the 4-week period, BRT will provide follow-up support as requested by campus.

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Functional Behavior Assessments (FBAs) for Manifestation Determination Reviews (MDRs)

Students served with special education services who receive a disciplinary action that constitutes a change in placement and do not have an FBA or have not had an FBA completed within the calendar year, the school district should seek consent to conduct an FBA, no later than ten school days after the change in placement (TEC 37.004).

- 1) Within the MDR, the committee should discuss the need for an FBA and document discussions within the ARD deliberations.
- 2) If the student does not have a Behavior Intervention Plan (BIP), an interim BIP should be created to provide strategies to address the student's challenging behavior.
 - a. The LSSP involved within the MDR should develop the interim BIP and include within the MDR documentation.
- 3) Consent for the FBA should be signed within or immediately following the MDR, with the support of the evaluator present at the MDR.
 - a. If consent has been obtained for a re-evaluation, the FBA should be completed within the re-evaluation by the LSSP.
 - b. If the parent does not sign consent for the FBA at the time of the ARD, continue the referral to BRT for the FBA, and BRT will pursue consent.
- 4) For stand-alone FBA requests, once the MDR is completed, the LSSP should submit a request for an FBA to BRT:
- 5) The Program Manager of BRT will review the request and contact the sending campus within three days to inform if BRT will be available to complete the FBA or if it will be directed to the campus LSSP.
- 6) For approved requests, the BRT staff member will complete Functional Behavior Assessment (FBA) and utilize the results to develop a proposed Behavior IEP/BIP.
- 7) The BRT staff member will provide training and modeling of the behavior interventions and strategies recommended, to assist in decreasing the inappropriate and increasing the appropriate behavior levels.
- 8) Within two weeks of completion of the FBA, BRT will staff with the campus to review the FBA, BIP and behavior IEPs (as needed), to prepare for the ARD committee meeting.
- 9) Once the ARD meeting is held, the BRT staff member will review the FBA, BIP, and behavior IEP goals (as needed) within the meeting for the committee, to be added to the student's educational program.

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Accessing District-Wide Board-Certified Behavior Analyst (BCBA)

1. If a parent is bringing a private BCBA to a staffing or ARD meeting, or the parent is requesting a private BCBA observe the student, a BRT request should be submitted for Private BCBA involvement in student's case. The District BCBA will join the ARD meeting, and/or accompany the private BCBA in the observation and will consult on recommendations for behavior support.
2. All other requests for a BCBA to be involved in a student program, should be made to Assistant Director, Behavior and Special Sites.

Accessing the District-Wide Behavior Paraprofessionals (DWBP)

District-Wide Behavior Paraprofessionals (DWBPs) are available through the Special Education Department in special circumstances in which a student's behaviors have continued, despite the implementation of behavioral strategies within the classroom environment. To request DWBP support, the Program Manager overseeing the student's current program will submit a District-Wide Behavior Aide Request Form. The student must have a Behavior Intervention Plan (BIP), behavior goal(s), and data tracking sheets individualized for the student's target behaviors.

- a. The DWBP is provided for a specified period, which is established when the DWBP is assigned to a campus.
- b. The DWBP's role is to model implementation of the student's BIP, collect data on the implementation of the BIP and frequency/duration of the behaviors.
- c. The campus staff, as the DWBP models implementation of strategies and collection of data, should begin to take over implementation and data collection as the DWBP support is faded toward the end of the specified time.

DWBP support is requested by the campus through the Program Manager of the program in which the student is currently served.

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Social Skills Support

1. The classroom teacher should first consult with the campus LSSP to determine research-based intervention tools to use in which to teach social skills.
2. If the campus LSSP is unable to provide necessary intervention tools, the campus LSSP should email the social skills IEPs, teaching strategies, and data on the IEP to the Program Specialist who supports the program in which the student is receiving services.
3. Once received, the Program Specialist and LSSP will set up a consultation meeting with the CCC/ARD Facilitator/Department Head. At the consultation meeting, the team will develop strategies to effectively address the student's social skills needs.
4. If progress is not observed (via data collection) within two weeks of implementation of the social skills strategies, the CCC/AF will contact the Program Specialist to follow-up with the teacher every two weeks.
5. The Program Specialist will provide specific research-based social skills instruction activities and model the implementation of these strategies.
6. If the teacher continues to have difficulty, a staffing should be scheduled with the Program Manager who supports the program in which the student is receiving services to discuss next steps.

Instructional Support

1. If a teacher feels he/she needs additional support to effectively teach specific skills to a specific individual with disabilities, they should first contact the student's case manager to obtain strategies that have been found effective with the student in the past.
2. If, after the strategies have been implemented for two weeks, the teacher continues to need additional support, the teacher should document the difficulties observed in teaching (i.e., prompt dependency, lack of progress, modification ideas, visual supports), along with the specific targeted IEP objectives, and provide this documentation to the Program Specialist who supports the program in which the student receives services.
3. Once received, the Program Specialist and classroom teacher will set up a consultation meeting. At the consultation meeting, the Program Specialist and classroom teacher will develop research-based teaching strategies to enhance the student's learning.
4. If progress is not observed, the campus should schedule a meeting with the Program Manager.

Communication Support

If a student requires additional communication support than the extent of a classroom teacher's knowledge, the teacher should first contact the case manager to explain the difficulties observed. The case manager should then contact the Speech Language Pathologist (SLP) assigned to the campus and who will provide consultation and recommendations as appropriate to facilitate appropriate communication. An ARD committee meeting should be scheduled if IEP changes are necessary.

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COMMUNITY-BASED INSTRUCTION/WORK-BASED LEARNING (CBI/WBL)

The following guidelines will be used by all District personnel when providing community-education experiences for preschool, elementary, middle, and high school students with disabilities.

What Is Community-Based Instruction (CBI)?

Community-Based Instruction (CBI) is intended to promote awareness of campus and community for students with disabilities who have difficulty with generalization of specific transition skills as identified in the IEP. Activities may be extended beyond the classroom into other campus and community environments as appropriate and relevant. It is recommended that CBIs occur routinely with frequency dependent upon grade levels.

Goals and Objectives

CBI experiences must be specifically related to and reflected in the IEP goals and objectives. Students may require experiences related to targeted objectives in the following areas:

Community Consumers

- Preschool (i.e., choice making, appropriate behaviors according to setting)
- Elementary (i.e., how to order and behave appropriately at a restaurant or shopping)
- Middle/High (i.e., exhibit socially appropriate behaviors, appropriate reciprocal interactions with community service personnel)

Recreational

- Preschool (i.e., knowing playground rules, participating in games with rules)
- Elementary (i.e., organized sports, movies, bowling, being a team member)
- Intermediate/Middle/High (i.e., observe and/or participate in organized sports, community/school social events with non-disabled peers, movies, shopping)

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Vocational Awareness of Community Helpers and Awareness of Relevant Places within the Community

- Preschool (i.e., doctor's office, dentist's office, grocery store)
- Elementary (i.e., career exploration: what is a mail carrier, nurse, doctor, lawyer, fireman)
- Intermediate/Middle/High (i.e., career exploration: identifying career clusters, skills/education necessary to obtain various careers)

These experiences can occur on the campus and within the community. The basic guidelines for determining which of a student's educational goals are to be implemented in the community-based context are:

1. An interview with the student's parent/guardian and/or student to determine the individualized critical/functional skills-See ***Student and Family Survey Document***, located in the Appendix.
2. The chronologically age-appropriateness of the tasks and of the environments.
3. An emphasis on allowing greater participation and independence in the most natural environment.

Special Education Teacher Responsibilities related to the CBI Process

1. Serve as a member of the Admission, Review, and Dismissal (ARD) committee and propose draft goals and objectives for CBI.
2. Involve parents in the student's CBI by explaining the program and Voc. Ed continuum to parents, gaining their input and permission as needed.
3. Obtain a signed ***Parent Notification of Community Based Instruction Form*** (located in the Appendix) that indicates the site(s)/location(s) of the community-based education and mode of transportation, if necessary, for each student.
4. Written documentation (data sheets) must be recorded regularly (i.e., address each objective weekly at a minimum)
5. Coordinate student's academic coursework related to CBI. For high school students participating in CBVI, teachers should consult with the student's CBVI teacher to determine if the student's needs regarding community-based instruction are being met through CBVI experiences.
6. Supervision of Para-Educators
7. Plan the Community Based Instruction

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CBI Guidelines for Off-Campus CBI

CBI Trips Must Be Within Your School Attendance Zone (5 Mile Radius)

Selecting CBI sites outside of the school attendance zone increases travel time on the bus, takes away from the student's classroom instructional time, emphasizes sites that may not be regularly used by the student and families, and is not an effective use of district resources. If there is a CBI site that is out of the campus attendance zone, a justification to the program coordinator will be needed.

CBI Trips Should Take Place between 9:30am and 1:30pm

This timeframe allows students to get settled into the classroom, to review expectations for the CBI trip and to examine the objectives for the trip. This also provides time to make sure all paperwork is in place and the money/materials are packed and ready to go. Arriving back on campus on or before 1:30 pm allows time to debrief the trip, put everything away, and prepare for the end of the day activities. Most trips will only require an hour or two within this timeframe. Very few trips will last the entire four hours and may require additional justification.

Student schedules should be reviewed to plan trips that will not pull students from out classes, especially general education classes/electives.

CBI Trips Should Be Individualized to Meet the Needs of the Students

Not all students require the same frequency, length, and location for CBI trips. (Example: For some students, it may be appropriate to provide instruction at Wal-Mart, for others that environment may be too large and stimulating). CBI trips do not include all the students in the classroom. It is recommended that no more than four students participate in a CBI trip. Additional information may be requested for CBI trips submitted with more than four students.

CBI and CBVI Request Procedures for Scheduling Trips

The Fort Bend Independent School District funds transportation for Community Based Instruction Trips.

Note: Any trips requested that do not need consistent and repetitive instruction in community settings to generalize skills taught in the classroom will not be approved.

1. Special Education teacher completes all CBI Paperwork which is located in the Appendix and send to the Program Manager for the program in which the student receives services
 - Student and Family Survey (English/Spanish)
 - Ecological Inventory
 - Site Map
 - Items on CBI Checklist
 - Student Medical Information
 - Lesson Plan

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2. Once the CBI paperwork is reviewed by the Program Manager, confirmation will be sent via Outlook to the requesting teacher, Program Manager, Administrative Assistant over Transportation, and the Campus Administrator. In the comment section there will be a message indicating the trip was approved, denied, or additional information was required.
3. After the confirmation of approval from the Special Education Transportation Coordinator, the teacher is responsible for completing a trip request. The request can be completed by the building administrative assistant on the campus or other designated person. The approval will be sent through the system. Once transportation schedules the trip, the system will notify all parties involved.
4. Special Education teacher completes the ***Community Based Instruction Data Sheet*** (see Appendix) for each student attending the CBI trip and sends it to the Program Manager.
5. Special Education teacher completes ***Campus Notification of Community Based Instruction Form*** (Appendix) and provides to campus/supervising principal.
Special Education teacher completes the ***Parent Notification of Community Based Instruction Form*** (Appendix) and sends home for the parent to sign and return.

Due to challenges with transportation availability, the dates for CBI/CBVI are limited and should not be scheduled on the following dates*-

- Entire month of December
- Early Dismissal days
- First nine weeks of school
- Last three weeks of school
- Holidays

*The ARD committee may determine CBI/CBVI are required beyond the dates and times stated above.

Funding for Trip(s)

For the majority of the CBI/CBVI, campuses do not need monies to implement community-based instruction. In the event funding is needed, the Special Education teacher should contact the Program Manager overseeing the program to discuss the request.

Program Manager's Review

The Program Manager will review the CBI request once a week and communicate with the campus regarding the CBI.

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Personal Purchases by Students

Although the goal of Community-Based Instruction is to teach students how to function independently in a variety of community settings, allowing students to bring extra money from home for purchases can create some unique challenges. If the student is using personal money, the school cannot control boundaries on the type of items purchased. When some students bring money to purchase something to take home and others do not, this creates an inequitable situation in the classroom. To eliminate this type of situation, personal purchases will not be allowed during CBIs.

Identify Environments That Are Commonly Used by Families and Return to Those Locations Frequently

The only way students will gain any level of independence in community environments is to provide instruction in those environments on a regular basis. Keep in mind the locations where most families purchase most of their groceries and household supplies. The ***Student and Family Survey*** (Appendix) is used to gather this information.

Family Members Should Not Accompany the Class on CBI Sites

The purpose of Community-Based Instruction is for students to participate in detailed lessons to prepare them for future community participation. Just as in the classroom, having family members in attendance pulls students' attention away from the lesson.

CBI Should Never Be Used as a Reinforcer

Teachers should never use CBI trips as leverage to encourage students to demonstrate appropriate behavior. Students should not be excluded from CBI trips as a consequence for inappropriate behavior. However, if a student is consistently displaying behaviors that are of concern, the teacher can determine that it is not safe to take the student into the community until they are consistently responsive to teacher direction and can better manage behavior. An ARD committee meeting should be called to address the behaviors as necessary.

Guidelines for Preparing Community Based Instruction Outing

The teacher facilitating Community-Based Instruction must adhere to the following steps provided by the District:

1. Review emergency procedures with staff that will be providing community-based education prior to implementation of such. Have staff sign off that they have read and understand the procedures for implementing community-based education.
2. Have a sign-out log and classroom schedule, which identifies the location of each student in the community and on campus. It must be posted in an accessible and visible place in the classroom. A copy must be provided to the Department Chair and the campus principal, or their designee.
3. Each campus shall have a file containing each student's picture and emergency information. This file shall be kept with the Department Chair. The campus principal or their designee should be made aware of the location of the file in case of emergency.

VIII – Other Special Education Procedures

4. First-Aid supplies, at a minimum, should include rubber gloves, plastic bags (i.e., grocery bags for maintaining soiled clothing), Band-Aids, self-care items (i.e., sanitary napkins, diapers.)
5. “Guidelines for Emergency Situations” (including campus phone numbers and names of relevant school personnel) shall be followed.
6. On-going written records (anecdotal and/or data sheet) related to the implementation of community IEP objectives shall be maintained and available for review by campus and district personnel. Student progress must be recorded on their IEP goals & objectives at progress reporting periods.
7. Each teacher shall carry a binder or folder containing the following:
 - a. Identification and emergency information on each student who is receiving education in the community. This information shall include:
 - i. The student’s name, address, and phone number.
 - ii. The parent’s name and phone number.
 - iii. The name of the campus and the phone number.
 - iv. The name of the campus administrator.
 - v. Medical information.
 - vi. The student’s mode of communication.
 - vii. A picture of the student.
8. Each student shall carry the following: personal identification, any necessary emergency information (i.e., medical considerations) and relevant phone numbers.
9. Complete an ***Ecological Inventory of the CBI site*** (see Appendix). An ecological inventory needs to be completed to consider for general factors such as general layout and accessibility of the facility, ease of access, location and accessibility of the bathroom, opportunities for interaction, cost of admission, food, or services, and additional environmental factors that may be of issue to the students.

Paraprofessionals

- Paraprofessionals may supervise and instruct a group of students going to and from or at a community site while with the teacher. However, the teacher is ultimately responsible for the supervision and instruction of all the students in his/her class.
- Paraprofessionals may remain on campus with a group of students with disabilities and provide supervision and remedial instruction while supervised by certified personnel within the school building.

VIII – Other Special Education Procedures

Substitute Teachers, Student Teachers and Volunteers

- Substitute teachers and substitute paraprofessionals may not go off campus without a regular classroom staff person who is familiar with each student's instructional program and behavioral issues.
- Student teachers and volunteers can supervise or provide instruction to students with disabilities while near or in the presence of a certified teacher.

Campus Administration

- The designated campus administrator shall keep a copy of these guidelines and the Department of Labor's Fair Labor Standards Act (FLSA).
- The designated campus administrator shall have access to a daily sign-out log and/or daily classroom schedule.
- The designated administrator shall have access to and/or maintain the file containing student pictures and emergency information.

Transportation

Staff shall not transport students in their personal vehicles under any circumstance. Travel shall be coordinated with District transportation office.

Field Trips

All field trips being conducted by the general education teacher should be considered first and foremost. Community outings that do not occur on a regular and planned basis are considered a field trip and are not part of the student's IEP. Separate permission forms (obtained from the campus secretary) are needed for each field trip, since these outings are not covered in the community-based education permission form.

Responsibility

The teacher is ultimately responsible for the supervision and instruction of the students placed in his/her class and this includes the time spent in community-based instruction.

VIII – Other Special Education Procedures

Work- Based Learning (WBL)

Purpose of Work-Based Learning Developed by the US Dept. of Education and US Dept. of Labor

- Identify career interests.
- Assess employment skills and training needs.
- Develop skills and attitudes necessary for paid employment.
- To participate in a paid experience prior to graduation (after needed exploration, assessment, and training).

Four Distinct Phases of WBL with description

Phase One: Career Exploration (5 hrs. per job)

- Involves investigating a student's interests, values, beliefs, strengths, and needs in relation to the demands and other characteristics of work environments. Students are exposed briefly to a variety of work settings to help them make decisions about future career directions or occupations. Exploration enables students to make choices regarding career and occupational areas they wish to pursue.

Phase Two: Career Assessment (90-hr. limit per job)

- Helps determine individual training objectives for a student with a disability. In this component, the student performs work assignments in various businesses under the direct supervision of school personnel and employees.
- Assessment data are systematically collected on the student's interests, aptitudes, needs, learning styles, work habits, behaviors, personal and social skills, values and attitudes, and stamina.
- The student rotates through various work settings corresponding to the student's employment preferences as situational assessments are completed by school personnel and assessment site employees.
- As a result, students select work settings in which they can best pursue career or occupational areas matching their interests and aptitudes.

Phase Three: Work-related Training (120-hr. limit per job)

- Places the student in various employment settings for work experience. The students, parents, and school personnel should develop a detailed, written training plan, which includes the competencies to be acquired, methods(s) of instruction, and procedures for evaluating the training experience.
- Training must be closely supervised by a representative of the school.
- This enables students to develop the competencies and behaviors needed to secure and maintain paid employment.

Phase Four: Cooperative Work Experience/Vocational Experience (actual paid job)

Students are working with minimal to no support provided from teachers or job coaches although natural support from the business or community may be accessed.

VIII – Other Special Education Procedures

Program Goal

The goal of Work-Based Learning is to provide students receiving special education services the opportunity to explore careers and postsecondary employment options and build skills to support the student's goals.

Program Supports

WBL is supported by special education teachers, general education teachers, para-educators, job coaches, campus administrators, program managers/specialists, Speech Language Pathologists (SLPs), Licensed Specialists in School Psychology (SLLP), related services staff, and parents.

Teacher Responsibilities

- Refer to "CBI Teacher Responsibilities for the Vocational Exploration and Vocational Assessment hours.
- For Vocational Training, the teacher will collect data from the Vocational Exploration and Vocational Assessment and meet with the Transition Teacher to determine the appropriate training site for the student.

Teacher/Paraprofessional Communication

- The special education teacher, transition teacher, paraprofessionals and job coach must communicate regularly with all staff working with and supporting the students. There must be a clearly defined schedule to include the training at the job sites and all three components of the WBL.

Instruction

- The students receive vocational instruction both in the classroom and in the community at work sites. The IEP goals and objectives are based on the student's postsecondary goals and career interest.
- Both the special education teachers and paraprofessionals will regularly document student progress on the IEP goals and objectives.
- Data is collected during each vocational training.

Assessment

- Special education teachers and job coaches will utilize the vocational exploration and vocational assessment in addition to teacher reports, parent reports, informal and formal checklists to assess current needs of the student to develop appropriate goals and objectives that meet the student's current functioning level. The assessment will need to be conducted prior to each annual ARD meeting.

Behavior Management

- In addition to the classroom management system, the CBVE provides individualized behavior management systems utilized for each student. Teachers and para-educators apply effective principles of Crisis Prevention Intervention (CPI) for students who demonstrate aggressive behaviors and may require verbal de-escalation and/or physical restraint.
- Behavior management is consistent across classroom and work-site staff members.
- An individualized behavior management system for each student is in place, based on the BIP, as determined by the student's ARD committee.

VIII – Other Special Education Procedures

ENROLLMENT PROCESS FOR SPECIAL EDUCATION STUDENTS NEW TO FORT BEND ISD

Campus ADA/Registrar alerts CCC/AF of new student enrolling on campus with Special Education Services.

