

# Section 4

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*The Fort Bend Independent School District, an Equal Opportunity Educational Provider and Employer, does not discriminate on the basis of race, color, religion, gender, sex, national origin, disability and/or age, military status, genetic information, or any other basis prohibited by law in educational programs or activities that it operates or in employment decisions. Additionally, the District does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities. Policies DAA, DIA.*

# IV – Individualized Education Program

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## DISCLAIMER

Fort Bend Independent School District (“FBISD” or the “District”) is subject to the rules and regulations contained in all Governing Documents. Governing Documents shall include federal and state law, Board policy (including the Student Code of Conduct), and this Special Education Administrative Procedures. These Special Education Administrative Procedures serve as the Operating Guidelines for Special Education as required by the Texas Education Agency. In the event of any inconsistencies or conflict between the Governing Documents, the following order of precedence shall apply:

- o Federal law
- o State law
- o Board policy (including the Student Code of Conduct)
- o Special Education Administrative Procedures (Operating Guidelines)

The District reserves the right to modify provisions of the Special Education Administrative Procedures at any time when it deems necessary. While the Administrative Procedures may be adopted and revised throughout the year, the Special Education Administrative Procedures, including any updates thereto, is published on a yearly basis. Further, although these Procedures may refer to rights established through law or District policy, the Procedures do not create any additional rights for students and parents.

If you have questions regarding the Special Education Administrative Procedures, please contact the Executive Director, Student Support Services at [Deena.Hill@FortBendisd.com](mailto:Deena.Hill@FortBendisd.com) or 281-634-1143.

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**FBISD BOARD POLICIES:** CQA, DMA (LEGAL), EEH, EEL (LEGAL), EEM, EHAC, EHBE (LEGAL), EHBF(LEGAL), EHBAE (LEGAL), EHBAB (LEGAL); EHBAD (LEGAL), EHBA (LEGAL), EHBAA (LEGAL), EHBAC (LEGAL), EHBC (LEGAL), EHBF (LEGAL), EIE (LEGAL), EIF (LEGAL), EK (LEGAL), EKB (LEGAL), EKBA (LEGAL), EKC (LEGAL), EKD (LEGAL), EHBE(LEGAL), EHBAA (LEGAL), EHBH(LEGAL), EHDE (LEGAL), FDB, FFB, FC, FFE, FOF (LEGAL), FM (LEGAL), FMH

## RULE OF CONSTRUCTION

***19 TAC §§ 89.1050(a), 89.1040(b); 34 CFR §§ 300.306(a)(1), 300.320-300.321; 20 USC § 1414; TEC §§ 29.005, 29.0051***

The District must establish an Admission, Review, and Dismissal Committee (ARDC) for each child with a disability and for each child whom an evaluation is conducted.

The term “*individualized education program*” (IEP) means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with the Admission, Review, and Dismissal (ARD) framework.

The ARDC is the:

1. Group that determines whether the child is a child with a disability and the educational needs of the child;
2. Team defined in federal law that develops the IEP; and
3. Group that determines the educational placement of the child.

Additional information need not be included in the child’s IEP beyond what is explicitly required in the ARD framework and in the Texas Education Agency’s (TEA’s) model IEP form.

The ARDC need not include information under one component of the child’s IEP that is already contained under another component.

The ARDC may use the TEA’s model IEP form to comply with the ARD framework:

[http://tea.texas.gov/Curriculum\\_and\\_Instructional\\_Programs/Special\\_Education/Programs\\_and\\_Services/IEP\\_Model\\_Form/](http://tea.texas.gov/Curriculum_and_Instructional_Programs/Special_Education/Programs_and_Services/IEP_Model_Form/)

“Prior to IEP meetings, staff may engage in activities, such as researching placement and services options, preparing draft IEP documents, writing reports, creating charts, and comparing student makeup of various program settings, in preparation for IEP team meetings. Actual IEP and placement decisions, however, are not made until parental concerns and input are considered in the actual IEP meeting. Although staff may have formed opinions about various IEP and placement options, no final decision is made before full consideration of data and parental input at the IEP team meeting. The

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District has no policies, formal or informal, conclusively against any particular service, program, or placement option.”

## REQUIRED ARD

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**19 TAC § 89.1011; TEC § 29.005; 34 CFR § 300.112**

Fort Bend ISD may not legally provide special education and related services to a child with a disability, regardless of the nature of the disability or the level of need, at any time before the child has been evaluated and determined by an Admission, Review, and Dismissal (ARD) Committee to be eligible for such services. Prior to the evaluation and ARD Committee determination, it would only be legally appropriate to provide the child with regular education support services available to all students which could include academic and/or behavioral support services. A temporary placement made in the absence of an ARD Committee decision and without evaluation data runs the risk of violating LRE provisions and gives the mistaken impression that such decisions are made on the basis of the specific disability instead of the individualized educational plan (IEP).

## FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

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The Individuals with Disabilities Act (IDEA) guarantees every eligible student a “free appropriate public education”. The law states that all public schools must:

- find and identify students who have a disability (*Child Find*);
- involve parents in decision-making;
- evaluate (test) students in a non-discriminatory way;
- develop an Individualized Education Plan (IEP) for each student that will help him/her be involved in and progress in the general curriculum;
- decide what special instruction and related services the school district will provide, and
- provide services in the least restrictive environment (a placement that allows a student with disabilities to be educated to the maximum extent appropriate with students who do not have disabilities).

Every eligible FBISD student with a disability is entitled to a free appropriate public education. Each student’s Individualized Education Program (IEP) is the centerpiece of the District’s plan for providing appropriate special education and related services that are reasonably calculated to enable the student to make progress appropriate in light of the student’s unique and individual circumstances. 34 C.F.R. § 300.17; *Andrew F. ex rel. Joseph F. v. Douglas County School Dist. RE-1*, 137 S.Ct. 988 (2017); *E.R. v. Spring Branch Indep. Sch. Dist.*, 909 F.3d 754 (5th Cir. 2018).