Within 5-Day School Day Timeline the Following Needs to Occur:

Step 1: Home Campus CCC/AF will contact previous campus and student's parent/guardian to **verify** student's services from previous campus:

- **Verification of Documents:** FBISD has written verification of services.
 - Possible Written Verification Includes:
 - Copy of ARD Paperwork
 - Copy of FIE
 - Written Documentation of eligibility and instructional arrangement (services/programming). (Example: Email from previous campus)
- **REMINDER:** Verify means district has received a copy of the student's IEP that was in effect in the previous school district.

VIII – Other Special Education Procedures

VERIFICATION OF SERVICES RECEIVED - SERVICES WILL BE PROVIDED ON HOME CAMPUS	
<u>Verification of Transfer IEP CCC/AF Procedures:</u>	<u>Enrollment Process ADA/Registrar:</u>
<ul style="list-style-type: none"> Once Home Campus CCC/AF has ARD documents or written verification of eligibility and services/programming, CCC/AF will determine comparable services. If student is in a specialized program CCC/AF will email Program Manager to confirm placement of student in home campus program. Confirm with campus Diag if evaluation is needed to be completed based on documents received. Home Campus CCC/AF will import or manually enter Special Education Student into Success ED. Home Campus CCC/AF will contact student's guardian/parent to review comparable services. Home campus CCC/AF will complete the following pages in the Transfer Verification Packet in Empower. Home Campus CCC/AF will lock document on date services are to be started. 	<ul style="list-style-type: none"> Home Campus ADA/Registrar has parent complete online enrollment. Home Campus ADA/Registrar will collect and confirm all documents required for enrollment and complete the enrollment process for student.

TIMELINES FOR ANNUAL/PLACEMENT ARD MEETING	
<p><u>IN STATE TRANSFER or OUT OF STATE Transfer:</u></p> <p>Evaluation is NOT Needed: CCC/AF completes Annual/Placement ARD within <u>20 school days</u> from the date the campus verifies the student has Special Education Services.</p> <p><u>IN STATE TRANSFER</u> EVALUATION IS NEEDED- Campus has <u>30 school days</u> to complete evaluation AND Annual/Placement ARD meeting.</p> <p><u>OUT OF STATE TRANSFER STUDENTS</u> Diag Confirms Evaluation is needed- Campus has 45 school days to complete the evaluation, and 30 calendar days to complete initial ARD.</p>	

VIII – Other Special Education Procedures

VERIFICATION OF SERVICES RECEIVED - SERVICES WILL BE PROVIDED ON ANOTHER CAMPUS IN FBISD	
<u>Verification of Transfer IEP CCC/AF Procedures:</u>	<u>Enrollment Process ADA/Registrar:</u>
TIMELINES for Annual/Placement ARD Meeting	
<p>IN STATE TRANSFER or OUT OF STATE Transfer: Evaluation is NOT Needed: CCC/AF completes Annual/Placement ARD within 20 school days of Verification Services Start Date.</p> <p>IN STATE TRANSFER EVALUATION IS NEEDED- Campus has 30 school Days to complete evaluation AND Annual/Placement ARD meeting.</p> <p>OUT OF STATE TRANSFER STUDENTS Diag Confirms Evaluation is needed (this is now considered an initial FIE)- Campus has 45 school days to complete the evaluation, and 30 calendar days to complete initial ARD.</p>	

VERIFICATION OF SERVICES NOT RECEIVED - SERVICES WILL BE PROVIDED ON HOME CAMPUS	
<u>Verification of Transfer IEP ARD CCC/AF Procedures:</u>	<u>Enrollment Process ADA/Registrar:</u>
<ul style="list-style-type: none"> Home Campus CCC/AF does not receive Verification of Services within the 5-day timeline. Home Campus CCC/AF will manually enter Transfer Special Education Student into Empower If student is in a specialized program CCC/AF will email Program Manager to confirm placement of student in home campus program. Home Campus CCC/AF will complete a Transfer Individual Education Program Meeting: Transfer Individual Education Program Meeting: Transfer Individual Education Program Meeting IEP Complete ENTIRE DOCUMENT; Pending Evaluation at Time of Transfer; Verification of IEP; Schedule of Services; State Assessment Page; Deliberations; Committee Membership Page; Notice of Decision; Transportation Information (if applicable) Home Campus CCC/AF will inform home campus Diag that verification was not made, so evaluation and Annual/Placement ARD are needed to be completed within 30 days of the Transfer ARD date. Diag will obtain consent from Parent/Guardian. Home Campus CCC/AF will discuss comparable services based on information provided, and document discussions about services in Transfer ARD meeting deliberations. Home campus will provide agreed upon comparable services and gather data during the 30-school day timeline to complete the Evaluation AND Annual/Placement ARD Meeting 	<ol style="list-style-type: none"> Home Campus ADA/Registrar has parent complete online enrollment. Home Campus ADA/Registrar will collect and confirm all documents required for enrollment and complete the enrollment process for student.

VIII – Other Special Education Procedures

TIMELINES FOR ANNUAL/PLACEMENT ARD MEETING

INCOMPLETE VERIFICATION

IN STATE TRANSFER

EVALUATION IS NEEDED- Campus has 30 school days to complete evaluation **AND** Annual/Placement ARD meeting.

OUT OF STATE TRANSFER STUDENTS

Diag Confirms **Evaluation is needed (this is now considered an initial FIE)**- Campus has 45 school days to complete the evaluation, and 30 calendar days to complete initial ARD.

Timeline if verification of IEP is made AFTER Transfer ARD is completed AND Evaluation is NOT NEEDED:

Campus CCC/AF will need to adjust timeline of Annual/Placement ARD completion to **20 school days from Transfer ARD Meeting**.

**VERIFICATION OF SERVICES NOT RECEIVED – SERVICES WILL BE PROVIDED ON A FBISD CAMPUS
OTHER THAN THE HOME CAMPUS**

Verification of Transfer IEP

CCC/AF responsibilities

- Home Campus CCC/AF sends received documents or written verification to SPED Program Manager for Campus Placement.
- Home Campus CCC/AF will manually enter Transfer Special Education Student into Success Ed.
- SPED Program Manager Reviews Verification Documents to confirm program services are appropriate.
- SPED Program Manager will contact receiving campus Principal to review new student placement at receiving campus.
- SPED Program Manager sends Home Campus CCC/AF and Receiving Campus CCC/AF with student campus placement.
- Home Campus CCC/AF sets up and completes Transfer ARD Meeting. Receiving campus should be invited to Transfer ARD meeting.
- Home campus CCC/AF will complete the following pages in the
 - **Transfer Individual Education Program Meeting IEP**
 - **Pending Evaluation at Time of Transfer; Verification of IEP;**
 - **Schedule of Services;**
 - **State Assessment Page;**
 - **Deliberations;**
 - **Committee Membership Page;**
 - **Notice of Decision;**
 - **Transportation Information (if applicable)**
- Once Transfer ARD Meeting is completed. Home Campus CCC/AF- Alerts ADA/Registrar of home campus, so enrollment can be dropped at home campus and receiving campus can pick up student online enrollment.
- Home Campus ADA will send collected enrollment documents to receiving campus.
- Home Campus CCC/AF will communicate with Receiving Campus CCC/AF that communication with Receiving Diag that evaluation consent is needed.
- Receiving Diagnostician will obtain consent from Parent/Guardian.

Enrollment Process ADA/Registrar

- Home Campus ADA/Registrar has parent complete online enrollment.
- Home Campus ADA/Registrar will collect and confirm all documents required for enrollment.
- HOME CAMPUS Enrollment Process will **STOP** until Home Campus and Receiving Campus receive email from program Manager with receiving campus and start date.
- Once CCC/AF Confirms Receiving Campus and Services Start Date, Home Campus ADA/Registrar will send Enrollment Documents to receiving campus ADA/Registrar, and release the online enrollment of student in Skyward.
- Home Campus ADA/Registrar will contact Receiving Campus ADA/Registrar to confirm Step 4 has been completed.
- RECEIVING CAMPUS ADA/REGISTRAR will complete the enrollment process for Skyward and Receiving Campus.

TIMELINES FOR T2/ANNUAL ARD MEETING	
<p>In State Transfer– <u>New Evaluation IS Required</u></p> <ul style="list-style-type: none"> • Campus has 30 school days to complete the evaluation and hold the T2/Annual ARD <p>Out of State Transfer– <u>New Evaluation IS Required</u></p> <ul style="list-style-type: none"> • Diagnostician confirms evaluation is needed. • Campus has 45 school days to complete the Evaluation (Considered an Initial Full Individual Evaluation) • Campus has 30 calendar days to hold the T2/Annual ARD <p><i>** If Verification of IEP is made AFTER the Transfer ARD has been held, and a complete FIE is received and no further evaluation is required, Campus CCC/AF will need to adjust the timeline of the T2/Annual ARD to be completed within 20 school days of the Transfer ARD meeting.</i></p>	

SPECIAL EDUCATION DOCUMENTATION AS IT RELATES TO THE STUDENT ACCOUNTING HANDBOOK AND THE CERTIFY PEIMS PROCESS

FBISD must make available and provide to the Financial Compliance Division of the TEA copies of all required attendance records **within 20 working days** of written request by the agency. Failure to provide all required attendance records (specific program[s], grant[s], or both) will result in the TEA's retaining 100% of your district's Foundation School Program (FSP) allotment for the undocumented attendance for the school year(s) for which records have been requested.

This section describes the requirements that must be met for students who are receiving special education services to be eligible for funding.

To be eligible to receive special education services, a student must be a child with a disability. The determination of whether a student is eligible for special education and related services is made by the student's individualized family services plan (IFSP) committee (for children from birth through age 2) or admission, review, and dismissal (ARD) committee (for a student aged 3 years or older).

FBISD must make special education services available to the following:

- an eligible student beginning on his or her third birthday,
- an eligible student who meets all three of the following requirements:
 - the student has not reached his or her twenty-second birthday on September 1 of the current school year,
 - the student is returning to school under 19 TAC §89.1070(k).

FBISD also must make special education services available to an infant or toddler (child from birth through age 2) who has a visual or auditory impairment and for whom an IFSP committee has determined to be eligible for special education services. Such a child is eligible for average daily attendance (ADA) on the same basis as other students receiving special education services.

Provided that students are served by appropriately certified special education staff members, students who are eligible for special education services and are provided those services by FBISD are eligible for special education contact hours and weighted funding.

A student with a disability must not be reported with a PEIMS special education instructional setting code before actual service begins.

FBISD must not assign attendance personnel the responsibility of determining a student's coding information. Special Education staff members, directors, or teachers should provide attendance personnel with names and coding information of students who are eligible, and whose documentation is in order.

Special education directors and staff members are responsible for reviewing special program data and totals for accuracy and completeness. They are also responsible for ensuring that attendance personnel are aware of any changes in a student's services and the effective dates of those changes.

The attendance personnel are then responsible for entering the changes in the student attendance accounting system. At the end of each 9-week reporting period, special program staff members should check the Student Detail Report for any coding errors.

In FBISD, the process to check the Student Detail Report for any coding errors is referred to as ***CertifyPEIMS***. Each campus has a designated special education staff member (CCC/ARD Facilitator) that is required to sign off on nine weeks student attendance detail report, district, and campus summary reports.

DATA VERIFICATION

The Results-Driven Accountability (RDA) system, which was developed in response to state and federal statute, is a comprehensive system designed to improve student performance and program effectiveness. The RDA is a data-driven system that relies on data submitted by districts; therefore, the integrity of districts' data is critical. To ensure data integrity, the RDA includes annual data validation analyses that examine districts' leaver and dropout data, student assessment data, and discipline data. Additional data analyses, including random audits, are conducted as necessary to ensure the data submitted to the Texas Education Agency (TEA) are accurate and reliable.

Data Verification takes place every nine weeks. A timeline can be found on the PEIMS SharePoint site.

At each nine weeks period, the Campus Compliance Coordinator or ARD Facilitator will verify the information from Skyward and EmpoWER to ensure accuracy. The steps below provide an outline of the process:

- 1.) The campus ADA/Attendance Clerk/Registrar will print or email a copy of the Daily Register to give to the CCC or ARD Facilitator.
- 2.) The CCC or ARD Facilitator will print the PEIMS 163 by Service Start Date report.
 - In EmpoWER, go to Reports>Programs-Special Education> PEIMS 163 by Service Start Date. Click Run Report.
 - In the report parameters:
 - Select your campus.
 - Under Program Status, select only Active, Initial, Private/Home, and Transferred.
 - The start date should be the first day of school (example: 8/11/2021)
 - The end date should be the date you are running the report (i.e., today's date)
 - When the parameters have been selected, click View Report.
 - The report can be converted to PDF or Excel and/or printed.
- 3.) For errors or discrepancies, have the Data Verification document (see Appendix) open to note these concerns on the form.
 - Corrections to instructional arrangements, speech counts, or data found in the ARD document will need to be made through an ARD. An amendment can be held for these corrections. The CCC/ARD Facilitator can note that an ARD is needed on the Data Verification document.
 - For students showing or not showing on the reports, or data sharing concerns between Skyward and EmpoWER, please note these on the Data Verification document. Do not email these issues to the Special Education department unless it is on the Data Verification document.
- 4.) Send the Data Verification document to the Administrative Assistant to the Program Specialist for Compliance. Errors or discrepancies will be looked at and sent back as a follow-up from the Program Specialist of Compliance.
- 5.) Hold any ARDs needed to correct the information and lock them within 5 days of the meeting.
- 6.) Sign off on the Principal's Report with your ADA/Attendance Clerk/Registrar to verify the information is accurate.

RECORDS MANAGEMENT

FBISD has moved to electronic storage for most of a student's ARD and educational record. Special Education records for students prior to the 2016 school year may be stored within Docuware, which is a document storage system utilized by the District.

Since the ARD process is electronic, it is recommended that campuses do not keep a campus-based audit file for each student and staff members utilize Success Ed to view records. All forms within Success Ed which require a signature must be uploaded into the "history" of the student's file in Success Ed.

Who has access to view a student's records in EmpoWEr or Docuware?

- Executive Director of Student Support Services
- Directors of Special Education
- Assistant Directors
- Special Education Program Managers
- Special Education Program Specialists
- Lead Evaluation Staff
- Related Service Providers of the student
- CCC/ARD Facilitator for a student at their campus or who may be transitioning to their campus
- District-Wide Evaluation Staff
- Behavior Response Team
- Campus Administrators
- Teachers of the student (general and special education), and/or
- Any additional School Official, as defined in FBISD Board Policy FL (Legal) with a legitimate educational interest in the student.

Managing Records for Students Served with Special Education Services

Students New to Fort Bend ISD

When a student who receives special education services enrolls in Fort Bend ISD for the first time, the campus will add the student in EmpoWEr. If the parent/guardian provides any documents or the campus receives documents from the previous school district, the campus department head, campus evaluator, CCC, or ARD Facilitator will upload the files into to the student's EmpoWEr the History tab.

Students Returning to Fort Bend ISD

When a student served with special education services who was previously enrolled in the district returns to Fort Bend ISD, the CCC/ARD Facilitator will reactivate the student in Success Ed. To reactivate the student in EmpoWEr, go to the Success Ed Program Compliance Tab of the Student Section, set the student's status to "Transferred". If the parent/guardian provides any documents or the campus receives documents from the previous school district, the campus department head, campus evaluator, CCC, or ARD Facilitator will upload the files into to the student's EmpoWEr file under EmpoWEr tab.

Students Transferring During the School Year

When a student who receives special education services transfers to another Fort Bend ISD campus during the year, the EmpoWEr file will move to the new campus under the “Enrollment” tab of the “Students” section. All forms will then be accessible to the receiving campus, including those uploaded into the History section.

RECORDS REQUEST

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. The District has 45 calendar days to respond to a FERPA request.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school.
- Generally, schools must have written permission from the parent or eligible student to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
 - School officials with legitimate educational interest,
 - Other schools to which a student is transferring,
 - Appropriate officials in cases of health and safety emergencies,
 - Specified officials for audit or evaluation purposes,
 - Appropriate parties in connection with financial aid to a student,
 - Organizations conducting certain studies for or on behalf of the school,
 - Accrediting organizations,
 - Compliance with a judicial order or lawfully issued subpoena, and
 - State and local authorities, within a juvenile justice system, pursuant to state law.

Texas Records Exchange (TReX)

Texas school districts are required to use Texas Records Exchange (TReX) to send and receive student records. The Texas Education Code requires a district to respond to a request for a student's record from the receiving district within 10 working days after the date the request for information is received.

- Each campus has a TReX designee (typically the attendance clerk) who sends and receives all student records.
- The TReX designee consults with the appropriate special education staff (typically CCC/ARD Facilitator) when a request for student records is made from another district.
- The CCC/ARD Facilitator must provide the last FIE and ARD for the student to the TReX designee.

Texas Education Code §25.002 and FERPA 34 CFR 99.31(a)(2) and 99.34 protect the right of access to the student record. The District must protect the private information on student records and transcripts from unauthorized individuals. TReX encryption ensures protection of the data during transmission and within the TReX process; however, once the data is downloaded, the receiving school district/campus is responsible for data security.

Parent/Adult Student Requests for Students Currently Enrolled

A parent/adult student may request a copy of the last ARD and FIE from the campus special education staff. *For copies of the student's entire file history, or other educational records see below.*

For additional requests from parents/guardians, advocates, attorneys, etc. the following procedures apply:

1. If the student is identified as receiving **Special Education Services** or has a **504 plan**, the requestor should be referred to the Student Support Services Department, Records Specialist, 281-634-1158 or via email at spedrecordsrequest@fortbendisd.gov. The records specialist will verify the identity of the requestor and process the records.
2. If a student does not receive special education or 504 services, and is **currently** enrolled in FBISD, the campus may provide the records **directly** to the parent/guardian of student upon verifying the identity of the requestor.
3. If a student does not receive special education or 504 services, and is considered **inactive**, OR is currently enrolled but the request for records is more than the current year, the requestor should be directed to the District Website at www.fortbendisd.com, by selecting Public Information under "Quick Links" to make their request. Legal Services will process the request. Although the request may be for educational records, the district will log the information and work with the appropriate department to produce the records.
4. Requests for student directory lists, employee records/employee lists or miscellaneous records requests may be directed to the District Website at www.fortbendisd.com, by selecting Public Information under "Quick Links" to make their request.
5. Requests for high school transcripts are handled by the high school campus registrar.

Requests from Juvenile Probation Officers

In Fort Bend ISD, responsive documents should be provided directly to the probation officer who is requesting the records in an expedited manner. Campus must verify the identity of the requestor and add a note in the student's EmpoWEr file if records were provided. If you have questions regarding providing special education documents, contact the Executive Director for Student Support Services, who is the custodian of Special Education records.

Subpoenas

1. Upon receipt of a subpoena, immediately notify the Legal Services Department at 281.634.1117, and forward a copy of the subpoena to public.information@fortbendisd.gov. The Legal Services Department will provide further guidance regarding processing the subpoena.
2. These requests and/or subpoenas are court documents and the District will cooperate with law enforcement or county officials in collection of these records.
3. Campus personnel may accept service of a subpoena. A student's educational environment should not be interrupted, (i.e., a teacher, principal, or District employee should not be removed from the classroom to receive a subpoena).
4. If you are unsure how to comply with or have a question about the legitimacy or authority of the person presenting a subpoena, contact Legal Services.

Social Security/Disability Documentation

Request for records from the **State of Texas Disability Determination for Social Security Administration** should be forwarded to the Student Support Services Department, Records Specialist immediately via email: spedrecordsrequest@fortbendisd.com. Often these requests are sent to the campus principal and the request may be delayed if not sent to the Student Support Services Records specialist for timely processing.

PARENT REQUEST TO REVIEW RECORDS (CAMPUS RECORDS)

A campus that has received a parent request to review a student's campus records must act timely in providing a response to the parent. Specifically, " ...the school must make them available without unnecessary delay and before any ARD committee meeting or any due process hearing or resolution session, and in no case more than 45 calendar days after the date of the request" (*Notice of Procedural Safeguards, September 2022*). Campus records such as behavioral data and accommodation or in-class support logs should be readily accessible and provided timely to the parent prior to the 45-day time period.

PARENT REQUEST TO AMEND STUDENT RECORDS

[FBISD Board Policy FL \(Local\)](#) states that within 15 District business days of the request to amend records, the District will notify the parents in writing of its decision. If the request is denied, the District will notify the parents of their right to a hearing. A hearing is to be held within 10 business days after the request is received.

These requests include requests to amend the written record of the ARD meeting (deliberations). The principal of the campus should review the deliberations and the specific request that is made. If the change(s) do not affect the outcome of the ARD and/or makes changes to the ARD, the LEA may accept the request and make the changes. The LEA will notify the parent in writing of the changes to be made and will then notify the parent once the changes are made within EmpoWEr. If the request will make any changes to the ARD, then another ARD is to be scheduled to discuss the changes and reflect such in the deliberations of the ARD.

Texas Public Information Act

Fort Bend ISD, as a local governmental entity, is subject to the requirements of the Texas Public Information Act. Texas Government Code 552.002(a) defines "public information" as information collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body, or for a governmental body if the government body owns the information or has a right of access to it.

Public information may be requested from Fort Bend ISD, through the District Website at www.fortbendisd.com, by selecting Public Information under "Quick Links". The District has ten (10) business days to respond to the request. It is important to note that governmental entities are not required to respond to questions via the Texas Public Information Act. However, if available, records that would provide the answers to questions posed will be provided if not accepted from release via statute.

SCHOOL HEALTH AND RELATED SERVICES (SHARS) Program

SHARS are direct medical services and transportation services available to children who are 20 years of age or younger, enrolled in Medicaid and are eligible to receive services under the Individuals with Disabilities Education Act (IDEA).

The services must be included in the child's individualized education program (IEP) established under IDEA. Re-evaluations for SHARS services must occur at least once every 3 years, unless the parent and the public agency agree that a re-evaluation is unnecessary.

SHARS allows Districts to be reimbursed for direct medical and transportation services that are determined to be medically necessary and are documented in the IEP.

To receive SHARS services, Medicaid eligible students must:

- Be enrolled in a public school's special education program
- Be 20 years of age or younger
- Have a disability or chronic medical condition
- Have an IEP, documenting medical necessity and authorizes the services that can be provided and defines the individualized objectives of a child who has been found to have a disability.
- There must be a signed parental acknowledgment to release confidential information in the student file.
- Providers must have current credentials and/or license that is up to date and not "lapsed" or in any kind of "grace" period.

SHARS covers the following services (Services in BOLD below are frequently utilized in FBISD):

- **Audiology Services**, individual and group, delivered by licensed master's level therapist or licensed assistant
 - A referral is required for audiology services. The referral must be updated a minimum of one time every three calendar years. Audiology services must be referred by a physician or other eligible referring provider.
 - A referral for audiology services must be signed and dated within three calendar years before the initiation of services.
 - In order for audiology services to be reimbursed through SHARS, the name and national provider identifier (NPI) of the referring licensed physician, or other eligible referring provider, must be listed on the claim and kept in the medical record. Audiologists whose evaluations serve as the referral must be enrolled in Medicaid as individual practitioners and must use their individual NPI for claim submission.
 - IDEA requires that a student receiving SHARS services must have a re-evaluation every three years, which requires current information; unless the parent and the LEA agree that a re-evaluation is unnecessary
- **Counseling**, individual and group, delivered by licensed master's level therapist

- **Nursing services** provided by an RN, APRN (including nurse practitioners [NPs] and clinical nurse specialists [CNSs]), licensed vocational nurse/licensed practical nurse (LVN/LPN), or a school health aide or other trained, unlicensed assistive person delegated and supervised by an RN or APRN.
 - Examples of reimbursable nursing services include, but are not limited to, the following:
 - Inhalation therapy
 - Ventilator monitoring
 - Nonroutine medication administration
 - Tracheostomy care
 - Gastrostomy care
 - Ileostomy care
 - Catheterization
 - Suctioning
 - Client training
 - Assessment of a student's nursing service's needs
 - A prescription is not needed to provide nursing services through SHARS.
 - Private duty nursing (PDN) is not a SHARS covered service.
- **Occupational therapy (OT)**, a professional who is licensed by the Texas Board of Occupational Therapy Examiners to provide OT within his or her licensed scope of practice. An occupational therapist assistant (OTA) must act under the supervision of a qualified occupational therapist.
 - A prescription is required for OT services.
 - The prescription must be updated a minimum of one time every three calendar years.
 - Occupational therapy services must be prescribed by a physician or other eligible prescribing provider.
 - A prescription for OT services must be signed and dated within three calendar years before the initiation of services.
 - OT services may be reimbursed up to (but not to exceed) the amount designated in the prescription. In order for OT services to be reimbursed through SHARS, the name and national provider identifier (NPI) of the prescribing licensed physician, or other eligible prescribing provider, must be listed on the claim and kept in the medical record.
 - IDEA requires that a student receiving SHARS services must have a re-evaluation every three years, which requires current information; unless the parent and the LEA agree that a re-evaluation is unnecessary
 - OT treatment may be provided in an individual or group setting
 - OT evaluation is billable on an individual basis only
 - Time spent without the student present, such as training teachers or aides to work with the student (unless the student is present during the training time), report writing, and time spent manipulating or modifying the adaptive equipment is not billable.

- **Personal care services (PCS)**
- **Physician services**
- **Physical therapy (PT)**, provided by a professional who is licensed by the Texas Board of Physical Therapy Examiners to provide PT within his or her licensed scope of practice. A licensed physical therapist assistant (PTA) must act under the supervision of a licensed physical therapist.
 - A prescription is required for PT services.
 - The prescription must be updated a minimum of one time every three calendar years. Physical therapy services must be prescribed by a physician or other eligible prescribing provider.
 - A prescription for PT services must be signed and dated within three calendar years before the initiation of services.
 - PT services may be reimbursed up to (but not to exceed) the amount designated in the prescription. In order for PT services to be reimbursed through SHARS, the name and national provider identifier (NPI) of the licensed physician, or other eligible prescribing provider, must be listed on the claim and kept in the medical record.
 - IDEA requires that a student receiving SHARS services must have a re-evaluation every three years, which requires current information; unless the parent and the LEA agree that a re-evaluation is unnecessary.
 - PT treatment may be provided in an individual or group setting
 - PT evaluation is billable on an individual basis only
 - Time spent without the student present, such as training teachers or aides to work with the student (unless the student is present during the training time) and report writing, is not billable.
- **Psychological testing (LSSPs)** provided by a professional who is a licensed specialist in school psychology (LSP), a licensed psychologist, or a licensed psychiatrist.
 - Administering psychological tests and other assessment procedures and interpreting testing and assessment results
 - Obtaining, integrating, and interpreting information about a student's behavior and conditions related to learning and functional needs, planning, and managing a program of psychological services
 - Evaluating a student for the purpose of determining the student's eligibility for specific psychological, health or related services, the needs for specific SHARS services, and the development or revision of IEP goals and objectives
 - Assessing the effectiveness of the delivered services on achieving the goals and objectives of the student's IEP
 - Psychological testing is billable if it leads to the creation of an IEP for a student with disabilities who is eligible for Medicaid and who is 20 years of age or younger, whether or not the IEP includes SHARS
 - A prescription is not needed to provide psychological testing through SHARS.
- **Counseling Services (LPC, LCSW)**, Individual and group
 - A prescription is not needed to provide counseling services through SHARS.

- **Psychological Services** (LSSP), Individual and group
 - A prescription is not needed to provide counseling services through SHARS.
 - Services may be provided in an individual or group setting
- **Special transportation services**
- **Speech Therapy** (ST), must be provided by a qualified Speech-Language Pathologist (SLP), who holds a Texas license or an American Speech Language and Hearing Association (ASHA)-equivalent SLP (has a master's degree in the field of speech-language pathology and a Texas license). delivered by licensed therapist or licensed assistant
 - Speech and language services must be referred by a physician or other eligible referring provider. A referral for speech therapy services must be signed and dated within three calendar years before the initiation of services.
 - In order for Speech and language services to be reimbursed through SHARS, the name and national provider identifier (NPI) of the referring licensed physician, or other eligible referring provider, must be listed on the claim and kept in the medical record. Speech therapists whose evaluations serve as the referral must be enrolled in Medicaid as individual practitioners and must use their individual NPI for claim submission.
 - IDEA requires that a student receiving SHARS services must have a re-evaluation every three years, which requires current information; unless the parent and the LEA agree that a re-evaluation is unnecessary.
 - ST may be provided in an individual or group setting.
 - ST evaluation is billable on an individual basis only.
 - Time spent without the student present, such as report writing and training teachers or aides to work with the student (unless the student is present during training), is not billable.
- **Telehealth Services**
 - OT, ST, and Counseling services provided by school districts through SHARS can be delivered during school hours.
 - Providers may be reimbursed for telehealth services delivered to children in school-based settings with the following criteria:
 - Reimbursement for providers is only available when the patient site is a school-based setting.
 - All medical necessity criteria and prior authorization requirements for in-person services apply when services are delivered to children in school-based settings.
 - All other reimbursement and billing guidelines that are applicable to in-person services will also apply when OT, ST, and Counseling services are delivered as telehealth services.

SHARS POLICY CLARIFICATION

Participation in the SHARS program does not preclude a child from receiving similar or additional services by parent choice under another Medicaid program or provider in the private sector.

A child's eligibility for Medicaid Services outside the school setting is not compromised by receiving SHARS service at school. The service(s) provided at school enable the child to receive a free and appropriate public education (FAPE). Due to medical necessity, the child may need additional services outside of school. For example, a school may provide and seek reimbursement for Speech Therapy for a student who also receives Medicaid THSteps-CCP Speech Therapy outside the school setting.

Additionally, there is No lifetime benefit cap for Medicaid services to children under 21. SHARS is a program under the EPSDT (Early and Periodic Screening, Diagnosis and Treatment) program. Under EPSDT, there are no set limitations on Medicaid services to clients under 21, as long as the service is medically necessary. The Medicaid services the child receives at school do not affect the type or amount of Medicaid services the child receives outside the school.

DOCUMENTATION OF SERVICES

The district has collaborated with Onward Caseload Management System to provide software for documentation of services and SHARS claims submission. Onward provides printed materials at all trainings/workshops. Additional resources on documentation guidance can be found on the [Onward website](#).

FBISD SHARS providers are required to utilize the Onward Caseload Management System to document services for all Medicaid eligible students. The system allows all providers to document services delivered, including, but not limited to, the following:

- Student Name
- Activities performed
- Accommodations provided
- Goals and Objectives served (with progress notes and monitoring)

Documentation for sessions is due weekly through the Onward Caseload Management System.

When documenting for services within these settings, documentation should be set up as Actual Time. In addition, documentation responsibilities will fall within the scope of the teachers' responsibility. The teacher will use the feature in Onward, known as the "Data Entry Clerk" role to ensure all documentation is maintained for students receiving services within school day. This requires that all staff members within the team must document for at least one student.

- Providers accumulating 100+ unposted sessions may be required to attend quarterly workshops with Onward and special education district staff.
- All sessions must be posted prior to the service provider's last day on contract.

Personal Care Services

- Personal care services (PCS) are provided to help a child with a disability or chronic condition benefit from special education. PCS include a range of human assistance provided to persons with disabilities or chronic conditions which enables them to accomplish tasks that they would normally do for themselves if they did not have a disability.
- An individual may be physically capable of performing Activities of Daily Living (ADLs) and Instrumental Activities of Daily Living (IADLs) but may have limitations in performing these activities because of a functional, cognitive, or behavioral impairment.
- To be reimbursed for PCS, services provided must not be delivered solely for the purpose of education, such as Reading, English, Language Arts, Writing, Mathematics, Science, Social Studies, Physical Education, Functional Curriculum, or Electives.
- PCS must be medically necessary and listed in the student's IEP.
- PCS include direct intervention (assisting the client in performing a task) or indirect intervention (cueing or redirecting the client to perform a task). ADLs, IADLs, and Health Maintenance Activities (HMAs) include, but are not limited to, the following:

ADLs	IADLs
Bathing	Escort
Dressing	Medication Assistance
Eating	Money Management
Locomotion or Mobility	Telephone use or Other Communication
Personal Hygiene	
Positioning	
Toileting	
Transferring	

PCS does not include the following:

- ADLs, IADLs, or HMAs that a typically developing child of the same chronological age could not safely and independently perform without adult supervision
- Services that provide direct intervention when the child has the physical, behavioral, and cognitive abilities to perform an ADL, IADL, or health-related function without adult supervision
- Services used for or intended to provide respite care, childcare, or restraint of a client
- Stand-by supervision related to safety
- Teaching a life skills curriculum

For personal care services to be billable, they must be listed in the student's IEP.

If personal care services are provided on the bus, documentation of the type of personal care service (type of activity and group/individual) that was performed must be included. Personal care services provided on a bus shall not be provided by a bus monitor, bus aide, or transportation aide.

*** Students whose only eligibility for special education services is Learning Disabled (LD), are not eligible for PCS regardless of the ARD committee has determined those services are required for a FAPE.*

Special Education Teachers should remember the following:

- To bill for PCS, PCS activities must be documented in the ARD/IEP (PLAAFPs, IEP Goals and Objectives, Accommodations pages, and PCS Supplement). They should also be included in the deliberations of the ARD. All these areas of the ARD\IEP need to be in alignment or “tell the same story”.
- PCS services must be documented weekly in Onward system.
- PCS must be reviewed annually, or more frequently, if needed.
- If a student requires a service on a consistent basis, it must be included within the ARD document.
- If PCS are not warranted or no longer needed, this must be discussed and documented within the ARD meeting.
- In the case of a substitute teacher providing services, the substitute should document services on a paper copy and these logs should be uploaded to the Onward Substitute submission link.
- If a teacher is out on leave and a long-term substitute will be in place (consistently), the substitute may be trained and provided access to Onward to post sessions.

Special Transportation Services

Transportation services in a school setting may be reimbursed when they are provided on a specially adapted vehicle and documented in the ARD/IEP.

Transportation services are provided on a specially adapted school bus to or from the location where the school-based service is provided.

A specially adapted vehicle is one that has been physically modified (e.g., addition of a wheelchair lift, addition of seatbelts or harnesses, addition of child protective seating, or addition of air conditioning).

If an LEA already provides a modification for all students, then the modification is not considered a special adaption. For example, if air conditioning is already provided to all students, then air conditioning is not considered a specially adapted modification.

Bus monitor or other personnel accompanying children on the bus is not considered an allowable special adaptive enhancement for Medicaid reimbursement under SHARS specialized transportation.

The student's ARD/IEP must document the need for transportation to be provided on a specially adapted vehicle and include:

- The student requires a specific physical adaptation or adaptations of a vehicle in order to be transported
- The reason the student needs the specialized transportation

If a SHARS student rides the regular school bus to and from school with other nondisabled students, then that student is not required to have specialized transportation services listed in their IEP.

The fact that a child may receive a service through SHARS does not necessarily mean that transportation services may be reimbursable.

The Transportation department will ensure bus drivers are completing appropriate documentation to confirm services were delivered. The documentation will be picked up monthly and submitted to Onward for processing.

Nursing Documentation

The nursing department uses a system known as SNAP to document all services performed for all populations of students. Onward will receive a monthly data extraction from SNAP for the identified students receiving special education services. This data file is then imported into Onward Caseload Management System and then reviewed for Medicaid reimbursement potential.

Parental Notification and Parental Acknowledgement

Parental Acknowledgement is an integral part of any SHARS program. The District is required to provide notification and obtain targeted parental consent before accessing a child's or parent's public benefits or insurance.

Written Notification

The District must provide written parental notification prior to requesting consent and accessing benefits for the first time and annually thereafter. Minimally, it must include:

1. A statement of the parental consent to access public benefits [34 CFR 300.154(d)(2)(iv)(A)-(B)]:
 - a. specify the personally identifiable information that may be disclosed (e.g., records or information about the services),
 - b. describe the purpose of the disclosure (e.g., billing for specific IEP services),
 - c. identify the agency to which the disclosure may be made (e.g., Medicaid).
2. A statement of the "no cost" provisions: voluntary participation will not decrease lifetime benefit or incur out-of-pocket expense [34 CFR 300.154(d)(2)(I)-(iii)];
3. A statement that the parents have the right to withdraw their consent at any time (34 CFR part 99 and part 300); and
4. A statement that the withdrawal of consent or refusal to provide consent does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents [34 CFR 300.154(d)(2)(v)].

The notification must be written in language understandable to the general public and in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so [34 CFR 300.503(c)].

One-Time Written Consent

The District must obtain parental consent before releasing a child's personally identifiable information for billing purposes to a public benefits or insurance program for the first time. Minimally, it must include:

1. A statement of the parental consent to access public benefits [34 CFR 300.154(d)(2)(iv)(A)-(B)]:
 - a. specify the personally identifiable information that may be disclosed (e.g., records or information about the services),
 - b. describe the purpose of the disclosure (e.g., billing for specific IEP services),
 - c. identify the agency to which the disclosure may be made (e.g., Medicaid).
2. A statement indicating that the parent understands and agrees that the public agency may access the child's or parent's public benefits or insurance to pay for specific services identified in the child's IEP.

Parental consent must be signed only once and remains effective until the parent revokes consent. After obtaining initial signed consent, only notification must be provided annually.

In Fort Bend ISD, written parental notification and Parental consent should be obtained by the Evaluator conducting the initial Full and Individual Evaluation (FIE) and CCC/Afs for consents not obtained at the consent for FIEE, and by the CCC/ARD Facilitator for any student transferring into Fort Bend ISD.

- Evaluators – Activate the Prior Written Notice Packet in Empower for Consent, All documents for consent, are within the packet, including Consent for District to Claim Medicaid Reimbursement (SHARS Consent). If the Consent for the Initial Evaluation is returned and the SHARS Consent is not, contact the parent and allow 5 school days for parent to return the SHARS consent, and if they do not return the SHARS consent with signature, check NO and close out the SHARS Consent and lock the packet.
- CCC/AF –For initial ARDs, if SHARS consent was not obtained, attempt to get the SHARS consent, check YES and close out. For Transfers – Verification of ARD and Transfer ARD, the SHARS consent form is embedded and CCC/AF should get consent then.
- CCC/AF Verification and Transfer ARD - If the Consent for the SHARS is not signed at the Verification/Transfer, contact the parent and allow 5 school days for parent to return the SHARS consent, and if they do not return the SHARS consent with signature, check NO and close out the SHARS Consent and lock the packet.
- For Annual ARDs, the Annual Notification to Claim Medicaid Reimbursement should be sent with the packet. AF/CCC will just activate the form.

More information on the IDEA Regulation regarding parental consent to release information can be found on the TEA website, HHSC website and the IDEA website with the US Department of Education.

www.hhsc.state.tx.us

www.tea.texas.gov

www.idea.edu.gov

Random Moment Time Study

The Medicaid to Schools Program requires districts to participate in Random Moment Time Study (RMTS). The purpose of this program is to determine how often providers perform “direct medical services” to students throughout the school day.

Each quarter, the state randomly selects participants who provide direct services to special education students. The selected participant will receive an email from Fairbanks, notifying them they have been selected for RMTS. As the moment approaches, the participant will be provided with a specific date and time they will answer their time study for.

The time study consists of three basic questions about what the provider was doing during the selected moment. Each provider needs to have a basic understanding of what the Medicaid program recognizes as a “medical” service to appropriately respond to the moment and differentiate between direct medical service and an educational/instructional service. Responding to the random moment in a more informed way assists the district in seeking dollars through the Medicaid to Schools program.

All RMTS participants are required to complete the Onward RMTS video within the first nine weeks of the school year or if the provider is hired after the first day of school, within the first three weeks of employment.

Third Party Liability

SHARS claims are subject to Third Party Liability via the pay and recover later method. Enrollment in SHARS is optional for districts and parents. Participation does not preclude the district's responsibility to provide a free and appropriate public education to all students with disabilities. Parents/adult students cannot be charged for special education services provided to students with disabilities. On October 1, 2017, a new policy was instituted. After Medicaid reimburses districts for SHARS services, the state may seek recovery claims from a student's private insurance. The HHSC began a lookback period on SHARS third party liability (TPL) claims on October 1, 2020.

School districts have the responsibility to share the TPL policy with all families participating in the SHARS program. The following steps should be taken:

- Share the policy with parents/adult students. Ensure that they understand their right to withdraw consent to participate in SHARS.
- If parents produce a document, they believe is an insurance bill, verify whether the document is a bill. Some documents may include an explanation of benefits (EOB) that may or may not indicate that money is owed. If it is an insurance bill, contact the Texas Medicaid Healthcare Partnership (TMHP) Contact Center at 1-800-925-9126.