FBISD shall ensure that the documents produced at a student’s ARD committee meeting reflect a consideration of the following four factors:

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1. **The student’s IEP is individualized and based on the student’s assessment and performance.** For example, goals and objectives are appropriately ambitious in light of the student’s present levels of academic achievement and functional performance. The student’s program conforms to current FIE findings and recommendations.
2. **The program is implemented in the student’s Least Restrictive Environment (LRE).** For example, the ARD committee may review the supplementary aids and services that a student may have received in the general education setting together with the placement recommendations in a student’s most recent FIE.
3. **The services are provided in a coordinated and collaborative manner by all key stakeholders.** For example, the ARD committee may obtain parental consent to discuss a student’s services with any relevant outside provider or private evaluator. Campus staff and administrators may document any staff meetings regarding the student and his/her educational program. Individual conferences may be held with the parent, explaining assessments or other programmatic elements, may promote collaborations, and these efforts are also documented.
4. **The student must demonstrate positive academic and non-academic benefits.** For example, the ARD committee may consider the student’s achievement on state mandated assessments, district wide assessments, benchmarks, grades, progress reports, evaluation results, and participation and engagement in the educational environment, including as appropriate extra-curricular activities. Behavioral progress may be demonstrated by the student’s acquisition of social and behavioral skills that may be included in counseling or social skills programming.<sup>1</sup>

## TIMELINE

### **19 TAC §§ 89.1011(d), 89.1011(e)**

An ARD committee meeting shall be held within 30 calendar days from the date of the completion of the initial Full Individual Evaluation. If the district receives written consent for the Full Individual Evaluation at least 35 but less than 45 school days before the last instructional day of the school year, the evaluation must be completed and the written report provided to the parent or legal guardian not later than June 30 of that year. The student’s ARD shall meet not later than the 15<sup>th</sup> school day of the following school year to review the evaluation.

## PRIOR WRITTEN NOTICES (PWN)

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**34 CFR §§ 300.503, 300.505; 19 TAC § 89.1050; OSEP Letter to Lieberman; TEC § 29.004**

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<sup>1</sup> *Cypress-Fairbanks Indep. Sch. Dist. v. Michael F.*, 118 F.3d 245 (5<sup>th</sup> Cir.1997).



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Section 300.503 of IDEA requires that a Prior Written Notice of Change be sent home to the parent in a reasonable time (5 school days) before the school:

1. Proposes or refuses to initiate or change the identification of the child;
2. Proposes or refuses to initiate or change the evaluation of the child;
3. Proposes or refuses to initiate or change the educational placement of the child;
4. Proposes or refuses to initiate or change the provision of a free appropriate public education (FAPE) to the child; or
5. Ceases the provision of special education and related services due to the parent’s revocation of consent for services.

The school must provide prior written notice regardless of whether the parent agreed to the change or requested the change.

Type	Used When...	Location in Special Education Handbook
PWN of ARD Meeting	An ARD Meeting is scheduled for a student.	This area
PWN of Change	A change is made to a student’s IEP.	This area
PWN of Evaluation	An evaluation is proposed for a student.	Section 1 in Special Education Handbook
PWN of Refusal	A reconvened ARD Meeting does not reach mutual agreement or when the District refuses a specific request by the parent outside of an ARD meeting.	This area
Revocation of Consent	A parent or adult student revokes their consent for the provision of Special Education services.	This area

## Required Contents

The Prior Written Notice must contain:

1. A description of the action proposed or refused by the agency;
2. An explanation of why the agency proposes or refuses to take the action;
3. A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
4. A statement that the parents of a child with a disability have protection under TEA’s Notice of Procedural Safeguards;
5. Sources for parents to contact to obtain assistance in understanding the provisions of a Prior Written Notice, such as the Region Education Services Center or TEA;

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6. A description of other options that the ARDC considered and the reasons why those options were rejected; and
7. A description of other factors that are relevant to the agency's proposal or refusal.

## **Timeline and Manner**

The school must provide the parent with Prior Written Notice at least 5 school days before the school proposes or refuses the action, unless the parent agrees to a shorter timeframe.

If a parent submits a written request to the District's director of special education services or to an administrative employee for an initial evaluation, the District must, not later than the 15<sup>th</sup> school day after the date of the receipt, provide the parent with:

1. Prior Written Notice of its proposal to conduct an evaluation, a copy of the Notice of Procedural Safeguards, and an opportunity to give written consent for initial evaluation; or
2. Prior Written Notice of its refusal to conduct an evaluation and a copy of the Notice of Procedural Safeguards.

If the Prior Written Notice is in response to a parent's revocation of consent for services, the school must provide Prior Written Notice before ceasing the provision of special education and related services to the child.

The school must provide Prior Written Notice 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.

A parent may elect to receive Prior Written Notices by an electronic mail communication, if the District makes that option available. Parents may elect to receive prior written notices, procedural safeguards, and due process complaints by email, if that option is available.<sup>2</sup> Additionally, FBISD may distribute IEP documents and progress reports via email if the parents are in agreement to such delivery and the emails are secure.<sup>3</sup>

## **Prior Written Notice of ARD**

A Prior Written Notice of the ARD meeting must be received by the parent at least 5 school days prior to the date of the ARD. If the Prior Written Notice of the ARD Meeting is received by the parent less than or equal to 5 school days prior to the ARD, the parent must sign that they waive their right to the 5-day notice, and the signed notice must be attached to the ARD packed and filed in the State Audit Folder. The notice must also clearly identify the purpose of the ARD (Annual or Review).

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<sup>2</sup>34 C.F.R. 300.505

<sup>3</sup> *Ltr to Breton* (OSEP 2014); *Analysis of Comments and Changes to the 2006 IDEA Part B Regulations*, 71 Fed.Reg. 46,540 (2006)

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## Development of the IEP

### *34 C.F.R. § 300.324(a)-(b)*

At a duly constituted ARD committee meeting that is conducted after at least 5 school days-notice to the student's parent or guardian, the student's ARD committee, including the student's parent or guardian, shall develop an IEP, consistent with FAPE, by considering -

- the student's strengths; the concerns of the parents or guardians for enhancing the education of the student; the results of the student's initial or most recent evaluation; and the present academic, developmental, and functional needs of the student;
- in the case of student whose behavior impedes the student's learning or that of others, the use of positive behavioral interventions and supports, and other strategies to address that behavior;
- the language needs of a student with limited English proficiency as those needs relate to the student's IEP;
- providing for instruction in Braille and the use of Braille unless the ARD committee determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), consistent with FBISD Evaluation Procedures, that instruction in Braille or the use of Braille is not appropriate for the student;
- the communication needs of the student, including, for a student who is deaf or hard of hearing, the student's opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and
- the student's need for assistive technology devices and services.