Information regarding TPL can be found on the TMHP website: [Third Party Liability for SHARS Interim Claims.](#)

Record Retention

Student-specific records that are required for SHARS become part of the student's educational records and must be maintained for seven years. All records that are pertinent to SHARS must be maintained by the LEA until all audit questions, appeal hearings, investigations, or court cases are resolved. Records must be stored in a secure and readily accessible location and format and must be available for state or federal audits.

The following is a checklist of the minimum documents to collect and maintain:

- Signed consent to bill Medicaid by parent or guardian
- IEP
- Current provider qualifications (licenses)
- Attendance records
- Prescriptions and referrals
- Medical necessity documentation (e.g., diagnoses and history of chronic conditions or disability)
- Session notes or service logs, including provider signatures, for each service/event
- Supervision logs
- Special transportation logs
- Claims submittal and payment histories
- Assessments/evaluations
- Written agreements (contracts) for contracted service providers
- Copies of signed Certification of Funds (COF) letters and supporting documentation, including quarterly COF reports
- E-signature authorization forms(s) if applicable

Additional information regarding the SHARS can be found in the [Texas Medicaid Provider Procedures Manual, updated August 1, 2024](#). Questions regarding the Fort Bend ISD SHARS process can be directed toward the Executive Director, Student Support Services 281-634-1143.

SURROGATE AND FOSTER PARENTS

TEC §§ 29.001(10), 29.015; 34 CFR §§ 300.30, 300.519; 19 TAC § 89.1047

Definition of “Parent”

34 CFR § 300.30(a)

Individual(s) who meet the definition of a “parent” under the IDEA may exercise rights under the IDEA.

Under the IDEA, a “parent” is defined as:

- (1) A biological or adoptive parent of a child.
- (2) A foster parent, who meets specific requirements (See Requirements for Foster Parents to Serve as Parent).
- (3) A guardian, but not the state if the child is a ward of the state.
- (4) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare.
- (5) A surrogate parent who has been appointed in accordance with 34 CFR 300.519 or 20 USC 1439(a)(5).

Except as provided in 34 CFR § 300.30(b)(2), when multiple individuals attempt to act as the “parent,” the biological or adoptive parent must be presumed to be the “parent” unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

34 CFR § 300.30(b)(2) provides if a judicial decree or order names a particular person or persons (who qualify as a “parent” pursuant to the IDEA’s definition) to act as the “parent” of a child or to make educational decisions on behalf of a child, then such person or persons must be determined to be the “parent” for the child.

Requirements for Foster Parent to Serve as Parent

TEC § 29.015; 20 USC § 1415(b)(2)

A foster parent may serve as a “parent” of a child with a disability under the IDEA if:

- (1) The Department of Protective and Regulatory Services is appointed as the temporary or permanent managing conservator of the child,
- (2) The rights and duties of the DFPS, under Texas Family Code §153.371 to make decisions regarding education provided to the child have not been limited by court order, and
- (3) The foster parent agrees to:
 - (a) participate in making educational decisions on the child’s behalf; and
 - (b) complete a training program that complies with minimum standards established by agency rule.

The foster parent must complete the Training Program before the next scheduled ARD meeting for the child but later than the 90th day after the date the foster parent begins acting as the parent for the purpose of making special education decisions.

Training Program for Foster Parent to Serve as Parent

The LEA may not require a foster parent to retake a training program to continue serving as the child's parent or to serve as the surrogate parent for another child if the foster parent has completed a training program to act as a parent of the child with a disability provided by:

- The Department of Family and Protective Services,
- The LEA (Fort Bend ISD),
- An education service center, or
- Any other entity that receives federal funds to provide special education training to parents.

Not later than the fifth day after the date the child with a disability is enrolled in a school, the DFPS must inform the appropriate LEA if the child's foster parent is unwilling or unable to serve as a parent for the purposes of this framework. [TEC 29.015\(d\)](#)

The LEA should provide or arrange for the provision of the training program prior to assigning a foster parent to act as a parent but no later than 90 calendar days after assignment. [89.1047\(b\)\(2\)](#)

Surrogate Parents

A surrogate parent is a person or persons appointed to protect a child's rights. If you believe a surrogate parent is needed, please contact the Program Manager of Program Improvement.

Who Can Appoint?

34 C.F.R. § 300.519(b)-(c)

(1) A public agency; or (2) for student who is a ward of the State, the judge overseeing the case may choose to appoint a surrogate parent, provided the surrogate meets the Criteria for Selection (see below).

When Needed

34 C.F.R. 519(a)(1) -(4)

A child needs a surrogate parent if:

- (1) No Parent (as defined in 34 CFR § 300.30(a) can be identified,
- (2) The District or public agency, after reasonable efforts, cannot locate a Parent,
- (3) The foster parent of the child is unwilling or unable to serve as a parent,
- (4) The child is a ward of the state under Texas law, or
- (5) The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 USC § 11434(a)(6)).

Timeline for Appointment

34 CFR § 300.519(h)

The District must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after the District determines that the child needs a surrogate parent.

Criteria for Selection

34 CFR § 300.519(d)

To qualify for appointment as a surrogate parent, the individual

- (1) Cannot be an employee of the Texas Education Agency,
- (2) Cannot be an employee of the District,
- (3) Cannot be an employee of any other agency that is involved in the education or care of the child,
- (4) Cannot have personal or professional interest that conflicts with the interest of the child the surrogate parent represents, and
- (5) Must have knowledge and skills that ensure adequate representation of the child.

The LEA may appoint a person who has been appointed to serve as the child's guardian ad litem or as a court-certified volunteer advocate, as the child's surrogate parent.

When assigning a surrogate parent, the school district must give preferential consideration to a foster parent.

If a foster parent is denied the right to act as a surrogate parent or a “parent” by the District, the District must provide the foster parent with written notice of such denial within 7 calendar days after the date on which the decision is made. The written notice shall: (1) specify the reason(s) the foster parent is being denied the right to serve as the surrogate parent or parent (the notice must specifically explain the interests of the foster parent that conflict with the interests of the child); and (2) inform the foster parent of his/her right to file a complaint with the Texas Education Agency in accordance with 34 CFR §§ 300.151-300.153, relating to complaint procedures. The foster parent may file a complaint with the agency in accordance with federal law and regulations.

Conflicts of Interest

A person or foster parent may not be appointed as a surrogate parent if the person has an interest that conflicts with the interests of the child. Likewise, a foster parent may not act as a “parent” if the foster parent has an interest that conflicts with the interests of the child. As required by 19 TAC § 89.1047(d), the District has developed, and implements, procedures for analyzing whether a foster parent or potential surrogate parent has such an interest. A foster parent shall not be deemed to have a financial conflict of interest by virtue of serving as the foster parent in a home verified by TDFPS or a child-placing agency (including basic, habilitative, primary, medical, or therapeutic foster or foster group homes). Issues concerning quality of care do not constitute a conflict of interest. However, such concerns should be communicated, and may be statutorily required to be reported, to TDFPS.

Training of Surrogate Parents

19 TAC § 1047(a)-(c)

Contact the Program Manager for Program Improvement for the training presentations. The training must be provided in the native language or other mode of communication used by the individual who is to serve as a surrogate parent. The training should be provided for or arranged before assigning an individual as a surrogate parent, or before assigning a foster parent to act as a parent, but no later than 90 calendar days after assignment. A foster parent must complete the training within 90 calendar days after the date of initial assignment as the “parent.”

How often must training be provided?

For both (1) an individual appointed as a surrogate parent and (2) a foster parent serving as a “parent” or a surrogate:

- Training must only be provided once.
- If an individual has already completed a training conducted by TDFPS, a school district, an education service center, or any entity that receives federal funds to provide IDEA training to parents, the District cannot require additional training in order to continue to serve as a surrogate or to represent additional students as a surrogate. The District may, however, choose to provide optional additional training.

Training Requirements

19 TAC § 89.1047(c)(1)(A)-(I)

The training must include an explanation of the provisions of federal and state laws, rules, and regulations relating to:

- (A) The identification of a student with a disability,
- (B) The collection of evaluation and re-evaluation data relating to a student with a disability,
- (C) The admission, review, and dismissal (ARD) committee process,
- (D) The development of an individualized education program (IEP), including the consideration of transition services for a student who is at least 14 years of age,
- (E) The determination of least restrictive environment,
- (F) The implementation of an IEP,
- (G) The procedural rights and safeguards available under 34 CFR, §§ 300.148, 300.151-300.153, 300.229, 300.300, 300.500-300.520, 300.530-300.537, and 300.610-300.627, relating to the issues described in 34 CFR, §300.504(c),
- (H) The sources that the surrogate parent may contact to obtain assistance in understanding the provisions of federal and state laws, rules, and regulations relating to students with disabilities; and
- (I) the duties and responsibilities of surrogate parents as required under TEC §29.0151(d)

Responsibilities of District-Assigned Surrogate Parents

34 CFR § 300.519(g); TEC § 29.001(10); 19 TAC § 89.1047(a)

An individual assigned to act as a surrogate parent must:

- Be willing to serve in that capacity,
- Exercise independent judgement in pursuing the child's interests,
- Exercise the child's due process rights under applicable state and federal laws,
- Visit the child and the child's school,
- Review the child's educational records,
- Consult with persons involved in the child's education, including teachers, caseworkers, court-appointed volunteers, guardians ad litem, attorneys ad litem, foster parents, and caretakers,
- Attends the child's ARD meetings; and
- Completes a training program within 90 days of assignment as a surrogate parent.

District Procedures for Surrogate and Foster Parents

FBISD will make a concerted effort to identify the child's parents with the exception of parents of children whose rights have been terminated. If a parent cannot be located, a surrogate parent will be assigned. The Special Education Administration Department and the campus special education support staff actively seek and train potential surrogate parent volunteers from the community. After the participant has viewed the required TEA training materials, received a copy of the Procedural Safeguards and A Guide to the ARD Process, and completed the Determination of Conflict of Interest, Letter of Agreement and Acknowledgement of Surrogate Training form, they will be eligible to serve as a Surrogate Parent.

Foster parents will also need to be trained and serve as a surrogate parent if the foster parent is acting as the "parent" for IDEA purposes.

Prior to an ARD being conducted or obtaining consent for an evaluation, once a CBE has knowledge that a student is living with someone other than a direct family member (i.e., mother, father, aunt, uncle, or grandparent), the CBE will:

1. Request guardianship documents from whomever enrolled the student. This includes paperwork on foster care or other types of written guardianship documents from a court; and
2. Assign a Surrogate Parent if needed.

If information regarding students' current living arrangements is discovered after ARD is completed or consent is obtained, the Campus-Based Evaluator shall stop all proceedings with evaluation or ARD until it is determined if a surrogate parent is needed.

The FBISD Surrogate Parent Tracking form will be used to record the reason the student requires a surrogate, the date the need for a surrogate was determined, surrogate name, date the surrogate assignment was made, and the date that the surrogate training was completed.

CCC, ARD Facilitators, Diagnosticians, LSSPs, and/or SLPs (for any speech only students) will contact the Program Manager of Program Improvement for assistance accessing a surrogate. The Program Manager of Program Improvement will maintain documentation of all surrogate parent assignments. Once a surrogate is assigned, he/she will complete and sign the *Surrogate Parent* form from Success Ed given to them by the campus evaluation staff member or CCC/ARD Facilitator. If the Program Manager of Program Improvement assigns the surrogate, the campus will be forwarded a copy of the **Letter of Agreement and Acknowledgement of Surrogate Training form** which was previously completed at the time of the surrogate's training.

RESIDENTIAL FACILITY TRACKER (RF Tracker)

19 Texas Administrative Code (TAC) §97.1072

In 2004, the Texas Education Agency identified an ongoing need to oversee and monitor the programs provided to students with disabilities who reside in residential facilities. The RF Monitoring (RFM) system was created to meet federal and special education guidelines for this population of students. The system would also ensure that students with disabilities residing in residential facilities (RFs) received a free, appropriate public education (FAPE).

In accordance with 19 Texas Administrative Code (TAC) §97.1072, the RFM system will be aligned to the greatest extent possible with existing systems of program monitoring and provides for standards and procedures for monitoring the special education programs provided to students with disabilities residing in RFs. Additionally, the RFM system provides for the implementation of continuous improvement strategies, interventions, and sanctions to improve local education agency (LEA) performance and compliance with federal and state special education requirements for a unique and vulnerable population of students who often have limited access to family members who can advocate for their educational needs.

Local Education Agencies (LEA), such as Fort Bend ISD, serving students with disabilities residing in RFs located within the LEAs' geographic boundaries and/or jurisdictions will be subject to the RFM system. LEAs subject to the RFM system are referenced as RF LEAs. Other state agencies that provide special education and related services to students with disabilities will not be subject to the RFM system. The definition of a RF for the purposes of the RFM system is a facility that provides 24-hour custody or care of students who reside in the facility for detention, treatment, foster care, or any non-educational purpose. A RF does not include traditional foster homes licensed by the Texas Department of Family and Protective Services (DFPS) as Foster Family Homes (Independent).

The agency has adopted the RF Tracker data collection system as the method for collecting data regarding RF LEAs and students. This system is accessible through the TEA secure website. Information related to the provision of services to RF students is collected through the automated RF Tracker data collection system for each RF LEA that serves students with disabilities who reside in RFs within the geographic boundaries and/or jurisdiction of the LEA. Information concerning each RF, and students with disabilities who reside in the RF, is entered in the RF Tracker database. After the initial submission of data, RF LEAs will maintain the RF Tracker database with current information upon the enrollment and withdrawal of RF students in the LEA.

FBISD Campus Guidance Regarding Residential Facilities

When a student enrolls and has a guardian other than the natural parents, the CCC/ARD Facilitator will email the Program Specialist for Compliance and include the student's name and local ID number in the email. The Program Specialist for Compliance will then research the address and guardian's name to determine if the home is or is not a residential facility. If the student withdraws during the school year, the CCC/ARD Facilitator will change the student's status in EmpoWEr under Program Compliance to Moved or Withdrawn.

Determining RF Status

The Special Education Department as well as the Department for Accountability, Assessment and Compliance maintains databases of current, previous, or new residential facilities residing within the district. If a student resides at an address not located in the databases, more research is needed to determine if a student should be coded as being in a RF.

Not all group homes or foster homes are residential facilities. Group home directors, foster parents, or guardians can indicate if they are a residential facility or foster home. However, the information provided will be verified by the Special Education Department as well as the Department of Family and Protective Services. Please see the Definitions of Residential Facility for RF Monitoring Purposes document located on the [TEA website](#) for more information.

The campus staff (Registrar, ADA, CCC, ARD Facilitator) does not determine if the address is a residential facility. Instead, staff should contact the special education department with the student's information to receive guidance on how to proceed with coding the student in the ARD paperwork.

Coding

Before a student is coded with an instructional arrangement (IA) that indicates they are students residing in a Residential Facility (RF), an email will be sent from the Special Education Department to the Special Education Department Chair, Campus Compliance Coordinator (Elementary Only), ARD Facilitator (High School only), or Speech Language Pathologist (SLP) to indicate the student's RF status.

If a student is erroneously coded, another ARD must be held to correct this error. The Special Education Department will contact the campus when/if an error is identified.

Data Collection/Verification

Data will be collected on the student through the Special Education records management system, which includes EmpoWEr, and through the district's management system, Skyward. The Special Education Department will contact the campus if further information is needed. The Campus Special Education Department should continue to obtain and maintain information on RF students as well as update the Program Manager for Program Improvement on surrogate parent assignments.

RF Tracker Program Data Process

The Special Education Department and Accountability, Assessment and Compliance Department will maintain databases for RF Addresses as well as students already identified as living in a residential facility. The Special Education Compliance team ensures the data is updated weekly to update, process, and research the data for RF:

Update Data

- Update current student data from Skyward, including guardians, entry withdrawal, and address.
- Update facility data from RF Addresses Excel spreadsheet maintained by Special Education.
- Update special education status from EmpoWEr Compliance 163 report.
- Update RF Tracker data from RF Tracker Student Details export.

Process Data

- Look for new facilities by matching current RF guardians to special education student's guardians. Provide a list of any new addresses for research.
- Look for new RF students by matching special education students' current address to list of current RF Addresses. Generate a report of new RF students to add to RF Tracker.
- Identify special education students with blank addresses for research.
- Check existing RF Tracker students for updates/corrections, including withdrew from campus or FBISD, moved to a new address/RF, change in home campus or enrolled campus, special education status change, or grade level change. Generate a list of updates/corrections to make in RF Tracker.
- Once additions/updates/corrections are complete in RF Tracker, check RF Tracker export against Skyward/EmpoWEr data for accuracy and completeness.

Research Exceptions

- Research students identified by campuses as RF, but not identified by the data. Usually this is due to a timing issue in the data.
- Research students identified by the data who are not RF. Usually these are the adopted/biological children of a RF guardian.

CLASSROOM OBSERVATIONS

Parent request to observe their own child in a special education setting, general education classroom, or during lunch/breakfast time:

Parent requests to conduct observations of their own children should be directed to the campus principal. The campus has identified procedures for classroom observations for all students, and those procedures should be followed for students with disabilities.

In the event a parent requests to observe their child during ESYS and the child is attending a different campus than the one attended during the school year, the ESYS campus administrator should be contacted, and the campus procedures followed.

Parent requests for private therapists/specialists to observe their own child in a special education setting, general education classroom, or during lunch/breakfast time:

Parent requests to allow private therapists/specialists to conduct a classroom observation of their child should be directed to the campus principal and the Executive Director, Student Support Services. If the request is approved, the private therapists/specialists will follow the campus classroom observation procedures.

Parent requests for a private therapist (BCBA/SLP/OT, LPC, etc.) to provide services to their child during the school day will not be allowed. Additional information can be found in *the Requests for Private Service Providers to Work with Students in the School Setting*, section of these procedures.

MEMORANDUM OF UNDERSTANDING – TEXANA CENTER

FBISD has entered into a Memorandum of Understanding (MOU) with Texana Center. Texana provides identified FBISD students with services in and out of school. Skills-based training is provided by Texana within the school setting. As a result of the MOU the following procedures have been established:

1. The Texana representative contacts the campus principal to schedule a meeting and coordinate services at least 7 school days prior to the initial training. Texana provides the campus with written consent from the parent to provide services and consult with the campus.
2. The principal determines the appropriate staff, including the Texana representative, to invite to the staffing to coordinate the delivery of services. If the student receives support through special education, the campus LSSP should be invited to the meeting. Counselors should be invited if the student is in general education or receives services through Section 504.
3. A staffing is held to discuss the services that will be provided to the student. The campus should review the student's current services. The team should consider the needs of the students, duplication of services, conflicting methodologies, etc. Any concerns should be discussed to ensure appropriate services are provided to the student.
4. During the staffing it will be determined when services will be provided so that there is minimal disruption to instruction. The campus determines a location for the skills-based training.

Texana will share appropriate information with the LSSP and/or counselor to facilitate the school's counseling services and promote the student's success in the classroom if proper consent is obtained.

VIDEO SURVEILLANCE OF SPECIAL EDUCATION SETTING PROCEDURES

The following administrative procedures apply to placement, operation, and maintenance of video cameras in certain special education settings and are adopted pursuant to Section 29.022, Texas Education Code (“TEC”), as added by S.B. 507, 84th Texas Legislature, Regular Session, 2015, amended by S.B. 1398, 85th Texas Legislature, Regular Session, 2017, and codified in 19 T.A.C. § 103.1301, and Board Policy EHBAF:

GENERAL REQUIREMENTS

Purpose

Video surveillance is available to promote student safety in certain self-contained classrooms and other special education settings.

Governing Law

Video surveillance of special education settings is subject to TEC § 29.022, 19 T.A.C. § 103.1301, Board Policy EHBAF, and these administrative procedures. Nothing under these procedures limits the access of a student’s parent to an educational record regarding the student under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) (“FERPA”) or other law. To the extent any provisions in TEC § 29.022, 19 T.A.C. § 103.1301, Board Policy EHBAF, or these procedures conflict with FERPA or other federal law, federal law prevails. These procedures are subject to revision upon release of any amendment(s) to TEC § 29.022, 19 T.A.C. § 103.1301, or Board Policy EHBAF.

Background

On the request of an eligible parent, the Board of Trustees, principal, assistant principal, or staff member, the District must provide video equipment, including video cameras with audio recording capabilities, to campuses in accordance with TEC § 29.022 and 19 T.A.C. § 103.1301. Campuses that receive the equipment must place, operate, and maintain video cameras in certain self-contained classrooms or other special education settings. Video recordings are confidential and may only be accessed or viewed by certain individuals as defined by statute, and as set forth in these procedures.