## OVERVIEW OF ELEMENTS OF AN IEP

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*34 C.F.R. § 300.324(a)(1)(ii); 34 C.F.R. § 300.324(a)(1)(i), (iii); 34 CFR § 300.502(c)(1); 34 CFR § 300.320(a); 34 C.F.R. § 300.324(a)(1)(iv); Tex. Ed. Code § 39.0263; 34 C.F.R. § 300.320; 34 C.F.R. § 300.42; 34 C.F.R. § 300.324(a)(2)(i); 34 C.F.R. § 300.38(b)(3); 34 C.F.R. §300.39(a)(1); 34 C.F.R. § 300.34(a); 19 TEX. ADMIN. CODE § 89.1055(h); 19 TEX. ADMIN. CODE § 89.1065*

1. **Parent and Student Concerns.** [34 C.F.R. § 300.324(a)(1)(ii)] The ARD committee shall elicit, consider and document the concerns of the parent or guardian for enhancing the education of her or his

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child. This may be reflected in a concise statement summarizing the educational, social, behavioral and/or emotional concerns of the parent or guardian and student, as appropriate.

2. **Student Strengths and Relevant Evaluation Results.** [34 C.F.R. § 300.324(a)(1)(i), (iii)] The IEP shall identify the assessment data considered by the ARD committee, including both state and District-wide assessment results, as well as relevant information from any campus. Privately obtained assessments provided by the student’s parent or guardian shall be considered in any decision made with respect to the provision of FAPE to the student if it meets District criteria. 34 CFR § 300.502(c)(1) To the extent appropriate, the student’s general education performance shall also be documented. This summary shall also include an explanation of how the student’s disability or disabilities impact the student’s progress and participation in the general education curriculum. U.S. Dept. of Education, 71 Fed. Reg. 46577 (August 14, 2006)(“§ 300.320(a)(2)(i) requires annual IEP goals to be designed to enable the child to be involved in and make progress in the general education curriculum”)
3. **Present Levels of Academic Achievement and Functional Performance (PLAAFP).** [34 CFR § 300.320(a); 34 C.F.R. § 300.324(a)(1)(iv).] The student’s relevant ARD committee members, general and special education teachers, and/or related service providers, shall collaborate to ensure, through their preparation and participation in the ARD committee meeting and through the participation of the parent or guardian, that the student’s IEP contains an accurate description of how the student is performing in the areas of educational and functional need. The statement of present levels in a student’s IEP should convey sufficient information to provide clear levels of the student’s current academic and functional performance.
4. **Measurable Annual Goals.** The student’s IEP, as developed by the ARD committee shall include:
  - a. a statement of measurable annual goals, including academic and functional goals.
  - b. goals designed to meet the student’s needs that result from the student’s disability to enable the student to be involved and make progress in the general education curriculum, and to meet each of the student’s other educational needs that result from the student’s disability.
  - c. for students who take alternate assessment aligned to alternate achievement standards, a description of benchmarks Tex. Ed. Code § 39.0263 and short-term objectives. 34 C.F.R. § 300.320
5. **Supplementary Aids and Services.** The student’s IEP, as developed by the ARD committee, shall include a statement of needed supplementary aids and services (aids, services, and other supports) in regular education classes, other education-related settings, and in extracurricular and

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nonacademic settings, to enable the student to be educated with non-disabled students to the maximum extent appropriate.<sup>4</sup>

- a. As part of supplementary aids and services, the IEP may include a list or a chart of all accommodations, behavioral or academic, determined by the student’s ARD committee to be appropriate to meet the educational needs of the student in the general education setting.

6. **Behavioral Supports and Interventions.**<sup>5</sup> In the case of a student with a disability whose behavior impedes the student’s own learning or that of others, the student’s ARD committee shall consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior, and includes as part of the IEP any needed interventions, supports and strategies.<sup>6</sup> The student’s ARD committee may determine that a behavior improvement plan or a behavioral intervention plan (BIP) is appropriate for a student. In such instances, the ARD committee determines the appropriate components of a BIP for the student’s individual needs; there are no formal requirements for a BIP.<sup>7</sup> If the student’s ARD committee determines that a BIP is appropriate, the BIP shall be included as part of the student’s IEP and provided to each responsible teacher.<sup>8</sup> Students will be subject to the Student Code of Conduct (SCOC) consistent with students without disabilities, provided that any discipline under the SCOC shall be subject to the timelines and protections provided to a student with a disability under the IDEA, including holding an ARD Committee (MDR) meeting in connection with any “disciplinary change of placement” in accordance with the District’s [FOF\(Legal\)](#) policy.

7. **Specially Designed Instruction.**<sup>9</sup> The student’s IEP as developed by the ARD committee shall include a statement of needed special education services. Special education means “specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.”<sup>10</sup> Specially designed instruction means—

- a. “adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction-
  - i. To address the unique needs of the child that result from the child's disability; and

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<sup>4</sup> 34 C.F.R. § 300.42; 34 C.F.R. § 300.320

<sup>5</sup> 34 C.F.R. § 300.324(a)(2)(i)

<sup>6</sup> 34 C.F.R. § 300.324(a)(2)(i)

<sup>7</sup> *Alex R. v. Forestville Valley Community Unit School District*, 375 F.3d 603 (7<sup>th</sup> Cir. 2004)

<sup>8</sup> Tex. Ed. Code § 29.005(g)

<sup>9</sup> 34 CFR § 300.320; 34 C.F.R. § 300.38(b)(3)

<sup>10</sup> 34 C.F.R. §300.39(a)(1)

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- ii. To ensure access of the child to *the general curriculum*, so that the child can meet *the educational standards within the jurisdiction of the public agency that apply to all children.*<sup>11</sup>
  - b. The general curriculum and educational standards that “apply to all children” in FBISD are the [Texas Essential Knowledge and Skills \(TEKS\)](#) as well as the District’s Policy **EIE(Local)**.<sup>12</sup> The state-wide assessments that determine a student’s progress toward meeting those educational standards are the [State of Texas Assessments of Academic Readiness \(STAAR\)](#).
  - c. When developing specifically designed instruction, the student’s ARD committee shall consider—
  - d. How content, methodology and delivery of instruction will be modified from the general curriculum.
  - e. Student performance criteria that accurately and appropriately evidences the modification of the content of the performance or assessment.
8. **Program Modifications and Supports for School Personnel.** The student’s IEP as developed by the ARD committee shall include a statement of any needed program modifications or supports for campus and other District personnel that will be provided to enable the student: to advance appropriately toward attaining the annual goals in the student’s IEP; to be involved in and make progress in the general education curriculum; to participate in extracurricular and other nonacademic activities<sup>13</sup>; and to be educated and participate with other students with disabilities and non-disabled students.<sup>14</sup>
9. **Related Services.** The student’s IEP as developed by the ARD committee shall include any needed related services and the projected date for the beginning of the student’s related services, together with the anticipated frequency, location and duration of the student’s related services. Related services means transportation and such developmental, corrective, and other supportive services **as are required** to assist a student with a disability to benefit from special education, and includes: speech-language pathology and audiology services; interpreting services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; early identification and assessment of disabilities in children; counseling services, including rehabilitation counseling; orientation and mobility services; and medical services for diagnostic or evaluation purposes.