Retention Requirements

The District will retain video recordings for three months after the date the recording was made.

In the event that an eligible Request to View Video Recording is made, the District shall retain video recordings subject to the request until the requester has viewed the recording and a determination has been made as to whether the recording documents an alleged Incident. If the recording documents an alleged Incident, the District shall retain the recording until the alleged Incident has been resolved, including the exhaustion of all appeals.

In the event of disciplinary or legal proceedings, the District shall retain video recordings subject to the proceeding as required by law.

The District may retain recordings for a longer period as required under TEC § 29.022 and 19 T.A.C. § 103.1301 and as otherwise deemed appropriate by the District.

Video Recordings as Governmental Record

A video recording made in accordance with TEC § 29.022 is a governmental record only for purposes of § 37.10 of the Penal Code, Tampering with Governmental Record.

Liability for Non-Compliance

TEC § 29.022 does not waive any immunity from liability of a school district, its officers, and its employees, nor does TEC § 29.022 create any liability for a cause of action against a school district, its school officers, or its employees. Complaints regarding the District's implementation of TEC § 29.022 or 19 T.A.C. § 103.1301 must be addressed through the District's local grievance policy FNG (LOCAL). By law, the special education dispute resolution procedures in 34 Code of Federal Regulations, §§ 300.151-300.153 and 300.504-300.515 do not apply to complaints alleging that the District has failed to comply with TEC § 29.022 or 19 T.A.C. § 103.1301.

Definitions

The following definitions apply when used in these administrative procedures:

A. Parent:

- A person, including a guardian or other person standing in parental relation to a student, described in TEC § 26.002, whose child receives special education and related services in one or more Self-Contained Classrooms or other Special Education Settings, or
- A person, including a guardian or other person standing in parental relation to a student, whose child will receive special education and related services in a Self-Contained Classroom or Other Special Education Setting in the following school year; or
- A student who:
 - receives special education and related services in a Self-Contained Classroom or Other Special Education Setting; and
 - is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Texas Family Code ("TFC"), Chapter 31, unless the student has been determined to be incompetent or the student's rights have been otherwise restricted by a court order.

B. Staff Member:

- A teacher, related service provider, paraprofessional, counselor, or educational aide assigned to work in a Self-Contained Classroom or Other Special Education Setting.

C. Principal or Assistant Principal

- The principal or an assistant principal of the campus at which the Self-Contained Classroom or Other Special Education Setting is located.

D. Board

- The Fort Bend ISD Board of Trustees.

E. Self-Contained Classroom

- A classroom on a regular school campus (i.e., a campus that serves students in general education and students in special education), including a room attached to the classroom used for time-out, in which a majority of the students in regular attendance are provided special education and related services for at least 50% of the instructional day, and have one of the following instructional arrangements/settings described in the Student Attendance Accounting Handbook:
 - self-contained (mild/moderate/severe) regular campus,
 - full-time early childhood (pre-school program for children with disabilities) special education setting,
 - residential care and treatment facility—self-contained (mild/moderate/severe) regular campus,
 - residential care and treatment facility—full-time early childhood special education setting,
 - off home campus—self-contained (mild/moderate/severe) regular campus, or
 - off home campus—full-time early childhood special education setting.
- Self-Contained Classroom does not include a classroom that is a resource room instructional arrangement under TEC § 42.151.

F. Other Special Education Setting

- A classroom on a separate campus (i.e. a campus that serves only students who receive special education and related services) including a room attached to the classroom used for time-out, in which a majority of the students in regular attendance are provided special education and related services, are assigned to the setting for at least 50% of the instructional day and have one of the following instructional arrangements/settings described in the Texas Education Agency Student Attendance Accounting Handbook:
 - residential care and treatment facility—separate campus; or
 - off home campus—separate campus.

G. Video Camera

- A video surveillance camera with audio recording capabilities.

H. Video Equipment

- One or more Video Cameras and any technology and equipment needed to place, operate, and maintain Video Cameras as required by TEC § 29.022 and 19 T.A.C. § 103.1301.

I. Incident

- An event or circumstance that:
 - involves alleged “abuse” or “neglect,” as those terms are described in TFC § 261.001, of a student by an employee of the school district or another adult (consultant or visitor to the classroom) or alleged “physical abuse” or “sexual abuse,” as those terms are described in TFC § 261.410, of a student by another student; and
 - allegedly occurred in a Self-contained Classroom or Other Special Education Setting in which video surveillance under TEC § 29.022 and 19 T.A.C. § 103.1301 is conducted.

J. Abuse

- As defined in TFC § 261.001(1), means the following acts or omissions by a school district employee:
 - i. mental or emotional injury to a child that results in an observable and material impairment in the child’s growth, development, or psychological functioning,
 - ii. causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child’s growth, development, or psychological functioning,
 - iii. physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm.
 - iv. failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child,
 - v. sexual conduct harmful to a child’s mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
 - vi. failure to make a reasonable effort to prevent sexual conduct harmful to a child,
 - vii. compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code,
 - viii. causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic.

- ix. the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child
- x. causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code
- xi. causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code, or
- xii. knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections.

K. Neglect

- the following acts or omissions by a school district employee:
 - placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child
 - failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child
 - the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused
 - placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child, or
 - placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child, or
- the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.
- Neglect does not include the refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if:
 - the child has a severe emotional/behavioral disability
 - the person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child, and
 - the person has exhausted all reasonable means available to the person to obtain the mental health services described above.

L. Physical Abuse

- As defined in the TFC § 261.410(1), means the following acts or omissions by another student:
 - Physical injury that results in substantial harm to the child requiring emergency medical treatment, or
 - Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child.

M. School Business Day

- As defined in TEC § 29.022, means a day that the campus or District administrative offices are open.

N. Sexual Abuse

- As defined in TFC § 261.410(2), means the following acts or omissions by another student:
 - i. Sexual conduct harmful to a child's mental, emotional, or physical welfare, or
 - ii. Failure to make a reasonable effort to prevent sexual conduct harmful to a child.

O. Time-Out

- As defined in TEC § 37.0021, means a behavior management technique in which, to provide an opportunity to regain self-control, the student is separated from other students for a limited period in a setting that is not locked and from which the exit is not physically blocked.

P. SB 1398 Administrator

- As required under TEC § 29.022, the District has identified Deena Hill/Executive Director, Student Support Services as the administrator at the primary administrative office of the District with responsibility for coordinating the provision of equipment to schools and campuses in compliance with TEC § 29.022 and 19 T.A.C. § 103.1301.

Note: Any District representative to whom certain responsibilities are assigned under these procedures may, at his/her discretion, designate another District employee to perform such responsibilities.

REQUESTING VIDEO SURVEILLANCE

Who may Request

As defined herein, the Board of Trustees, a Parent, Principal, Assistant Principal, or Staff Member may request video surveillance in Self-contained Classrooms.

How to Request

An eligible Parent, Staff Member, or Assistant Principal may request video surveillance by contacting the principal of the campus where the applicable Self-Contained Classroom or Other Special Education Setting is located. An eligible Principal or the Board may request video surveillance by contacting the SB 1398 Administrator for the District. The campus principal or SB 1398 Administrator will meet with the requester to obtain additional information regarding the request and facilitate submission of the request. In order to request video surveillance, the requester must complete the District's **Form A, Request for Video Surveillance**¹, and submit the completed Form A to the campus principal or SB 1398 Administrator, as appropriate, in accordance with the instructions found on the Form. **A request for video surveillance is only valid for the current school year. If an eligible requester wishes to request video surveillance for a subsequent school year, the requester must submit a new request for video surveillance using Form A.**

The completed Form A must be signed and must contain, at a minimum, the following information:

1. Name of requester
2. Status of the requester (i.e., Parent, Principal, Assistant Principal, or Staff Member), and
3. Specific information identifying the Self-Contained Classroom or Other Special Education Setting subject to the request.

Eligibility for Video Surveillance

The District must provide Video Equipment, including one or more Video Cameras with audio recording capabilities, to campuses when requested to do so in accordance with TEC § 29.022 and 19 T.A.C. § 103.1301. To trigger the District's obligations, the following conditions must be met:

1. The requester must be a:
 - a. Parent
 - b. Principal
 - c. Assistant Principal
 - d. Board of Trustees, or
 - e. Staff Member, and
2. The location subject to the request must be a:
 - a. Self-Contained Classroom, or
 - b. Other Special Education Setting.

¹ All forms referenced in these procedures may be found in the Appendix attached hereto.

A Parent may request that equipment be provided in the Self-contained Classrooms or Other Special Education settings in which the Parent's child is in regular attendance. The Parent of a student whose admission, review, and dismissal committee (ARDC) has determined that the student's placement for the following school year will be in a classroom/setting in which a video camera may be placed under TEC § 29.022 may make a request for a video camera by the later of: (1) the date on which the current school year ends; or (2) the tenth (10th) school business day after the date of the placement determination by the ARDC.

A Staff Member may request that equipment be provided to the Self-contained Classroom(s) or Other Special Education Setting(s) to which the staff member is assigned.

A Principal or Assistant Principal of a school or campus at which one or more children receive special education services in self-contained classrooms or other special education settings may request that equipment be provided to the Principal's or Assistant Principal's school or campus.

The Board may request that equipment be provided to one or more specified schools or campuses at which one or more children receive special education services in self-contained classrooms or other special education settings.

If the District receives a request from a Principal, Assistant Principal, or the Board, the District is required to place equipment only in Classrooms/Settings identified by the requester, if the requester limits the request to specific classrooms or settings.

Exclusions

1. The District has **no** obligation to provide Video Equipment to:
 - a. A campus of another district.
 - b. A charter school.
 - c. A non-public school.

2. In addition, the following are not subject to the requirements of TEC § 29.022:
 - a. The Texas School for the Deaf.
 - b. The Texas School for the Blind and Visually Impaired.
 - c. The Texas Juvenile Justice Department.
 - d. Any other state agency that provides special education and related services to students.

Duration of Surveillance Obligation

A request for video surveillance, if approved, obligates the District to provide video surveillance for the current school year only. A new request must be submitted to trigger the District's obligations under law for each subsequent school year.

District Steps upon Request for Video Surveillance

1. Upon receipt of a request for video surveillance, the campus principal or SB 1398 Administrator receiving the request shall:
 - a. Contact the requester to schedule a meeting to discuss the request unless the requester is the Board. If the requester provided a physical or email address, the campus principal or SB 1398 Administrator may send the Letter re: Meeting with the Campus Principal/SB 1398 Administrator to the requester, as appropriate.
 - b. Meet with the requester to obtain additional information regarding the request and facilitate submission of the request; and
 - (1) Provide Form A to the requester for submission of the request to the District; or
 - (2) If the requester chooses not to submit the request to the District, provide Form A1, Withdrawal of Request for Video Surveillance, to the requester to document withdrawal of the request.
2. Upon receipt of a completed Form A,
 - a. Campus principal receiving Form A from a requester shall,
 - (1) Note the date of receipt on the completed Form A
 - (2) Notify the requester of receipt of the request using **Form B, Notification Regarding Request for Video Surveillance**
 - (3) Forward the completed Form A1 to the SB 1398 Administrator, and
 - (4) Send the requester a Letter re: Meeting with the Campus Principal/SB 1398 Administrator requesting an optional meeting to further discuss the request and concerns, if any.
 - b. SB 1398 Administrator receiving Form A from a requester shall,
 - (1) Note the date of receipt on the completed Form A
 - (2) Notify the requester of receipt of the request using Form B, Notification Regarding Request for Video Surveillance, and
 - (3) Send the requester a Letter re: Meeting with the Campus Principal/SB 1398 Administrator requesting an optional meeting to further discuss the request and concerns, if any, unless the requester is the Board.
 - (4) If the requester is the Board, the SB 1398 Administrator must also send a copy of the request to the principal of the school or campus addressed in the request.
3. A SB 1398 Administrator receiving Form A from either (a) a requester, or (b) a campus principal forwarding the request as required above will review the request to determine eligibility *i.e.*, (i) whether the requester is a Parent, Board, Principal, Assistant Principal, or Staff Member, and (ii) whether the requested classroom(s)/setting(s) meet the criteria for a Self-Contained Classroom or Other Special Education Setting.

4. Within seven (7) school business days after the date of receipt noted on the completed Form A, the SB 1398 Administrator will:
 - a. Approve or deny the request and note the date of approval/denial on the completed Form A
 - b. Send the requester written notice of the District's decision using Form B, Notification Regarding Request for Video Surveillance, approving the request or stating the reason for denying the request, and
 - c. Send a copy of the completed Form A and Form B to the campus principal.²
5. If the District approves the request, except as otherwise provided below, operation of the requested video camera(s) shall begin no later than forty-five (45) school business days after the date of approval noted on the completed Form A.³ The SB 1398 Administrator shall provide a copy of the completed Form A and Form B to the FBISD Life Systems Safety Manager, or designee, to obtain any required surveillance equipment and facilitate installation.
6. Upon receipt of the completed Form A and Form B, the Fort Bend ISD Life Systems Safety Manager, who is responsible for all life safety systems including intrusion alarms, fire alarms, access control, and security cameras, or his/her designee, will assess the location of approved surveillance for placement of surveillance equipment.
7. Before installation of surveillance equipment begins, the campus principal shall send written notice of the placement to all school or campus staff and to the parents of students attending class or engaging in school activities in the Classroom/Setting using **Form C, Notice of Video Surveillance**.⁴ The District may not activate the Video Equipment to record the Classroom/Setting until the notice is sent and ample time is allowed for its receipt.⁵
8. After notice has been provided, unless TEA grants an extension of time, operation of required equipment must begin no later than:
 - a. forty-five (45) school business days after the date of approval noted on the completed Form A, or
 - b. the first school day after the forty-fifth (45th) school business day if that day is not a school day, or
 - c. in the instance of a parent requester whose child will be placed in a qualifying classroom/setting the following school year per ARDC decision, the later of:
 - (1) the tenth (10th) school day of the fall semester, or
 - (2) the forty-fifth (45th) school business day (or the first school day after the 45th school business day if that day is not a school day) after the date of the request.

When installation is completed and operation has begun, the FBISD Life Systems Safety Manager, or designee, shall notify the SB 1398 Administrator and campus principal and provide the date of activation.

² If the District denies a request for installation, the requester may seek an expedited review of the District's denial by TEA. Regulations governing this expedited review are forthcoming.

³ The District may seek an extension of time to begin operation through TEA's forthcoming expedited review process.

⁴ Students "engaging in school activities in the Classroom/Setting" includes, but is not limited to, general education students participating in PALS or other mentoring programs in the Classroom/Setting, and students who participate in non-special education school activities in the identified Classroom/Setting during the instructional day.

⁵ In the event that a student enrolls or begins engaging in school activities in a classroom/setting with video cameras after the initial notice of surveillance has been sent, the campus principal may provide written notice to the student's parent using Form C, Notice of Video Surveillance, in addition to the Posted Notice of Video Surveillance that is posted at the door to the classroom/setting.

9. The campus principal shall post the Posted Notice of Video Surveillance at the entrance of any Classroom/Setting in which Video Cameras are placed stating that video and audio surveillance is conducted in the Classroom/Setting. The campus principal may provide additional written notice to subsequently enrolled students and parents using Form C, Notice of Video Surveillance.
10. After surveillance begins, the campus principal shall also send the requester written notice that the request has been completed, stating the date of activation, using Form B.

Procedures for Requesting an Extension of Time

1. Any request by the District for an extension of time to begin the operation of a video camera will be filed with the Commissioner of Education as soon as the District determines that an extension of time is needed but no later than prior to the 45th School Business Day after a request to begin operating a video camera is received.
2. The request for an extension of time to begin the operation of a video camera will specify why an extension of time should be granted and include the information required by 19 TAC §103.1303(c). The request may include a request for expedited review.
3. The request will name the individual who requested the installation of cameras and provide the individual's address and telephone number. Immediately following the individual's address and telephone number there shall appear in bold type: **"You have been identified as the individual who requested the operation of a video camera that is the subject of this request to the Commissioner of Education to extend the statutory timeline. You may, but are not required to, participate in the proceedings before the Commissioner concerning the school district's request for an extension of time. It is entirely up to you whether and to what extent you wish to participate in these proceedings. The procedures governing these proceedings are found at 19 Texas Administrative Code §103.1303(c) and Texas Education Code, §29.022."**
4. The request for an extension of time to begin the operation of a video camera will list the names, telephone numbers, and addresses of all interested parties to the request. All interested parties include all parents of students in the classroom or other special education setting for which a video camera has been requested and all staff who provided services in a classroom for which a video camera has been requested.
5. Any response to a request for an extension of time to begin the operation of a video camera must be filed with the Commissioner of Education within ten (10) calendar days of the filing of the request.
6. A response to a request for an extension of time to begin the operation of a video camera must specify why an extension of time should or should not be granted. The response shall include the information required by 19 TAC §103.1303(c). The response may include a request for expedited review. If no response to the request is timely filed, the Commissioner shall issue a final decision within twenty (20) calendar days.

7. If a request for an expedited review is not made, the Commissioner shall issue a final decision within forty-five (45) calendar days of the filing of the request for an extension of time to begin the operation of a video camera, unless the Commissioner determines that an evidentiary hearing would be helpful in deciding the issues raised.

OPERATION AND MAINTENANCE

Equipment Specifications

Upon request, the District shall provide “equipment, including a video camera.” This means the District must provide:

1. **Video Camera(s)** capable of:
 - a. recording audio from all areas of the Classroom or Setting, including a room attached to the classroom or setting used for time-out and the inside of a bathroom or any area in which a student's clothes are changed, and
 - b. recording video from all areas of the Classroom or Setting, including a room attached to the classroom or setting used for time out, but *excluding the inside of the bathroom or areas where students’ clothes are changed*⁶, **and**
2. **Video Equipment**, which includes:
 - a. one or more Video Cameras
 - b. any technology and equipment needed to place, operate, and maintain the Video Camera(s)
 - c. Any technology and equipment needed to store and access video recordings, and
 - d. Any technology and equipment needed to redact images of student faces in accordance with FERPA or other applicable law.

⁶ Incidental coverage of a minor portion of a bathroom or changing area may occur as a result of the layout of the classroom or setting.

Time of Recording

Video cameras must be operated at all times during the instructional day, when students are present in the Self-Contained Classroom or Other Special Education Setting. The video cameras are not required to be in operation when students are not present in the Self-Contained Classroom or Other Special Education Setting.

The District must place, operate, and maintain Video Cameras and Equipment in the relevant Self-Contained Classroom(s) and Other Special Education Setting(s) during the regular school year and during extended school year services.

The District shall operate and maintain requested video camera(s) in a Classroom/Setting for the remainder of the school year in which the District received the request, unless the requester withdraws the request in writing or circumstances change such that the Classroom/Setting no longer continues to satisfy the requirements under TEC § 29.022 and 19 T.A.C. § 103.1301.

For purposes of these procedures, a Classroom/Setting continues to satisfy the requirements under TEC § 29.022 and 19 T.A.C. § 103.1301 if a majority of the students in regular attendance in the Classroom/Setting are:

- (1) Provided special education and related services; and
- (2) Assigned to one or more self-contained classrooms or other special education settings for at least fifty percent of the instructional day.

Discontinuation of Video Surveillance

Decisions whether to discontinue surveillance will be made by the SB 1398 Administrator, in accordance with TEC § 29.022.

Withdrawal of Request:

A requester may withdraw a request for video surveillance at any time by submitting **Form A1, Withdrawal of Request for Video Surveillance**, to the individual to whom the original request for video surveillance was submitted (i.e., campus principal or SB 1398 Administrator, as appropriate). If a requester withdraws a request in writing as provided above, the District may discontinue video surveillance, unless another eligible person submits a new request for video surveillance. Notice of discontinued surveillance must be given as provided below. The District may also elect to continue video surveillance as long as the Classroom/Setting continues to satisfy the requirements under TEC § 29.022 and 19 T.A.C. § 103.1301. If the District elects to continue video surveillance into the next school year, the District should send written notice of video surveillance to all school or campus staff and to the parents of students attending class or engaging in school activities in the Classroom/Setting using Form C, Notice of Video Surveillance, at the beginning of the next school year.