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<sup>11</sup> 34 C.F.R. §300.39(b)(3)(emphasis added)

<sup>12</sup> The educational standards applicable to all children in the state of Texas are also outlined in Tex. Ed. Code § 28.002 and in 19 TEX. ADMIN. CODE § 74.1.

<sup>13</sup> 34 CFR § 300.320(a)(4)(iii).

<sup>14</sup> 34 CFR § 300.320

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Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.<sup>15</sup> The IEP developed by the ARD committee shall include sufficient information about the amount and type of services, so that it is clear to the parent, as well as to the student’s related service providers and teachers, what level of support the student is to receive.<sup>16</sup>

**10. Consideration of Strategies for Students with Autism.** For a student eligible for special education and related services as a student with Autism, the student’s ARD committee shall consider the eleven strategies as described in the Autism Supplement and include as part of the IEP any strategies deemed necessary and appropriate for the student.<sup>17</sup> Those strategies deemed necessary and appropriate for the student may be incorporated throughout the IEP and/or described in a supplement.

**11. Transition Services.** Beginning not later than the first IEP to be in effect when a student turns 14 and then updated annually, the student’s IEP as developed by the student’s ARD committee shall include:

- i. appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
- ii. the transition services (including courses of study) needed to assist the student in reaching those goals.<sup>18</sup>

b. The student’s ARD committee shall comply with FBISD’s [Policy EHBAD\(Legal\)](#) (“Special Education Transition Services”) regarding the procedures for including representatives from the [Texas Workforce Commission](#) on a student’s ARD committee.

**12. State and District-wide Assessment.** The student’s IEP as developed by the ARD committee shall include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on State and District-wide assessments. The ARD Committee will follow TEA guidelines when determining how a student will participate in the Texas Statewide Assessment Program, including how to select allowable accommodations, and in deciding whether a student with a disability meets the criteria to be assessed based on modified or alternate academic achievement standards. If the ARD committee determines that the student must take an alternate assessment instead of a particular regular State or district wide assessment of student achievement, the student’s IEP as developed by the ARD

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<sup>15</sup> 34 C.F.R. § 300.34(a)

<sup>16</sup> U.S. Department of Education, 71 Fed. Reg. 46667(2006)

<sup>17</sup> 19 TEX. ADMIN. CODE § 89.1055(h)

<sup>18</sup> 34 CFR § 300.320(b)(1); U.S. Department of Education, 71 Fed. Reg. 46668 (2006)

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committee shall include a statement of why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student.

**13. Placement in the Least Restrictive Environment and the Justification for any Removal from General Education.** LRE discussed further herein.

**14. Extended School Year (ESY) Services.** Whenever appropriate, the student’s ARD committee shall determine whether the student requires an extended school year based on a regression-recoupment analysis. The need for ESY services shall be documented from formal and/or informal evaluations provided by the District or the student’s parents or guardians. The documentation must demonstrate that in one or more critical areas addressed in the student’s current IEP goals and objectives, the student has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be recouped within a reasonable period of time. Severe or substantial regression means that the student has been, or will be, unable to maintain one or more acquired critical skills in the absence of ESY services.<sup>19</sup> It is important to remember that ARD committee determinations regarding ESY services are prospective in nature and not intended to make up for past denials of FAPE, if any.<sup>20</sup>

**15. Response to Bullying or Harassment.** Following an investigation of a student with a disability who is an alleged victim or perpetrator of bullying or harassment in violation of the District’s FFH(Local) and FFI(Local) policies, an ARD committee meeting shall be held to review the conduct and to consider the impact, if any, of the bullying conduct on the provision of FAPE to the student.<sup>21</sup> The District will provide notice of an ARD committee meeting in collaboration with the Campus Administrator.

## **ARD Meeting at Parent’s Request**

### **19 TAC 89.1050(e)**

Upon receipt of a written request for an ARD Meeting from a parent, the school district must collaborate with the parent on a mutually agreeable date and time. In accordance with Board Policy EHBAB Legal, if the school district refuses to convene the ARD Meeting, within five days of the request, the parent must be provided with a Prior Written Notice of Refusal explaining why the district refuses to convene the meeting.

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<sup>19</sup> 19 TEX. ADMIN. CODE § 89.1065 ; *Alamo Heights ISD v. State Board of Ed.*, 790 F2d. 1153 (5<sup>th</sup> Cir. 1986)(severe or substantial regression required for ESY).

<sup>20</sup> OSEP. [Part B Implementation of IDEA Provision of Services in the Current COVID-19 Environment Q&A Document](#). September 28, 2020.

<sup>21</sup> Tex. Ed. Code § 37.001(b-1)



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If a campus believes an ARD meeting is not warranted, the CCC/ARD Facilitator, in conjunction with the campus principal must contact the Director of Special Education regarding the refusal prior to initiating the Prior Written Notice of Refusal.

## **Non-Consensus ARD Procedure**

1. When mutual agreement about all required elements of the IEP is not achieved, parent, or adult student, who disagrees shall be offered a single opportunity to have the committee recess, for a period of time not to exceed ten school days unless the parties mutually agree otherwise, and reconvene.
2. The 10-day recess is not required when the student's presence on the campus presents a danger of physical harm to the student or others or when the student has committed an expellable offense or an offense that may lead to placement in a DAEP. 19 TEX. ADMIN. CODE § 89.1050(g)(1)
3. The deliberations should thoroughly outline the school district's recommendations as well as the parent's points of disagreement.
4. Prior to the end of the ARD, schedule the date and time of the next ARD, often referred to as the 10-day ARD or the Reconvened ARD. This date must be held within 10 school days of the ARD Meeting (unless both the parent and the LEA agree to extend beyond the 10-day timeline).
5. Contact the Program Manager for the student's program regarding the ARD that ended in disagreement to schedule a staffing at least 2-3 days prior to the Reconvened or 10 Day ARD.
6. During the recess, the parents and the school-based committee members shall consider alternatives for any disputed educational programming, gather data, prepare further documentation, and/or obtain additional resource persons which may assist in enabling the committee to reach mutual agreement, if possible. 19 TEX. ADMIN. CODE § 89.1050(g)(2)
7. If the Reconvened/10 Day ARD committee does not reach mutual agreement, give the parent a current copy of their procedural safeguards (utilize the July 2020 updated version) and explain the Resolving Disagreement process found on page 11. Let the parent know that the district will implement the IEP which it has determined to be appropriate in five school days from receipt of the Prior Written Notice: Notice of Decision/Refusal. Also, inform the parent that a the Prior Written Notice will be sent to the parent.

## **Prior Written Notice of Refusal**

***19 TAC § 89.1050(e)(2); TEC § 29.004(c)(2)***

If the reconvened ARD meeting ends in Non-Consensus, contact the Director of Special Education immediately following the ARD meeting so that plans can be made to send the parent the required Notice of Refusal. The Director must review the Prior Written Notice before the final copy is provided to the parent.

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## **Prior Written Notice: Notice of Decision**

The PWN of Decision is located in Success Ed and must be completed at the end of each ARD to summarize the changes from the previous ARD. This notice is to be sent to parents 5 school days in advance of implementation of the ARD committee decisions.

## **Parent’s Revocation of Consent**

### ***34 CFR § 300.300(b)(4)***

Revocation of consent by a parent for the continued provision of special education and related services must be in writing. If, at any time after the initial provision of special education and related services, the parent of a child revokes consent for the continued provision of special education and related services, the LEA:

- May not continue to provide special education and related services to the child;
- Must provide Prior Written Notice before ceasing the provision of special education and related services;
- May not use the procedural safeguards (including the mediation procedures or the due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
- Will not be in violation of the requirement to make a FAPE available to the child because of the failure to provide the child with further special education and related services; and
- Is not required to convene an ARD Committee Meeting or develop an IEP for further provision of special education and related services for the child, as defined in Rule of Construction.

## **Procedure**

When a parent notifies the LEA of their desire to revoke consent for special education services, the following procedure should be followed:

1. Notify the Assistant Director of Special Education over the program in which the student is served;
2. CCC/AF will draft the Notice of Revocation in Success Ed.
3. The Assistant Director will contact the parent and schedule a meeting to discuss the revocation and if needed, complete all appropriate Notice of Revocation paperwork.

## **Frequently Asked Questions**

1. *Question 1: When is a school district required to provide a parent or an adult student with prior written notice?*

A school district must provide a parent or an adult student with prior written notice when it proposes or refuses to initiate or change the student’s identification, evaluation, placement, or how the student is provided a Free Appropriate Public Education (FAPE). A school district is also required to provide prior written notice to a parent or an adult student before it ceases to

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provide special education and related services in response to the parent’s or adult student’s revocation of consent for the continued provision of services. In addition, a school district must provide prior written notice before implementing an individualized education program (IEP) with which the parent or adult student disagrees.

Some examples of when a school district must provide prior written notice are when it proposes or refuses to:

1. Conduct an initial evaluation of the student;
2. Change the student’s placement from a special education classroom to a general education classroom; or
3. Change the types or amounts of related services the student receives.

2. *Is there a timeline for when a school district must provide a parent or an adult student with prior written notice?*

Yes. A school district must provide prior written notice at least five school days before it implements the proposal or refusal described in the notice, unless the parent or adult student agrees otherwise. This means that a student’s new or revised IEP cannot be implemented until at least five school days after the school district provides the prior written notice.

3. *Can a parent or an adult student waive the five-day notice requirement so that a change to the student’s IEP can be implemented sooner?*

Yes. The parent or adult student may waive the five-day notice requirement. TEA recommends that school districts implement policies and procedures that address how a waiver of the five-day notice requirement should be documented.

4. *Must a school district provide a parent or an adult student with prior written notice every instance where a student’s IEP is changed?*

Whenever a student’s IEP is changed regarding the student’s identification, evaluation, or educational placement, the school district must provide prior written notice. In addition, a school district is required to provide prior written notice when a change relates to the provision of FAPE to the student. FAPE means, among other things, special education, and related services that are provided in conformity with a student’s IEP. Therefore, a proposal to change a student’s IEP, which typically involves a change to the type, amount, or location of the services provided to the student, would trigger the requirement to provide prior written notice.

5. *Must a school district provide prior written notice to a parent or an adult student even if the parent or adult student has agreed to the proposed change?*

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Yes. A school district must provide prior written notice regardless of whether the parent agrees or disagrees with the change.

6. *Must a school district provide prior written notice to a parent or an adult student even if the proposed change was initiated by the parent or adult student?*

Yes. A school district must provide prior written notice regardless of who initiated the change.

7. *Must a school district provide prior written notice to a parent or an adult student when a student's IEP is amended outside of an Admission, Review, and Dismissal (ARD) committee meeting?*

Yes. If a school district and a parent or an adult student agrees to amend the student's IEP without convening an ARD committee meeting, the school district must provide the parent or adult student with prior written notice of the amendment.

8. *Must a school district provide prior written notice to a parent or an adult student when the student graduates from high school?*

Yes. Provisions at 34 CFR §300.102 read in part, "Graduation from high school with a regular high school diploma constitutes a change in placement, requiring written prior notice in accordance with §300.503."

9. *Is there a specific form that school districts must use for prior written notices?*

No. The federal regulations do not require that a standard form be used, but do specify the content that must be included in a prior written notice. The District utilizes the Prior Written Notice found in Success Ed.

10. *What information must the prior written notice contain?*

The prior written notice must include the following:

1. A description of the action proposed or refused by the school district;
2. An explanation of why the school district proposes or refuses to take the action;
3. A description of each evaluation procedure, assessment, record, or report that the school district used as a basis for the proposed or refused action;
4. A statement that the parent of a student with a disability (or an adult student) has protection under the procedural safeguards of Part B of the Individuals with Disabilities Act (IDEA), and if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
5. Sources to contact to obtain assistance in understanding the provisions of Part B of IDEA;

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6. A description of other options that the ARD committee considered and the reasons why those options were rejected; and
7. A description of other factors that is relevant to the school district’s proposal or refusal.