End of the School Year: The District may discontinue video surveillance at the end of the school year, unless a person eligible to make a request for the next school year submits a new request. Notice of discontinued surveillance must be given as provided below. The District may also elect to continue video surveillance for the next school year as long as the Classroom/Setting continues to satisfy the requirements under TEC § 29.022 and 19 T.A.C. § 103.1301. If the District elects to continue video surveillance into the next school year, the District should send written notice of video surveillance to all school or campus staff and to the parents of students attending class or engaging in school activities in the Classroom/Setting using Form C, Notice of Video Surveillance, at the beginning of the next school year.

Classroom/Setting No Longer Meets Requirements: If a Classroom/Setting no longer satisfies the requirements under TEC § 29.022 and 19 T.A.C. § 103.1301, the District may discontinue video surveillance. Notice of discontinued surveillance must be given as provided below. The District may not continue video surveillance unless and until the District obtains parental consent from all parents in the affected Classroom(s)/Setting(s). While not always possible, the District should try to anticipate changed circumstances to allow time to obtain parental consent to avoid any lapse in video surveillance. If the District wishes to continue video surveillance, the District shall:

- (1) Notify the affected Parents and Staff Members of discontinued surveillance as provided below
- (2) Obtain written consent to continue video surveillance from all affected Parents, and
- (3) If consent is obtained from all affected Parents, notify the affected Parents and Staff Member(s) that surveillance will continue using Form C, Notice of Video Surveillance (the District should note in the notice whether there is any lapse in video surveillance).

Notice of Discontinuation during the School Year: If for any reason the District will discontinue operation of a video camera during the school year (e.g., the Classroom/Setting no longer satisfies the requirements under TEC § 29.022 and 19 T.A.C. § 103.1301, or the requester withdraws the request), the campus principal must notify the parents of each student in regular attendance in the Classroom/Setting, using **Form D, Notice of Discontinued Video Surveillance**, that operation of the video camera(s) will not continue unless requested by a person eligible to make a request. It is also recommended, but not required that the campus principal notify all campus staff that surveillance will be discontinued. The required notice using Form D, Notice of Discontinued Video Surveillance, must be given not later than the fifth (5th) school day before the date the operation of the video camera(s) will be discontinued.

Notice of Discontinuation at the End of the School Year: The campus principal must notify the parents of each student in regular attendance in the Classroom/Setting that operation of the video camera(s) will not continue during the following school year unless a person eligible to make a request for the next school year submits a new request. This required notice is contained in Form C, Notice of Video Surveillance which is provided to parents prior to the video surveillance becoming operational. Form D, Notice of Discontinued Video Surveillance may be utilized to notify parents of newly enrolled students or other affected parties as deemed appropriate on a case-by-case basis by the campus principal and SB 1398 Administrator.

Posted Notice: On the date that video surveillance is discontinued, the campus principal should remove the Posted Notice of Video Surveillance from the entrance of the Classroom/Setting.

ACCESS TO VIDEO RECORDINGS

Confidentiality

Video recordings are confidential and may only be released or viewed under the limited circumstances set forth under TEC § 29.022, to the extent not limited by FERPA. An individual may *not* view the recordings if prohibited to do so by FERPA, even if that individual is eligible to view the recording pursuant to TEC § 29.022 and 19 T.A.C. § 103.1301.

Use of Video Recordings in Disciplinary Actions

A video recording believed to document a possible violation of District or campus policy relating to the neglect or abuse of a student may be used as part of a disciplinary action against the District or school personnel and must be released for viewing by the District employee who is the subject of the disciplinary action at the request of that employee.

Release of Video Recordings in Legal Proceedings

A video recording believed to document a possible violation of District or campus policy relating to the neglect or abuse of a student shall be released at the request of the student's Parent in a legal proceeding.

Prohibited Uses of Video Recordings

The following uses are prohibited:

- Regular or continual monitoring of the video feed
- Teacher/staff evaluation or monitoring, and
- Any purpose other than promoting the safety of students receiving special education services in Self-Contained Classrooms or Other Special Education Settings.

Access by Personnel for Operation and Maintenance Purposes

Contractors or employees may incidentally view a video recording in performing job duties relating to installation, operation, or maintenance of video equipment or the retention of video recordings. Personnel accessing the video recording in this manner shall maintain the confidentiality of the recordings.

Persons Eligible to Request Access in Connection with an Alleged Incident

Under TEC § 29.022, the following individuals may view a video recording in connection with an alleged Incident (*i.e.*, an “Eligible Requester”):

- (1) An employee involved in an alleged Incident (as defined in these procedures) that is documented by a video recording and has been reported to the District or school, upon the employee’s request
- (2) a Parent of a student involved in an alleged Incident that is documented by a video recording and has been reported to the District or school, upon the Parent’s request
- (3) appropriate Texas Department of Family and Protective Services (“TDFPS”) personnel as part of an investigation under TFC § 261.406
- (4) the following individuals, in response to a report of an alleged Incident OR an investigation of District or school personnel OR a report of alleged abuse committed by a student:
 - a. a peace officer*
 - b. a school nurse*
 - c. a District or school administrator trained in de-escalation and restraint techniques*
 - d. a human resources staff member designated by the Board*
- (5) appropriate TEA or State Board for Educator Certification personnel or agents as part of an investigation*, or
- (6) if a person described in items 3, 4, or 5 above views a video recording and believes that the recording documents a possible violation of District or school policy, the person may allow access to the recording to appropriate legal and human resources personnel.

***Child Abuse and Neglect Reporting**

If a person described in items 4 or 5 above views a video recording and believes that the recording documents possible abuse or neglect of a child under TFC, Chapter 261, Subchapter E, the person must notify TDFPS for investigation in accordance with TFC § 261.406 and Board Policy, FFG(Local).

Requirements to Request Access to Video Recordings

The requester must fall into one of the above categories of Eligible Requesters and file an Incident Report and Request to View Video Recording using Form E, or a Request to View Video Recording using Form E1, as indicated below.

Form E, Incident Report and Request to View Recording, should be completed by:

- a) An **employee involved in an alleged Incident** (as defined in these procedures) that is documented by a video recording and has been reported to the District or school, upon the employee's request.
- b) a **Parent of a student involved in an alleged Incident** that is documented by a video recording and has been reported to the District or school, upon the Parent's request.

Form E1, Request to View Recording, shall be completed by:

- a) appropriate **Texas Department of Family and Protective Services ("TDFPS") personnel** as part of an investigation under TFC § 261.406.
- b) the following individuals, in response to a report of an alleged Incident OR an investigation of District or school personnel OR a report of alleged abuse committed by a student:
 - a. **a peace officer,**
 - b. **a school nurse,**
 - c. **a District or school administrator trained in de-escalation and restraint techniques**
 - d. **a human resources staff member designated by the Board, or**
- c) **appropriate TEA or State Board for Educator Certification personnel or agents** as part of an investigation.

Procedures for Filing an Incident Report and Request to View

Eligible Requesters should contact the SB 1398 Administrator to request access to a video recording. If a certified employee receives a report of an alleged Incident or a request to view a video recording, whether oral or in writing, he or she should forward the report/request or other information to the SB 1398 Administrator within 24 hours. The SB 1398 Administrator shall provide the requester Form E or Form E1, as appropriate. Eligible Requesters shall submit the completed Form E or Form E1 to the SB 1398 Administrator according to the instructions on the form. The SB 1398 Administrator shall provide a courtesy copy of the completed Form E or Form E1 to the campus principal as soon as practicable.

District Steps upon Receipt of Incident Report/Request to View

NOTE: NOTHING IN THESE PROCEDURES ALTERS OR OTHERWISE AFFECTS A DISTRICT EMPLOYEE'S REPORTING, INVESTIGATION, OR RESPONSE OBLIGATIONS UNDER OTHER DISTRICT POLICIES AND PROCEDURES OR APPLICABLE LAW WITH RESPECT TO ALLEGATIONS OF ABUSE OR NEGLECT.

- (1) Upon receipt of a completed Form E or Form E1, the SB 1398 Administrator shall note the date of receipt on the completed form and notify the requester of the District's receipt of the request using Form F, Notification Regarding Incident Report and Request to View Video Recording.
- (2) The SB 1398 Administrator shall review and investigate the report and provide a response to requester, approving the request or stating the reason for denying the request, within seven (7) school business days using Form F, Notification Regarding Incident Report and Request to View Video Recording.⁷
- (3) If appropriate, the SB 1398 Administrator may need to contact the requester to clarify his or her report and obtain additional information.
- (4) Based on the report and other information obtained from the requester, if any, the SB 1398 Administrator shall make a preliminary determination of whether the requester would be an Eligible Requester, as set forth above, if the information provided by the requester is true. If the SB 1398 Administrator determines that the individual would not be an Eligible Requester (for example, a parent of a student who is not involved in an alleged Incident, other categories of District personnel not listed above, the news media, etc.), the SB 1398 Administrator may deny the request on the basis that the individual is not an Eligible Requester. The SB 1398 Administrator shall note the date of denial of the request on the completed Form E/E1 and notify the requester that the request has been denied using Form F, Notification Regarding Incident Report and Request to View Video Recording.

⁷ If a request to view a video recording is denied, the requester may request an expedited review of the District's denial by TEA. Regulations governing this expedited review process are forthcoming.

- (5) If the request is denied because the individual is not an Eligible Requester, the SB 1398 Administrator should still review the report and other information obtained from the requester, if any, and determine whether an Incident is alleged and should be investigated by the District. **Even if the requester is not an Eligible Requester, the SB 1398 Administrator and other authorized District personnel may view the requested video recording(s) in response to a report of an alleged Incident, an investigation of District personnel, or a report of alleged abuse committed by a student.**
- (6) If the SB 1398 Administrator determines that the individual would be an Eligible Requester if the information provided by the requester is true:
- a. **For Form E** (request by employee or Parent), the report must allege an Incident, and the alleged Incident must be documented by a video recording. **Please proceed to step 7, below.**
 - b. **For Form E1** (request by TDFPS personnel, a peace officer, school nurse, District or school administrator trained in de-escalation and restraint techniques, or human resources staff member designated by the Board, or appropriate TEA or SBEC personnel or agents), the report must provide general information regarding an Incident, report, or investigation giving rise to the request. The report is not required to allege an Incident, and an alleged Incident is not required to be documented by a video recording. **Please skip to step 8, below.**
- (7) **For Form E** - The SB 1398 Administrator must determine whether the report involves an alleged Incident that is documented by a video recording.
- a. An Incident is defined as:
 - i. an event or circumstance involving alleged:
 1. Abuse of a student by a school district employee
 2. Neglect of a student by a school district employee
 3. Physical Abuse of a student by another student, or
 4. Sexual Abuse of a student by another student.
 - ii. that allegedly occurred in a Self-Contained Classroom or Other Special Education Setting in which video surveillance is conducted under these procedures.
 - b. If the SB 1398 Administrator determines that the report does not involve an alleged Incident, the SB 1398 Administrator may deny the request on the basis that the report does not allege an Incident, as that term is defined in 19 T.A.C § 101.1301(b)(9). The SB 1398 Administrator shall note the date of denial of the request on the completed Form E and notify the requester that the request has been denied using Form F, Notification Regarding Incident Report and Request to View Video Recording. If the request is denied because the report does not involve an alleged Incident, the SB 1398 Administrator should still review the report and determine whether further investigation would be appropriate. **Even if the report does not involve an alleged Incident, the SB 1398 Administrator and other authorized District personnel may view the requested video recording(s) in response to a report of an alleged Incident, an investigation of District personnel, or a report of alleged abuse committed by a student.**
 - c. If the SB 1398 Administrator determines that the report involves an alleged Incident, the SB 1398 Administrator or other designated District or school administrator trained in de-escalation and restraint techniques shall view the applicable recording(s) to determine

whether an alleged Incident is documented by the video recording(s). The SB 1398 Administrator shall contact the Executive Director, Talent Experience, who is the human resources staff member designated by the District's Board of Trustees, to aid in the determination, as to whether an alleged Incident is documented by the requested video recording.)

- d. If the SB 1398 Administrator and other authorized District representatives, if any, determine that an alleged Incident is not documented by the requested video recording(s), the SB 1398 Administrator shall note the date of denial of the request and notify the requester of the District's decision using Form F, Notification Regarding Incident Report and Request to View Video Recording, denying the request because an alleged Incident is not documented by the requested video recording(s), within seven (7) school business days after receipt of the request by the SB 1398 Administrator.
- e. If the SB 1398 Administrator and other authorized District representatives, if any, determine that an alleged Incident is documented by the requested video recording(s), the SB 1398 Administrator shall note the date of approval of the request and notify the requester of the District's decision using Form F, Notification Regarding Incident Report and Request to View Video Recording, within seven (7) school business days after receipt of the request by the SB 1398 Administrator. **Please skip to step 9, below.**

(8) **For Form E1** - The SB 1398 Administrator must determine whether the requester has provided reasonable documentation or other evidence of his/her status as an Eligible Requester and general information, as appropriate to the requester, regarding an Incident, report, or investigation related to the request. The request should be approved unless the requester wholly fails to satisfy one or both requirements. The SB 1398 Administrator shall note the date of approval of the request and notify the requester of the District's decision using Form F, Notification Regarding Incident Report and Request to View Video Recording, within seven (7) school business days after receipt of the request by the SB 1398 Administrator. If the SB 1398 Administrator has not already viewed the requested video recording(s), the SB 1398 Administrator and other authorized District personnel, as appropriate, should review the requested video recording(s) and determine whether further investigation or other action by the District may be warranted. **Please proceed to step 9, below.**

(9) **Form E or E1** - If the request is approved, the SB 1398 Administrator shall reasonably coordinate with the requester to schedule a viewing appointment. Prior to allowing the requester to view the recording(s), the SB 1398 Administrator shall prepare the relevant portion of the video recording(s) for viewing and redact students from the video recording(s) as may be required by FERPA.

Procedures for Approved Requests to View Video Recordings

If a Request to View Video Recordings is approved, Form F directs the requester to contact the SB 1398 Administrator to schedule a viewing appointment. Video recordings will be made available at the District's Special Education office, located at the Technical Education Center, 540 Dulles Ave., Sugar Land, Texas 77478 between the hours of 8:00 am and 4:30 pm. If these times do not work for the requester, the SB 1398 Administrator shall reasonably attempt to arrange for an alternative time for the Eligible Requester to view the approved video recording(s).

Prior to allowing the Eligible Requester to view an approved video recording, the SB 1398 Administrator shall extract only the portion of the approved video recording documenting the alleged Incident and related events or circumstances and prepare the video recording for viewing by redacting confidential information, such as names or images of other students protected under FERPA and any protected state assessment information.

When an Eligible Requester views a video recording, the following rules apply:

- The right to view a video recording does not equate to the right to receive a copy of the video recording(s). For purposes of these procedures, "access" shall mean the right to view the video recording(s) in accordance with these procedures.
- A District representative must be present at all times during the viewing. Only the following individuals may act as the District representative at the viewing:
 - a peace officer,
 - a school nurse,
 - a District or school administrator trained in de-escalation and restraint techniques as provided by commissioner rule,
 - the SB 1398 Administrator, or
 - a human resources staff member designated by the District's Board of Trustees.
- No person other than the Eligible Requester and the District representative may be present during the viewing. If the Eligible Requester brings a representative or other individual to the viewing appointment, those individuals must remain outside the room during the viewing, unless the other individual is the student's other Parent.
- **Recording is strictly prohibited during the viewing.** The District representative will monitor for unauthorized recording (e.g., by cell phone, etc.) during the viewing and shall immediately stop the viewing appointment if an Eligible Requester attempts to record the video during the viewing appointment.

Local Grievance Procedures for Filing a Complaint Alleging Violation of TEC § 29.022/19 T.A.C. § 103.1301

The requester has the right to file a grievance/complaint if he or she believes the District erroneously denied his or her request in violation of TEC § 29.022 or 19 T.A.C. § 103.1301. To file a complaint alleging a violation of TEC § 29.022 or 19 T.A.C. § 103.1301, the individual must comply with the District's local grievance procedures or other dispute resolution channels in accordance with Board Policies DGBA (employee complaints/grievances) or FNG (student and parent complaints/grievances) available at <http://pol.tasb.org/Home/Index/483>. Except as otherwise provided below, a TEA complaint, mediation, or due process procedures are not the appropriate channels to file a complaint alleging a failure to comply with TEC § 29.022 or 19 T.A.C. § 103.1301.

Appeals to the Commissioner for a Violation of TEC § 29.022/19 T.A.C § 103.1301

After exhausting the District's local grievance procedures, a person may appeal an action by the District or a school that the person believes to be in violation of TEC § 29.022, 19 T.A.C. § 103.1301, Board Policy EHBAF, or these procedures to the Commissioner through the appeals process set forth in TEC § 7.057. The appeal must be made in writing to the Commissioner within 10 calendar days of the District's decision being communicated to the requestor or requestor's counsel, whichever occurs first. The District's answer must be filed with the Commissioner of Education within 10 calendar days of the District receiving notification from the Commissioner of the appeal.

Expedited Review by TEA

The District, a Parent, a Staff Member, or an Administrator may request an expedited review by TEA of the District's:

- a. Denial of a request made under TEC § 29.022
- b. Request for an extension of time to begin operation of a video camera, or
- c. Determination to not release a video recording to an Eligible Requester.

Expedited Review of Denial of a Request for Installation or Request to Release Video

1. The request for expedited review must be made in writing and filed with the Commissioner by U.S. mail, facsimile, hand delivery, or by a commercial delivery service no earlier than fourteen (14) School Business Days after a request for placement of a video camera or a request to release a video is administratively denied, and no later than the fifth (5th) School Business Day after the School Board resolves a grievance as to a request for placement of a video camera or a request to release a video.
2. Any request for an expedited review must include the names, telephone numbers, and addresses of all interested parties to the request. "Interested parties" are all persons who brought the grievance, all persons who have testified or provided written statements as part of the grievance process, and the District. The request for expedited review must specify whether the District denied a request for the placement of a video camera or the school district denied a request to release a video and briefly describe why that decision is either correct or incorrect.

Expedited Review of Requested Extension of Time to Begin Operation of Video Cameras

1. The District may seek expedited TEA review for a request for extension of time for installation.
2. A request for expedited review must be filed with the Commissioner within ten (10) calendar days of the filing of the request for an extension of time to begin the operation of a video camera.
3. Any reply by the District to any response to the request will be filed with the Commissioner within twenty-five (25) calendar days of the filing of the request for an extension of time to begin the operation of a video camera.
4. A preliminary judgment will be made by the Commissioner within thirty-five (35) calendar days of the filing of the request for an extension of time to begin the operation of a video camera.
5. Any interested party or the District may file objections to the preliminary judgment entered by the Commissioner of Education within forty (40) calendar days of the filing of the request for an extension of time to begin the operation of a video camera.
6. Any reply to an objection to a preliminary judgment must be filed within forty-five (45) calendar days of the filing of a request for an extension of time to begin the operation of a video camera.
7. The Commissioner will issue a final decision within fifty-five (55) calendar days of the filing of the request for an extension of time to begin the operation of a video camera, unless the Commissioner determines that an evidentiary hearing would be helpful in deciding the issues raised.
8. The Commissioner's decision is final and not subject to appeal.

No Admission of Fault or Liability

The SB 1398 Administrator's approval of a Request to View Video Recording shall in no way be construed as an admission that an Incident occurred or as an admission of fault or liability by any person or entity.

Request for Access Under FERPA

Generally, video recordings made pursuant to TEC § 29.022 and 19 T.A.C. § 103.1301 are surveillance videos and do not constitute a student's education record subject to disclosure in response to a request made under FERPA, unless an alleged Incident is documented on the video recording, or the student otherwise becomes the "focus" of the video recording as defined by the U.S. Department of Education.

RISK MANAGEMENT

Emergency Evacuation Planning

The Americans with Disabilities Act and the Rehabilitation Act require school districts to make reasonable accommodations for students with disabilities -- which must include making plans for a safe evacuation from the school setting. Any student with an Individualized Education Program (IEP) or 504 Accommodation Plan who requires special assistance to exit the building in drill or emergency situations needs to have an Individual Emergency Evacuation Plan. Evacuation Plans are to be updated at least annually or whenever there is a change in the student's schedule/classroom assignments, mobility, or health/medical status.

Each campus shall create a Campus Emergency Plan. The Plan includes provisions for Individuals with Disabilities or Impairments. The Principal/Assistant Principal and Special Education Department Head/Campus Compliance Coordinator will Co-Chair the team. This team will meet and identify which students will need an Individual Emergency Evacuation Plan. They will consult with the following, as appropriate:

- Campus Principal/Assistant Principal
- Campus Nurse
- Physical Therapist
- Occupational Therapist
- Student's Teacher
- Fire Marshal

The Individual Emergency Evacuation Plan must be developed for each student who is unable to safely exit the building without assistance. This form can be found in the FBISD Electronic Health Record (an example of the form is included at the end of this section). A copy of this plan will be kept with Campus Emergency Plan, the student's teacher, and the school nurse.