*11. Can the record from the ARD committee meeting itself constitute the prior written notice, rather than requiring a separate document?*

The record from the ARD committee meeting, which includes, among other things, the proposed IEP, may be used as part of the prior written notice as long as the documents the parent or adult student receives contain all of the content that must be included in a prior written notice. (See Response to Question 9.)

*12. Does the five-day notice requirement apply to notices of ARD committee meetings?*

Yes. A school district must provide a parent or an adult student with a notice of the student’s ARD committee meeting at least five school days before the meeting, unless the parent or adult student agrees otherwise.

*13. When must a school district provide prior written notice that it will implement an IEP with which the parent or adult student disagrees?*

When a school district and a parent or an adult student cannot reach agreement about all of the required elements of an IEP, the school district must offer the parent or adult student one opportunity to have the ARD committee recess for a period not to exceed 10 school days. If the parent or adult student refuses the offer to recess the meeting or if the ARD committee still cannot reach agreement after reconvening, the school district must provide the parent or adult student with prior written notice that it will implement the IEP that it has determined to be appropriate.

*14. What if a parent’s native language is not English?*

A prior written notice must be provided in the parent’s native language or other mode of communication, unless it is clearly not feasible to do so. If the native language or other mode of communication is not a written language, the school district must take steps to ensure that: (a) the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; (b) the parent understands the content of the notice; and (c) there is written evidence that the school district met these requirements.

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## WRITTEN REPORT OF THE ARD MEETING

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### ***19 TAC § 89.1050***

Committee Deliberations are the way the school district memorializes the discussions that take place during the ARD meeting. The required pieces of the meeting are documented in the ARD paperwork via Success Ed, and the Committee Deliberations assist with an understanding of the process and document how the ARD committee made the decisions and also include information that may not be otherwise addressed on the ARD paperwork. The documentation should be factual. If the parent has concerns, those concerns, along with the campus' response should be addressed and noted in the deliberations. If the parent disagrees with the Committee Deliberations, it should be noted in the Committee Deliberations. If the parent makes a formal request to amend the record of the meeting (deliberations), the district must follow the local policy for parent request to amend records, found in FL Local (See Section 8, Records Requests).

The parent can provide additional information (e.g. notes, writings, etc.). However, the ARD Committee should document where the official Committee Deliberations end and the parent's additions begin. Additional parent documents should be uploaded with the signed ARD paperwork in Success Ed. FBISD may use the IEP and the deliberations or minutes as part of the PWN so long as the document(s) the parent or guardian receives meet all the requirements of prior written notice. U.S. Department of Education, 71 Fed. Reg. 46691 (August 14, 2006) The deliberations and/or the Prior Written Notice may be used to establish how the District is providing a FAPE to a student and collaborating with a parent or to document other factors relevant to a student's IEP.

IDEA does not require that the District include additional information in a student's IEP beyond what is expressly required under 20 USC § 1414; 34 CFR § 300.320 (d)(1). By way of example and not limitation, a student's IEP does not need to include—

- The identity of specific teachers or specific educational methodology. *Letter to Hall*, 21 IDELR 58 (OSERS 1994).
- Extracurricular activities unrelated to the student's IEP. *Letter to Anonymous*, 17 IDELR 180 (OSEP 1990).
- Services that are unrelated to the student's special education program. *Letter to Montano*, 18 IDELR 1232 (OSEP 1992).

An ARD Agenda should be utilized for all Annual ARD meetings. The agenda will assist the ARD committee with the sequence of the meeting. The following information provides additional guidance regarding the ARD Agenda:

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## ***Introduction and Purpose***

- Explain purpose of the ARD, verify 5-day notice was received and/or parent waived
- Introduce participants and their roles-use first and last names (clarify spelling if necessary)
- Review agenda and outcomes
- Review decision-making process, ground rules, -define consensus for the committee and clarify it is not a voting process with majority rules
- Ask parent if there is anything they would like to add (i.e. questions about process, other information)

## ***Review Evaluation and Establish Eligibility for Special Education and Related Services***

- Review any new evaluation data (includes information from school district and from parent such as private testing, etc.)
- Is a re-evaluation needed?
- Is student eligible to continue services?
- Determine eligibility-it is important to confirm the correct eligibility is on PAGE 2 of paperwork and that it matches the last FIE accepted by the ARDC

## ***Present Levels of Academic Achievement and Functional Performance***

### *34 CFR § 300.320(a)(1)*

The ARDC must provide a statement of the child's Present Levels of Academic Achievement and Functional Performance (PLAAFP). The PLAAFP is a statement of a student's present level of academic (social, behavioral, communication, health, and transition) achievement and functional performance. A PLAAFP describes how the student's disability affects his/her involvement and progress in the general education curriculum (or how the disability affects a preschool child's participation in appropriate activities). A PLAAFP states the following information about the student:

1. Impact of Disability Statement – clear statement of how the disability affects involvement and progress in the same curriculum as non-disabled students with a clear consistency between the FIE and the PLAAFP
2. Progress Statement – evidence of change in performance over last year, along with a review or summary of the previous year's IEP.
3. Accommodations and Modifications – student performance with accommodations and/or modifications is reported as well as performance without.
4. Variety of information from a variety of sources – includes parent and student information to give a complete and accurate picture
5. Measurable and observable baseline data – used to track progress, along with consistent tools to measure progress

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- Discuss Transition Planning
- Review achievement on previous years' short-term goals and objectives (academic and behavior)-a copy of the updated goals and objectives must be presented at the ARD meeting and attached to the ARD paperwork.
- Discuss specific needs in the area of:
  - Language (second language learners as their needs relate to their IEP)
  - Communication
  - Physical
  - Behavioral (includes behavioral data, attendance, discussion of need for supplements – FBA, BIP)
  - Academic/Developmental – discuss areas in which student's disability significantly interferes
- Review current grades and current credits (if applicable)
- Review District and/or State Assessment and Ren360 results
- Prevocational/Vocational (include CTE information here)
- Review the need for assistive technology devices and services
- Discuss the recommendation for ESYS due to regression/recoupment/maintenance of critical skills  
Make sure the parent has provided input in enhancing the education of their student at some point during this discussion (documented in deliberations)

## ***Establish Goals and Objectives***

### *34 CFR § 300.320(a)(2)*

What is it that we want the child to know, understand, and be able to do a year from now?