Campuses are required to determine which students served with special education services have Occupational Therapy and/or Physical Therapy as a related service and will require additional support to safely and expediently be transported downstairs with extra physical assistance or equipment. Once the campus identifies these students, the campus OT/PT should be contacted to schedule training. The training will include identification of equipment, specific procedure, body mechanics, and safety training.

All other students requiring specialized assistance who are not receiving PT/OT service, a generalized training on the use of evacuation equipment can be provided to staff. Students who cannot be safely and expediently assisted with equipment or by staff will be transported/assisted to fire-safe area of school with assigned staff and wait for assistance from the fire department. Fire department rescue and assistance will always be available to all students requiring assistance.

Yearly training is required for staff that will be transferring students using specialized equipment (such as evacuation chairs). This training will be provided by the Physical Therapist and/or Occupational

Therapist with the campus nurse included. Documentation (Agenda and Sign-in sheet) of this training will be required and filed with the campus administrator Campus Emergency Plan.

If a physical transport is required to safely evacuate the student (i.e., Standing Physical Restraint), the staff member(s) performing the transport must have a current CPI certification, and the physical transport must be documented in the Special Education Software system as a restraint. If the staff member performing the physical transport is not trained in CPI, a CPI training course must be completed within 30 days of performing the physical transport.

When new students enroll after the beginning of year, the above process will be followed within 2 weeks of student enrollment. When students transfer to a different FBISD campus, the student's individual plan will be sent with the student's records to the receiving campus.

SERS has a district inventory of evacuation equipment. Contact SERS if additional equipment is required.

Steps to consider when developing an Individual Emergency Evacuation Plan for Students with Physical Impairments:

1. Who - staff responsible for escorting the student out of the building and/or to the ground floor
2. When - time frames/class schedules
3. Where - class location, exits, etc. and the destination for the student
4. What - special supplies (i.e., assistive technology device), special medical attention, and other considerations
5. How - Possible solutions: Guidance/support by an adult (use of transfer belt for extra support), Carries: two-person, fireman's carry, cradle lift, etc., Evac Chair, Stair Trak, Rescue room / Fire Safe location

In order to have fire safe/rescue rooms established within buildings, the school district must work with the local fire marshal. During each drill, it is important that students, staff and other building occupants practice what they will do in an actual emergency.

In addition to the development of an Individual Emergency Evacuation Plan for each student, the following should also be considered:

- Medications
- Physician Orders
- Ensure Nurse's Go Kit/Evacuation transport card for each special needs student includes the appropriate information (enrollment forms, list of medication, etc.

Safety Statement

FBISD believes that safety education and accident prevention are important to everyone involved with our schools and should be integrated into every aspect of our work activity. In order to safely perform the job, the employee must be familiar with the safety rules of the job and participate in all safety training provided by the department. Employees must wear personal protective equipment whenever required and ask for assistance if the task requires more than one person. If unsure how to perform a task safely, stop and ask the supervisor for instruction before continuing. All employees of the District are responsible for maintaining a safe and healthy workplace and assuring that safety precautions and practices are followed. Employees are expected to immediately report any unsafe working conditions or safety problems to the immediate supervisor. Until corrective action is taken, ensure that the area or condition is restricted and that cautionary devices, i.e., cones, temporary fencing, floor signs, etc. are in place so that others are not affected or injured.

Personal Safety Tips

- Wear hair short or pulled back (and out of students' reach).
- Limit jewelry to items not easily grasped and pulled (e.g., stud earrings, rings).
- Wear long-sleeved shirts (lightweight in spring and fall).
- Wear sturdy, no or low heeled, closed toe/heel shoes, with non-skid soles.
- Plan the task beforehand; if the task is going to be performed with others, talk about how it's going to be done, who is doing what, etc.
- Use proper body mechanics.
- Follow universal precautions procedures.
- Use personal safety techniques (CPI).

Individual Health Plans (IHPs)

An individual health plan (IHP) is a plan developed by the school nurse with the assistance of the parent for the management of a student's health concern at school. Students with known serious or complex health concerns will have individual plans and procedures which specify the appropriate response to a condition (i.e., seizures) or the steps for completing a needed nursing task (i.e., feeding procedure).

Seizures

Seizures are not uncommon in the school setting. Assisting someone having a seizure can be a frightening experience and it may be necessary to discuss the episode with the supervisor. If you have questions, ask.

What to do if a child has a seizure:

- Remain calm/provide privacy.
- If possible, send someone to notify the school nurse.
- Time the seizure. Note details.
- Do not restrain or interfere with their movements.
- Help student lie down and cushion head.
- Try to turn student on his or her side.

- Clear area around the student.
- Loosen any tight neckwear.
- Do not put anything in the student's mouth.

After the seizure:

- Notify supervisor.
- Provide privacy and rest.
- Student may need a change of clothing.
- Do not give student food or drink until fully awake.
- Let the student know they had a seizure.
- Turn the event into a learning experience for other students to increase their understanding and acceptance.
- Check with supervisor to see if an incident report needs to be filled out.

Call 911 if:

- The seizure continues without fully stopping for more than 5 minutes.
- There is no seizure history.
- The seizure follows a head injury or happened to a person with diabetes.
- One seizure occurs right after another seizure.
- Breathing is labored or absent after seizure has stopped.
- Serious injury occurred during the seizure.

Universal Precautions

Hand washing

- Wash your hands frequently, preferably between working with students; before and after feeding, after wiping your nose or mouth, after touching communal objects, i.e., doorknobs, phones, desktops, keyboards, etc., before and after using the restroom, after picking up or touching soiled tissues, when you return home from work, etc.
- Use soap and water and wash vigorously under a stream of running water for 15 – 20 seconds. (Sing the happy birthday song twice)
- Dry hands and use a paper towel to turn off running water.

Handling Bodily Fluids and Substances

- Avoid direct skin contact with body fluids and substances.
- Keep disposable gloves readily available for quick response.
- Wear disposable gloves when handling body fluids and substances.
- When possible, have students wash off their own cuts and abrasions and tend to their own runny or bloody noses.
- Wash hands with soap and water, frequently.
- Limit shared use items (where potential transmission of communicable disease exists) to the extent possible or sanitize after use, e.g., bathroom passes, mouthpieces, sports bottles, etc.
- Call for the school nurse if the situation requires first aid.

Injuries and Spills

- Assist student.
- Move others away from body fluid or substance.
- Call for nurse assistance if the situation requires first aid or if students have been exposed to bodily fluids or substances.
- Assigned, trained staff will use the special kits to remove, clean and dispose of bodily fluids and substances.
- If a student has been injured notify the campus principal immediately.
- If staff have been injured, complete the Safety Incident Follow-up Report and give to the campus principal. (See Appendix for the Safety Incident Follow-up Report form)

Toileting

Many students with disabilities require assistance using the restroom. This assistance may include:

- Changing diapers.
- Assisting student to and from the toilet.
- Physically assisting a student with pulling pants up or down before and after using the toilet.
- Hand washing reminders.
- Visually checking to make sure a student has successfully used the restroom or just reminding a student that it is time to use the restroom.

While assisting with any of the listed procedures that require physical contact, always wear disposable gloves and other personal protective equipment if needed. If the student requires a diaper change, request demonstration and supervision the first time. Your supervisor and/or school nurse will review specific diapering and toileting procedures. The larger a student is, the more complicated, and sometimes difficult, the procedures may be. Remember, the dignity of the student must be regarded and respected at all times.

Even though this aspect of the paraprofessional's job may be perceived as difficult and unpleasant, it still needs to remain a dignified, personal process for the student. If toileting/diaper should occur while on a field trip, staff will need to determine and communicate in advance what that protocol will be.

Routine Diapering Procedure with Skin Integrity Checks

- Routinely check diapered students for the need for diaper changes (every two hours) or as directed by the IHP.
- Wash your hands.
- Put on disposable gloves.
- Assist student to table or mat using proper body mechanics.
- Make sure student is safe. Keep one hand on the student the entire time the student is on a table. Use safety belt or side rails if available.
- Remove any wet/soiled outer clothing and place in a double plastic bag. Label with student's name and send home with student.
- Remove diaper. Dispose of diaper in a plastic bag.
- Clean the student's diaper area (buttocks, thigh, perineum, any skin creases, lower abdomen and back). Clean from front to back.
- Wash area with mild soap and water, rinse well, and dry completely. May use skin wipes as provided by parent or guardian.
- Remove gloves and place in plastic bag.
- Replace student's clothing.
- Wash your hands and student's hands using soap and running water.
- Disinfect changing table or mat.
- Document the procedure.

Observe the condition of skin and notify the school nurse if any of the following is evident:

- irritation, redness, rash
- skin breakdown
- signs of infection (redness, swelling, pain, drainage)
- any unusual color, odor or frequency
- unusual consistency of stool (note if liquid, soft, formed, hard)
- notify school nurse and parent of unusual findings

Wheelchair to Toilet/Changing Table Transfers

The following steps should be followed during wheelchair to toilet transfers:

- Lock the wheelchair wheels and ensure that the locks work.
- If possible, have the student slide to the edge of the wheelchair.
- If possible, have student grasp the arm of the wheelchair or grab bars, if available, for support.
- Ensure the student's feet are directly under him or her.
- If the student can lift him/herself, have him or her do so. If not, assist the student by lifting him or her toward you, supporting the student by the torso. Maintain proper body mechanics.
- Have student pivot, helping to position his or her body.
- Slowly lower the student onto the toilet or changing table.

- Reverse procedures for transferring the student back to wheelchair.
- If student is unable to provide any assistance or support and weighs more than 35 pounds, ask for help and do not attempt the transfer alone.

Wheelchair Safety

- Before moving a wheelchair or using adaptive equipment make sure you know how it operates; if you do not know how a piece of equipment works, ask for help.
- A power or motorized wheelchair should only be manually operated under specifically directed circumstances.
- Always set wheelchair brakes before placing a student in or removing from a wheelchair.
- Place student as far back in the seat as possible, to encourage upright posture.
- Fasten hip or seat belts first, secure a snug position after making sure that the student is seated as far back in the seat of the chair as possible.
- Fasten shoulder straps and foot straps next.
- Check feet to make sure that they are placed securely in footrests before fastening straps.

Lifting and Transferring Students

- Encourage students to move on their own, to the extent possible.
- Ask yourself: is it necessary to move the student and if so, is there assistance available?
- Use proper body mechanics.

Proper Body Mechanics

- Create and maintain a stable stance (solid footing with feet about shoulder width apart).
- Lift with your legs, not your back, bending your knees as needed.
- Keep your back in an upright, forward-facing position when lifting (do not lift & twist).
- Keep the student's weight as close to you as possible.
- Ask for assistance.
- Lift only what you know you can safely handle.

Assistive Devices

There are different assistive devices available for use when lifting, transferring, or assisting students. The following is a brief description of a couple devices you may encounter or already be familiar with. Staff members must be properly trained in the use of these devices and ensure the devices are in proper working order BEFORE attempting to use them.

- Mechanical Lifts- These lifts are used to transfer immobilized or paralyzed students. Prior training in the correct and competent use of these lifts is essential.
- Transfer Discs-These transfer aids allow the student to pivot turn once in standing for ease in transfers. The student's feet need to be directly on the disc and, with all transfer techniques, proper body mechanics is essential.

- Slide Boards- These allow students to slide or scoot along the board from one surface to another. Again, it is very important to maintain proper body mechanics when using these devices. Always ensure the student is fully on the board so that he/she will not fall off.
- Evacu-Trac-This allows for the emergency evacuation of students who are wheelchair bound or who have limited mobility and are on the second floor of the school during the emergency. It requires the transfer of the student from their wheelchair to the Evacu-Trac and then assistance down the stairs.

Falls

Depending on the circumstances, it is often safer to go down with the student rather than try to catch them. Attempting to catch a student often requires you to ignore proper body mechanics and can result in injury to both the staff member and student. Remember the following when helping a student during a fall if one should occur.

- Keep close to the student during the fall. If possible, hold the student in a hug with your hips under theirs. Remember to bend at the knees and not your back.
- Slow and cushion the impact of the fall, if possible.
- Check to ensure the student is all right before moving him or her. Ask for assistance in helping the student up from floor level after the fall.
- Have the nurse check student for injuries.

DEPARTMENT ACTION PLAN PROCESS

The District is required to complete a District Improvement Plan (DIP) and each campus is required to complete a Campus Improvement Plan. The Department of Special Education collaborates with other central office departments in the development of the DIP. In addition, campuses are required to include strategies to support special education improvement according to the specific campus data. The Special Education Report card created by the Department of Special Education includes Results Driven Accountability (RDA) indicators at the campus level that help the campuses better understand their campus data as it relates to RDA and Safeguards.

The Special Education Department creates and implements a department action plan each year to support the required improvement.

COMPLIANCE MONITORING PROCESS

Special Education Compliance Monitoring

The Special Education Department provides district level monitoring of special education compliance. The following reports are available in the Success Ed program for monitoring purposes -

- **Federal Count Data List**-provides a list of students that are compliant, non-compliant, or both when their **Annual IEP and FIE Due Dates are compared to the Snapshot date.**
 - **Report utilized on a bimonthly basis.**
- **Instructional Arrangements**- provides a list of students by Instructional Arrangement based on their last IEP Meeting Date.
 - Report utilized weekly to check for accuracy, Homebound, residential facility tracker, and out of district placements.
- **SPP Indicator 11**-measures the percentage of the children who were evaluated within the state established timeline after receiving informed, written parental consent to evaluate.
 - **Report utilized weekly for evaluation compliance.**
- **SPP Indicator 12**-percentage of children referred to Part C prior to age 3, who are found eligible for Part B and who have an IEP developed and implemented by their third birthday.
 - **Report utilized weekly for evaluation compliance.**

The Special Education Department contacts the appropriate CCC (elementary), ARD Facilitator (MS/HS) to review compliance concerns and discuss action plan for correction. Once the campus staff corrects the error, they are to notify the appropriate Special Education Department staff member regarding the corrected compliance. If the compliance error is not corrected, the situation is escalated to the CCC/AF supervisor as appropriate.

CCMR Graduation Code and Advanced Degree Plan Monitoring

The Special Education Department provides district level monitoring of CCMR data collection for students graduating under the special education umbrella for all high schools. The monitoring process includes the following:

- Training for ARD Facilitators, Counselors, Associate Principals and Case Managers on graduation coding and advance degree plan options for graduating students with disabilities.
- Semester review of the IEP documents of potential graduates receiving special education services to support accurate graduation coding and advanced degree plan options.
- The development of a campus 4-year plan support to facilitate determining the most appropriate graduation option for separating students.
- District Reporting of potential CCMR impact of monitoring plan.

Questions related to CCMR and Special Education should be directed the Special Education, Assistant Director, Instructional Programming who leads the CCMR monitoring for special education.

Special Education Monthly Counts and Projections for Staffing Allocations Process

The following process will be completed as detailed below for appropriate monitoring of campus staff based on numbers and to address requests from campuses for additional staff.

Special Education Monthly Counts/Projections Process		
Beginning of the Year	Monthly	Projection for Staffing Allocation (January-May)
Specialized Programs <ul style="list-style-type: none"> PS Compliance will insert student numbers by program into database by the 5th day of school and send EmpoWEr report to PMs for Specialized Programs PMs will compare the EmpoWEr report to their specialized program database to check for accuracy and review the student counts with AD to discuss the need to reduce or increase staffing for any of their programs <ul style="list-style-type: none"> PMs will provide corrections to PS Compliance. PS Compliance will notify campuses with compliance concerns for correction by CCC/AF based on information provided by Program Managers AD will notify Director of any proposed staffing changes by 10th day of school Director will review counts with ED and consider staffing changes if needed Resource/ICS <ul style="list-style-type: none"> PS Compliance will insert student numbers by into database by the 5th day of school Director will review numbers and discuss any need to reduce or increase staffing with AD over Resource/ICS Director will notify ED of any proposed staffing changes by 7th day of school 	Specialized Programs <ul style="list-style-type: none"> PS Compliance will run reports for programs on 1st instructional day of every month and send EmpoWEr report to PMs for Specialized Programs. PMs will compare the EmpoWEr report to their specialized program database to check for accuracy. If discrepancies exist, PM will investigate with the campus to determine corrections needed (update SP database, notify PS of any clerical or ARD process corrections that need to be made. PMs will review the student counts with AD to discuss any discrepancies found and plan of action needed, as well as any recommendations for the need to reduce or increase staffing for any of their programs by the 5th instructional day of the month AD will notify Director of any proposed staffing changes by 5th of each month Director will review counts with ED by the 7th instructional day of each month and consider staffing changes if needed Resource/ICS <ul style="list-style-type: none"> PS Compliance will insert student numbers by into database by the 1st instructional day of each month Director will review numbers and discuss any need to reduce or increase staffing with AD over Resource/ICS Director will notify ED of any proposed staffing changes by 7th instructional day of each month. 	<ul style="list-style-type: none"> PS Compliance will continue monthly counts process A separate database will be used for Projections PMs will consider program moves using report for next year <ul style="list-style-type: none"> Factor change of level (ECSE, 5th, 8th and graduating seniors) Contact CCC/AF if there are program blanks in EmpoWEr impeding the process. Include PM Compliance Input projection numbers into shared database. Notify AD for review Obtain verification of projections from campus admin for final February count (Feb. 15th). Include statement that these projections will be used for staffing allocation

***PS Compliance will contact campuses for any SE entry concerns (such as program code being left blank) for correction by CCC/ARDF and notify the campus admin on a monthly basis*

Special Education Staff Roles and Responsibilities

PS Compliance	<ul style="list-style-type: none"> • Run reports in EmpoWEr monthly • Contact campuses for compliance concerns for correction by AF/CCC • Send report to PMs for Specialized Programming • Input numbers into database
PM Specialized Programs	<ul style="list-style-type: none"> • Review EmpoWEr report from PS of Compliance • For discrepancies, conduct a campus check to ensure accuracy • Provide corrections to PS compliance • Notify AD if staffing needs to be adjusted and make a recommendation
PM Resource, Inclusion, CLASS	<ul style="list-style-type: none"> • When campuses report concerns, review schedule and propose adjustments • If there are not immediate adjustments that can be made, have campus complete the Scheduling Support Microsoft form and notify Director • Discuss plan with Director
Assistant Directors	<ul style="list-style-type: none"> • Include staffing concerns as part of your program team meetings • Assist with problem solving coverage concerns • Discuss staffing recommendations with Directors (use of existing campus staff; scheduling assistance requested)
Director	<ul style="list-style-type: none"> • Conduct final review of recommendations from programs • Review database noting over/under allocated staffing situations • Notify ED of over/under allocations and recommended staffing needs/changes by the 7th of each month
Executive Director	<ul style="list-style-type: none"> • Review Director notes • Discuss over/under allocation of staff • Make determinations regarding staff requests (temporary positions, additional allocations)

Special Education PEIMS Data Validation Process

The Special Education Compliance Department is the liaison for PEIMS accountability for the Department of Special Education. The Compliance team receives weekly emails from Certify, a web-based application for data validation for PEIMS. The application gives an overall scorecard as well as special warnings or fatal errors when it comes to PEIMS data from our student information system, Skyward. The Compliance Department receives and monitors the data validations for errors and warnings. In addition, if corrections are needed, the CCC/ARD Facilitator are contacted to assist in a plan to verify the data is correct.

Special Education OnData Suite Application monitoring

The district also uses the OnData Suite application to view reports based on PEIMS and TSDS data. Each week, the Program Specialist collects information on the number of special education students and the percentage of special education students for the district. The OnData Suite application also generates reports for limited scope audits (LSA) which the Special Education Compliance team monitors in the area of early childhood instructional arrangements.

The Special Education Compliance team collaborates with the FBISD PEIMS Department regularly for updates to PEIMS, data standards, or attend PEIMS department professional development opportunities.

State Performance Plans

The Special Education Department as well as campus-based evaluation staff, including diagnosticians, LSSPs, and speech pathologists, and CCCs or ARD Facilitators have the responsibility to continuously monitor the state performance plan indicators. The data for each indicator is located in the report in EmpoWEr.

As part of the department improvement plan, continuous monitoring is needed to reach the goal of 100% compliance for each of the indicators.