- Present proposed goals and objectives
- Discuss supplementary aids and services
- Accommodations
- Supplementary Aids and Services
- Discuss Accelerated Instruction needs, if applicable (Intensive Remediation under the SSI requirements)
- Determine State Assessment and need for accommodations
- Determination of types of District-Wide Assessments and need for accommodations
- Complete LPAC Supplement (if applicable) and discuss justifications

## ***Determine Appropriate Services & Placement***

In what placement in the least restrictive environment can the goals and objectives be implemented appropriately? During this process all consensus members of the ARD should give input.

- Discuss services to be provided (don't forget to follow up on the ESYS needs if appropriate)
- Consider the least restrictive environment
- Discuss justification for removal from general education environment (Stetson Form 2, ICS logs, etc)
- Finalize schedule of services and determine placement



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## ***Closing ARD***

- Provide assurances
- Read Committee Deliberations
- Confirm agreements, including signatures
- Develop action plan for follow up if necessary
- Distribute paperwork
- Thank all parties for attending

## **PARENT RIGHTS/PARTICIPATION**

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### ***Parent Participation***

***19 TAC § 89.1050(d); TEC §§ 26.0081, 29.005; 34 CFR §§ 300.322, 300.501; 20 USC § 1414(d)(1)(B)(i)***

The District must take steps to ensure that one or both parents of a child with a disability are present at each ARD meeting or are afforded the opportunity to participate, including:

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
2. Scheduling the meeting at a mutually agreed on time and place.
  - A meeting does not include:
    - Informal or unscheduled conversations involving the LEA personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision; or
    - Preparatory provisions

When obtaining informed consent and reviewing procedural safeguards, it is imperative that the evaluation staff member properly informs and documents that the parent fully understands the information and is declining the use of an interpreter in their native language. Documentation would occur on the consent form and further explained in the text box below indicating that the parent understands and declines the need for an interpreter.

When scheduling ARD meetings, the CCC/ARD Facilitator/Evaluation Staff Member must indicate on the Parent/Guardian Acknowledgement Form in the Comments Text Box that the parent fully understands the information and is declining the use of an interpreter in their native language.

### **Other Methods to Ensure Parent Participation**

If neither parent can attend the ARD meeting, the District must use other methods to ensure parent participation such as:

1. Individual or conference telephone calls; or
2. Virtual Platforms that include audio and/or video collaboration

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## **Parent’s Guide to the Admission, Review, and Dismissal (ARD) Process**

*TEC § 26.0081*The District must provide the parent the Parent’s Guide to the Admission, Review, and Dismissal Process:

1. As soon as practicable after a referral for possible special education services, but at least 5 school days before the initial ARD meeting; and
2. At any other time on reasonable request of the child’s parent.

A copy of the guide can be located on the Texas Education Agency's website as well as the FBISD Special Education website.

## **Information Provided to Parents**

*34 CFR §§ 300.322; 300.501(b)(2); 19 TAC §§89.1050(d), 89.1055(j); 20 USC § 1417(e)*

1. The District must provide the parents with written notice of an ARD meeting at least 5 school days before the meeting unless the parents agree to a shorter timeframe. The notice must:
  - a. Indicate the purpose, time, and location of the meeting and who will be in attendance; and
  - b. Inform the parents of the provisions relating to the participation of other discretionary members or individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. These members must be included on the ARD Notice. Examples of discretionary members may be the school nurse, counselor, ARD Facilitator, Related Services personnel, etc.
  - c. Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the ARDC, the notice must also indicate:
  - d. That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child; and
  - e. That the agency will invite the student; and
  - f. Any other agency that will be invited to send a representative with the consent of the parents or adult student.

## **Conducting an IEP Meeting without a Parent in Attendance**

*34 CFR §§ 300.322(d), 300.501(c)(4)*

A meeting may be conducted without a parent in attendance if Fort Bend ISD is unable to encourage parents that they should attend. The District must keep a record of its attempts to arrange a mutually agreed on time and place such as:

- Detailed records of telephone calls made or attempted and the results of those calls indicated in the contact log in Success Ed;

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- Copies of correspondence sent to the parent and any responses received; and
- Detailed records of visits made to the parent’s home or place of employment and the results of those visits.

In certain cases, a letter may be sent after 3 attempts to schedule the ARD meeting. This letter summarizes the attempts made and when the ARD is scheduled. The parent is encouraged to attend but if unable to, then the ARD will be held and the information will be mailed to the parent via certified U.S. Mail.

## **Use of Interpreters or Other Action**

### ***34 CFR § 300.322(e)***

The District must take action to ensure that the parent understands the proceedings of the ARD meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

When obtaining informed consent and reviewing procedural safeguards, it is imperative that the evaluation staff member properly informs and documents that the parent fully understands the information and is declining the use of an interpreter in their native language. Documentation would occur on the consent form and further explained in the text box below indicating that the parent understands and declines the need for an interpreter.

When scheduling ARD meetings, the CCC/ARD Facilitator/Evaluation Staff Member must indicate on the Parent/Guardian Acknowledgement Form in the Comments Text Box that the parent fully understands the information and is declining the use of an interpreter in their native language.

## **Parent Copy of Child's IEP**

### ***34 CFR § 300.322(f); TEC § 29.005(d); 19 TAC 89.1050(i)***

The District must give the parent a copy of the child's IEP at no cost to the parent. **The parent should receive a copy of the ARD documents as soon as possible, but no later than 5 school days after the ARD.**

## **Copy of Child’s IEP when Parent is Unable to Speak English**

If the child’s parent is unable to speak English, the District must:

1. Provide the parent with a written copy or audio recording of the child’s IEP translated into Spanish if Spanish is the parent’s native language; or

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2. Make a good faith effort to provide the parent with a written copy or audio recording of the child’s IEP translated into the parent’s native language if the parent’s native language is a language other than Spanish.
3. When translating a student’s IEP, all of the text in the student's IEP shall be accurately translated, resulting in a comparable rendition of the IEP in English and not a partial translation or summary. 19 TEX. ADMIN. CODE § 89.1050(i)(1)
4. The term “native language” means the language normally used by the parent or guardian. 20 U.S.C. § 1401(20) Limited English Proficient (LEP) is equivalent to English Learner (EL) in the special education context. 34 C.F.R. § 300.27

## Parent Participation in Meetings

Each ARD committee shall endeavor to ensure that a student’s parent or guardian is included in the process of developing a student’s IEP. *Buser v. Corpus Christi Indep. Sch. Dist.*, 51 F.3d 490 (5th Cir. 1995); *White v. Ascension Parish*, 343 F.3d 373 (5th Cir. 2013) (IDEA requirements with respect to parental input are met “[a]bsent any evidence of bad faith exclusion of the parents or refusal to listen to or consider” parental input); 19 TEX. ADMIN. CODE § 89.1050(e); 34 C.F.R. § 300.503.