Indicator 7

- The Special Education compliance team utilizes a database to monitor students between the ages of 3 and 5 years old served with special education services to ensure all students that meet the requirement are entered into the database.
- Yearly Child Outcome Summary trainings will be offered to CCC, Special Education Teachers, and Speech Pathologists, to review and update Entry/Exit Child Outcome Summary Requirements.
- The Special Education Department will monitor Child Outcome Summary forms for students meeting the indicator 7 requirements.
- Teachers and speech pathologists will be notified through their CCC that a COS entry or exit form is needed for a student.
- The teacher or speech pathologist will complete the COS form within 30 days of the student beginning services (entry) or prior to the end of the school year (exit).
- The CCC will check the Indicator 7 report for their campus to verify compliance.

Indicator 11

- Evaluation staff are responsible for monitoring the Indicator 11 report in EmpoWEr on a weekly basis. Campus evaluation staff members will ensure all consent forms and any additional relevant referral information is uploaded into EmpoWEr and all forms are locked.
 - Campus evaluation staff members will ensure the date signed consent was received is notated on the consent form and reflected on the Program Compliance tab to ensure the correct initial FIE due date is generated.
 - Program Manager and Leads will ensure all referrals are entered in the database with the correct consent date to ensure all initials are monitored for timelines.
- Initial team evaluators will monitor the report for students they are testing
 - As appropriate, initial team evaluators will add absences and update the program compliance tab to monitor timelines effectively.
 - Once an evaluation has been completed and reviewed by the review team the program manager or leads will notify the initial team evaluator to lock the FIE and double check the date of the FIE on page 1 reflects the last day of edits.
 - Initial team evaluator will lock the FIE
 - Program Manager or leads will send an email the same day the FIE is locked notifying the campus that the evaluation is complete, and the campus has thirty calendar days to have the staffing and initial ARD. The initial evaluator will be included in the email since the initial evaluator will be the assessment representative in the initial ARD meeting.
- Staff will receive quarterly training regarding evaluation timelines and district expectations for meeting evaluation and ARD timelines. Those trainings need to be shared and reviewed with the campus for which the evaluation staff is assigned.
- Quarterly checkout will be completed by the evaluation staff to ensure all initial evaluations are accounted for and assigned by the assistant director of evaluation.
- Staff will establish and support a coaching system to ensure compliance with evaluation deadlines.
 - Evaluation staff have been trained to keep in close communication with the program manager and leads regarding their caseloads. If at any time the evaluation staff member does not feel he or she can complete the initial evaluation within timeline, they are to notify the program manager and leads to problem-solve how to re-prioritize tasks and testing to ensure the timeline is met.
 - Program manager or leads send reminder emails to the evaluation staff about the due date of the initial FIE.
 - If the campus does not think they can have the staffing and initial ARD within timeline they are to contact the program manager so that the program manager can collaborate and problem-solve with the campus to ensure the initial ARD is in timeline.
 - If the initial FIE or ARD is late, compensatory services must be discussed and proposed and documented on the compensatory supplement.

Indicator 12

- The Program Manager of Evaluation and Intake Administrative Specialist along with campus staff and the intake team evaluators, monitor the Indicator 12 timelines in EmpoWEr
- Initial team evaluators will monitor the report in EmpoWEr for students they have tested.
- Staff will receive annual training regarding evaluation timelines and district expectations for meeting evaluation and ARD timelines.
- Staff will establish and support a coaching system to ensure compliance with evaluation deadlines.
- Staff will utilize an intake checklist in conjunction with a shared database consisting of date of consent, evaluation due date, evaluation lock date, and Initial ARD meeting date.

Indicator 13

- Secondary ARD Facilitators, special education administrators, and campus special education teachers will receive annual training on Indicator 13 procedures for the district.
- All Secondary ARD Facilitators will participate in a calibration training through a structured audit of existing transition paperwork completed this school year to ensure compliance.
- ARD paperwork audits will occur every semester to ensure 100% compliance with Indicator 13 requirements.

IEP CONTINUER CODE

During the 85th legislative session, Senate bill 1867 was passed. The bill modified current law so that students who continue to enroll in high school after expected graduation are excluded from longitudinal rates calculated for state accountability if they meet certain criteria.

Exclusion Criteria

Per Texas Education Code TEC 39.053(g-2), students must:

- Be at least 18 years of age by September 1st
- Have satisfied credit requirements for high school graduation
- Not have completed their IEP
- Be enrolled and receiving IEP services

Process for coding students with the IEP Continuer code:

- The Program Specialist for Adult Transition Services will create, maintain, and update a database of students for all Adult Transition Services.
- The database will be provided to the Compliance team at the beginning of the school year and continuously throughout the year as it is updated.
- The Compliance team will code students with the IEP Continuer in the student information system, Skyward.
- Secondary ARD Facilitators will verify the IEP Continuer code during the data verification process each week.

DYSLEXIA AND SPECIAL EDUCATION SERVICES

Fort Bend ISD will continue to utilize Reading By Design and Project Read, a research-based (Orton Gillingham Intervention), systematic, multi-sensory approach to reading instruction as a supplement to the curriculum for students identified as receiving special education services with disabilities involving reading ability. Reading By Design and Project Read includes materials for phonics, reading comprehension, and writing. These programs provide lessons for direct concept teaching via targeted multi-sensory strategies and higher-level thinking skill instruction.

Typically, this dyslexia intervention is provided during the scheduled intervention time on the campus master schedule or as a supplement to the curriculum in a resource classroom. The decision as to how the program is delivered is an ARD committee decision based upon the student's need.

Additional Information can be found in Section 1 of the Administrative procedures. The State Board of Education (SBOE) rule on [Students with Dyslexia and Related Disorder](#) effective June 30, 2024, which means the [Dyslexia Handbook](#) is also effective as of that date

DUAL CREDIT COURSES AND SPECIAL EDUCATION

For students receiving special education services and are considering enrollment in a dual credit course through a post-secondary institution, a staffing should be held to discuss district responsibilities under a FAPE vs College ADA requirement. The only accommodations that can be provided in these courses are those approved by the ADA at the college. At the district level, we are also required to provide a FAPE. The campus should meet with students and parents to discuss the differences between ADA requirements and FAPE. If appropriate, the student/parent should contact the college and pursue the accommodations prior to taking the course. Once that process is completed, the ARD committee meets to review the College-approved accommodations and discuss if they are appropriate for the student's FAPE. If the committee determines the student needs more accommodations and/or supports, the student may not be appropriate for the course.

If the above process has not been completed or there are questions due to the college accommodations and special education needs differ, schedule a staffing to discuss the following:

- Review approved College Board accommodations,
- Discuss Special Education accommodations,
- If Special Ed accommodations provide more than the college-approved accommodations, then changes need to be made. These changes can be:
 - Take away all accommodations that are not approved in college accommodations and allow student to stay in course and gain college credit. If this is chosen, it is recommended we continue to collaborate with the college teacher to ensure the student makes progress. If the student is not making progress, schedule an ARD to discuss changes.
 - Give the student the appropriate accommodations under IDEA, and if these are greater than the college-approved accommodations, then the student can change to another course that is not dual credit.

PROGRESSIVE HIGH SCHOOL AND SPECIAL EDUCATION

Campuses, at times, may recommend a student attend Progressive High School's program for students who need to recoup credits, accelerate learning, and/or other needs identified by the campus, parent(s), and student. For students who receive special education services, the decision to recommend a student to the program at Progressive High School is initiated by the campus or the parent.

- If a campus receives a request to consider recommendation for the program, the ARD Facilitator will schedule a staffing to discuss the specific needs of the student for the program and what accommodations and/or supports the student will need to access the program. A representative from PHS should be included in order to speak to the specifics of the program to determine if the student's needs can be properly addressed with available support. If the recommendation is for the student to complete the application process, the parent should be notified. The campus staff may assist the parent/student with the application process.
- If accepted into the program, an ARD should be held to consider the change of placement and to put appropriate services and supports in place for the student. The change of placement ARD will be conducted at the home campus.
- The Case Manager will establish an action plan with the PHS sped staff to discuss the implementation of specially designed instruction, monitoring of progress, and the communication process to address any questions or concerns the teacher(s) may have regarding the student's needs and collaborate on Annual ARD preparation.
- The home campus ARD Facilitator will conduct the Annual ARD, as well as any other Brief/Review ARDs for the students in the program at PHS and will include the special education teacher at PHS as well as the home campus Case Manager.
- If at any time, PHS determines that a consideration to return to the home campus should be discussed, a staffing should be held and if necessary, the change of placement ARD will be scheduled and will take place at PHS, attended by the PHS teacher, home campus case manager, and facilitated by the home campus ARD Facilitator.

***At any point in this process, the Program Manager over the student's current program may be called for guidance in decision-making.*

ADVANCED ACADEMIC CLASSES (GT, Dual Credit, Academies, AP) and SPECIAL EDUCATION

Classes that are selective, competitive, and/or academically challenging should be accessible to students with disabilities. The following considerations should be taken and a discussion regarding the appropriateness of the course as well as the need related to the expectations of the course/program within an ARD meeting.

- Students who are “Twice Exceptional” – students with high cognition and also a disability
- Accommodations and support do not give students an “unfair advantage”. It’s reducing the impact of a disability that impacts a student’s ability to access the instruction
 - Does not guarantee success in program/class
 - Not the same as modifications – these change the expectation of the curriculum. This does not meet the academic criteria for the advanced class
- 2007 letter from OCR to Dept of Ed
 - Schools must give students with a disability the same opportunity to apply for admission into advanced classes as students without disability, and they can’t deny access to these programs based on a student’s having an IEP or 504 plan. (*Office of Civil Rights, December 26, 2007*)
 - Eligibility requirements for these classes may be set and students with disabilities must meet the same criteria.
 - If a student receives accommodations in the general education class, they must also receive in AAC
- In-Class Support in AAC – a student may require support within the class for various reasons. An ARD committee must consider ICS in these situations. For example, a student who has high test anxiety may need to be pulled individually or in a small group for testing. A student with deficits in Executive Functioning may need assistance with organization.
 - To clarify, this is not a student who needs modifications to the curriculum.

Special Education Campus Transfer Process

There are two ways parents of students receiving special education services can request a campus transfer.

Employee Student Transfer (EST):

A District employee may request a student transfer whether the student resides outside of the District or within the District. The window for employee transfer requests opens in the Spring semester and closes in June. All employee student transfer requests are managed by the Department of Student Affairs. The Department of Student Affairs will contact the Special Education Department regarding an employee student transfer request involving a student served with special education services. The Assistant Director of Behavior and Special Sites assists the Special Education Department with the process below.

- Analyze the student's special education needs and programming to make the determination as to whether the student's services can be provided at the requested campus.
- If the student is served in a specialized program, the Program Manager for the program will be contacted to consult on the request. This process involves analyzing the requested campus' programs, number of students within the requested program, as well as student needs in the program.
- The Program Manager over the specialized program should also contact the requested campus principal to discuss the requested transfer.
- Once this process is followed, the Program Manager will notify the Assistant Director of Behavior and Special Sites of the response.
- The Assistant Director of Behavior and Special Sites will then notify the Department of Student Affairs of the recommended decision.
- Special Education transportation is not typically provided for Employee Transfer Requests.

Campus transfer requests may also occur throughout the year from in-district parents. These requests follow the process outlined above for employee transfer requests.

Special Education Special Circumstances Transfer Request

A parent may request a transfer for a student based on the student's specific disability or the District may determine a special education transfer is in the student's best interest. If the parent requested the transfer, the appropriate Director for Special Education must be contacted regarding the request. The Director of the program in which the student receives services will review the request and consult with the campus principal and the Department of Student Affairs to determine whether the request will be granted. In some cases, an ARD meeting may be required to consider the request and document the decision based on the data pertaining to the student's disability.

If the transfer is granted, the student's current Assistant Director will complete a Special Education Special Circumstances form and send it to the Assistant Director of Behavior and Special Sites to submit to Student Affairs. These requests must be completed each year.

Special Education transportation is typically not provided for Special Education Special Circumstances requests, but may be considered through collaboration with the Special Education Director, based on the student's circumstance.

PRIVATE SERVICE PROVIDERS

Students Receiving Private Services During the School Day

The TEA Student Attendance Accounting Handbook provides information related to students who receive private services during the school day.

Section 3.6.3 Requirements for a Student to Be Considered Present for FSP Purposes

A student not actually on campus at the time attendance is taken may be considered in attendance for FSP purposes if the student:

- is temporarily absent because of a documented appointment for the student or the student's child that is with a health care professional licensed, certified, or registered to practice in the United States. A documented appointment with a health care professional includes an appointment of a student diagnosed with ***autism spectrum disorder*** with a health care practitioner to receive a generally recognized service* for persons with that disorder. To be considered temporarily absent, the student must begin classes or return to class on the same day of the appointment. The appointment must be supported by a document, such as a note, from the health care professional.

*Generally recognized services include, but are not limited to, applied behavioral analysis, speech therapy, and occupational therapy

Students who meet the special education eligibility requirements for autism are allowed leave the school setting to receive private services (ABA, Speech, Occupational Therapy) without an impact on their attendance, as long as the student attends school for some portion of the day, before or after the appointment. The ARD committee must convene to discuss the parent's preference to remove the student from the school setting to receive private service.

If the student has a medical appointment/visitation and never attends school on the day of the appointment the absence will be coded as excused with proper documentation. To receive credit or a final grade in a class, the student must attend at least 90 percent of the days the class is offered. Refer to Attendance for Credit or Final Grade information in the FBISD Student/Parent Handbook for more information.

In most cases, the district's recommendation remains a full instructional day of programming within the school setting, to provide FAPE. The ARD committee must document within the deliberations the days and

times the student will be checked out of school for private services. Once this information is captured, a discussion is documented regarding how the absences will impact progress in those content areas where the student will not be in attendance.

When possible, the campus should attempt to adjust the student's schedule so that the student does not miss a core content area. The teacher should also attempt to provide supplemental materials for the student to work on outside of the instructional day, either via Schoology or sent home, so that the student can have access to the materials and content they are missing due to the private service.

The parent(s) will need to provide absence notes to the Attendance Clerk showing the student participated in the service each day the student is absent. This could consist of a note sent weekly, to reflect each day the student received the services across the week.

The Campus-Based ARD committee's recommendation for a full day of instruction remains on the Determination of Services page within the ARD. The deliberations should accurately reflect the ARD committee's final decision as to what the student's actual schedule is, if different than what was recommended.

Requests for Private Service Providers to Work with Students in the School Setting

FBISD encourages communication and collaboration across a student's service providers to ensure an appropriate and comprehensive plan is developed and implemented for the student.

FBISD policy indicates *visits to individual classrooms during instructional time shall be permitted only with the principal's and teacher's approval, and such visits shall not be permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal school environment.* **GKC Local**

FBISD does not allow private service providers to provide direct services to students within the school setting. The IEP developed for the individual student includes a Schedule of Services to reflect what the ARD committee has agreed to provide for the student to receive FAPE.

Although private service providers are not allowed to provide direct service to students within the school setting, we encourage collaboration between the school and private provider(s) to ensure an appropriate educational plan is developed for the student.

The private service provider can observe the student in the classroom (following the campus' observation procedure), then have a conference with the FBISD service providers, to review their observations and consider any recommendations the private service provider may have for the student's program.

The Special Education Department may pair a private therapist (BCBA) with a FBISD BCBA for these observations and consult/collaborate on recommendations, suggestions, and updates on progress of student.

Requests for Private Duty Nurse to Accompany Student to School

Fort Bend ISD does allow Private Duty Nurses to attend school with the student under certain circumstances.

If a parent and/or guardian is wishing for the student's Private Duty Nurse to attend school with the student, the follow steps must be taken:

- Submit the *Agreement to Permit Certain Private Duty Nursing Services on District Property* form to the Student Support Services department.
- Private duty nursing agency must sign and submit the *Agreement for Confidentiality* and *Private Duty Nurse Expectations and Acknowledgement* forms to the Student Support Services department. The agency must also submit a copy of their certificates of insurance, employee's background check, and nursing license.
- The physician's office must directly submit all applicable FBISD order forms to the Student Support Services department. These forms may include *Medication Permission* forms, *Physician Orders for Tube Feeding*, *Special Procedure Requests*, etc. This must be completed prior to the student attending campus.

Once all the required documentation has been submitted to the Student Support Services department, a member of the team will reach out to discuss start date, transportation, and any other areas of concern.

Once the Private Duty Nurse Agreement is executed, the nurse can attend school with the student.

If the private nurse is absent and/or unavailable, the parent/guardian and/or the Nursing Agency are solely responsible for arranging a substitute or replacement private nurse. The substitute or replacement private nurse shall comply with this Agreement, and all rules, regulations, policies, and notices that apply to the private nurse. In the event that a substitute nurse cannot be arranged by the parents and/or nursing agency, the parents agree that the District will provide nursing services for the student in accordance with the Student's Individualized Educational Plan (IEP), Section 504 Plan, or Individual Health Plan, and/or nursing services plan.

Documenting Private Duty Nurse Requests in ARD Meeting

Before ARD Meeting

Gather information from the parent(s) regarding the student's medical concerns. If the parent believes the child will require direct nursing services, meaning medical conditions that would need to be managed continuously within the classroom setting, contact the Program Manager, Student Support Services to provide all information regarding the parent requests. The Program Manager, Student Support Services, will assign a special education nurse to contact the parent to complete the *Medical Acuity Scale* to determine the level of care needed. This document will be reviewed during the ARD meeting.

Ensure a special education nurse has been notified and invited to the ARD meeting. In addition, the special education nurse who will attend the ARD meeting should ensure the *Medical Acuity Scale*, *Individualized Health Plan*, and the student's current medical orders have been received and are available for review during the ARD.

During ARD Meeting

The ARD committee will discuss the required nursing services during the meeting. Key components to review during the ARD can be found in sections II, III and IV of the IEP.

Section II: Discuss with parent(s) if the student is considered medically fragile and/or has multiple disabilities. If needed, ensure that the proper radio button is clicked for both. In the typing space below the radio buttons, iterate the parents' wishes for nursing services while at school. Ex. "Parent wishes for student's private duty nurse to accompany them during the school day." or "Parent wishes for the campus to provide nursing services for the student."

Section III: If the student requires nursing services, then click the radio button for nursing services. Under the blank space labeled "physical", give an outline of what those nursing services may look like during the school day. Use the *Individualized Health Plan*, *Medical Acuity Scale* and parent's input to build this section out.

Section IV: Complete the Related Services Schedule by filling out the blanks. The provider will be either classroom, campus, or private duty nurse. Recommended frequency and duration of nursing services will be dependent on the student's medical needs and should be recommended to the special education nurse. Frequency and duration will be based on input from the information in the *Individualized Health Plan* and/or special education nurse as well as the parent. The information reviewed should be consistent with what is entered into SNAP (the software program utilized by the nurses to store and document student medical information). The *Individualized Health Plan* should be scanned and uploaded in the student's file.

After the ARD Meeting

The CCC/ARD Facilitator should notify the Program Manager, Student Support Services that the ARD has been completed. The Program Manager, Student Support Services will ensure the appropriate nurses have been contacted regarding the Private Duty Nurse decision.

FORT BEND ISD SPECIAL OLYMPICS - FALCONS

[Special Olympics](#) strives to create a better world by fostering the acceptance and inclusion of all people. Through the power of sports, people with intellectual disabilities discover new strengths and abilities, skills, and success. Our athletes find joy, confidence, and fulfillment—on the playing field and in life

The mission of [Special Olympics Texas](#) is to provide year-round sports training and athletic competition in a variety of Olympic-type sports for children and adults with intellectual disabilities, giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in the sharing of gifts, skills and friendship with their families, other Special Olympics athletes and the community.

Benefits of Participation

There are many benefits to participating as an athlete with Special Olympics Texas:

- Physical exercise positively impacts health, mood, and anxiety.
- Emphasis on sports training helps athletes maintain a healthy weight.
- Athletes participate in activities that enhance their self-esteem and help them see that they can achieve goals that they set for themselves.
- Athletes have many opportunities to make new friends and socialize in an environment that is accepting and encouraging.
- Travel opportunities allow athletes to gain life experiences and skills that will positively impact all areas of their lives.
- The [Athlete Leadership Programs](#) offer athletes opportunities to get involved in decision-making, public speaking, and leadership roles in their communities.

Additional information and updated schedules can be found on the Fort Bend ISD Website, [Special Olympics page](#).