1. Provide parents or guardians notice of all ARD committee meetings no later than 5 school days prior to each meeting (unless the parents or guardians agree to a shorter timeframe). 19 TEX. ADMIN. CODE § 89.1050(d) In addition to the date and time of the meeting, each meeting notice shall include a list of all meeting participants known at the time the notice is provided to the parent or guardian; a brief description of the purpose of the meeting; and the mode of participation (e.g., in-person or via tele- or video conferencing).
2. A meeting for which parental notice is required does not include informal or unscheduled conversations involving District personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that District personnel engage in to develop a proposal or response to a parent or guardian proposal that will be discussed at a later ARD committee meeting. 34 C.F.R. § 300.501(b)(3)
3. **Ensure and document receipt by the parent or guardian of a copy of the procedural safeguards notice** at least once a year, and also -
  - Upon initial referral or parental request for evaluation.
  - Upon the first occurrence of the filing of a due process hearing complaint.

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- Following any disciplinary action requiring a manifestation determination review.<sup>22</sup>
  - As soon as practicable after the student is referred to determine the student's eligibility for admission into special education.
  - At any other time on reasonable request of the student's parent or guardian.
4. **Ensure that any education records, as defined by the District's [FL\(LOCAL\)](#) policy, requested by a parent or guardian of a student with a disability may be inspected and reviewed** by a parent or guardian or the parent or guardian's representative (with informed written consent of the parent or guardian)—
- Before any ARD committee meeting.
  - Before any mediation session or resolution session that is part of a special education due process hearing request.
  - Without unnecessary delay but in no case more than 45 days. 34 C.F.R. § 300.613

Copies of educational records may be provided in accordance with the District's [FL\(LOCAL\)](#) policy. Fees may be charged for those copies so long as the fee does not effectively prevent the parent or guardian from exercising their right to inspect and review the requested records. 34 C.F.R. § 300.617 (The District may not charge a fee to search for or to retrieve the educational records.)

## Parent Involvement in Placement Decisions

1. The Fort Bend ISD must ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.
2. If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the Fort Bend ISD must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.
3. A placement decision may be made by the ARD Committee without the involvement of a parent, if Fort Bend ISD is unable to obtain the parent's participation in the decision. In this case, Fort Bend ISD must have a record of its attempt to ensure their involvement. In this case, a letter may be sent after 3 attempts to schedule the ARD meeting. This letter

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summarizes the attempts made and when the ARD is scheduled. The parent is encouraged to attend but if unable to, then the ARD will be held and the information will be mailed to the parent via certified U.S. Mail.

4. Informed written consent by the parent is required before a student’s initial placement into special education and provided services.

**Responding to a Parent Request for Private Placement When there is a Disagreement Regarding FAPE**  
If the parents or guardians of a student with a disability, who previously attended the District, enroll the student in a private preschool, elementary school, or secondary school without the consent of or referral by the District, a court or a hearing officer may require the District to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the District had not made FAPE available to the student in a timely manner prior to that enrollment, and that the private placement is appropriate. The cost of reimbursement may be reduced or denied:

- if, at the most recent ARD committee meeting that the parents or guardians attended prior to removal of the student from the District, the parents or guardian did not inform the ARD committee that they were rejecting the placement proposed by the District to provide FAPE to the student, including stating their concerns and their intent to enroll the student in a private school at public expense;
- if, at least 10 District business days (including any holidays that occur on a business day) prior to the removal of the student from the District, the parents or guardians did not give written notice to the District that they were withdrawing the student and seeking reimbursement from the District for the cost of the private school placement;
- if, prior to the parents or guardians' removal of the student from the District, the District informed the parents or guardians, through the notice requirements described in these Operating Procedures, of its intent to evaluate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the student available for the evaluation; or
- if a hearing officer or judge finds that the parents acted unreasonably.<sup>23</sup>

## **Parent Attorney at ARD meeting**

A parent has a right to bring an attorney to an ARD meeting. However, if an attorney will be present, the District will also need to have legal representation.

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<sup>23</sup> *School Comm. of Burlington v. Department of Educ. of Mass.*, 471 U.S. 359, 369 (1985); *see also*, 34 C.F.R. 300.148(c); *Forest Grove Sch. Dist. v. T.A.*, 557 U.S. 230, 129 S. Ct. 2484, 2496 (2009)

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The following procedures are recommended if a parent notifies the campus they will bring an attorney to the ARD:

1. Campus evaluation specialist/CCC/DH/ARD Facilitator must notify the Program Manager for the program in which the student is currently receiving services and review any concerns the parent has expressed.
2. The Program Manager will ensure the Director/Executive Director are aware of the request.
3. The Director/Executive Director will contact the District's legal representation regarding the proposed ARD dates.
4. A staffing should be scheduled prior to the ARD to include the District's legal representation as well as special education central office staff (Program Managers, Assistant Directors, etc.) and the campus staff who will attend the ARD meeting.

## **Parent Advocate at ARD meeting**

A parent has a right to bring an advocate to an ARD meeting.

The following procedures are recommended if a parent notifies the campus they will bring an advocate to the ARD:

1. Campus evaluation specialist/CCC/DH/ARD Facilitator must notify the Program Manager for the program in which the student is currently receiving services and review any concerns the parent has expressed.
2. A staffing should be scheduled prior to the ARD to include the appropriate central office staff (Program Manager, Program Specialist, Assistant Director, Lead LSSP/SLP/Diag). During the staffing, the proposed ARD dates and central office attendance at ARD will be discussed.

## ***Age of Majority***

***19 TAC § 89.1049; TEC §29.017; 34 CFR § 300.320(c)***

## **Transfer of Rights at Age of Majority: IEP Statement**

1. At least one year before a student with a disability reaches 18 years of age, the student's IEP must include a statement that the student has been informed that unless the student's parent or other individual has been granted guardianship of the student, all rights granted to the parent under the Individuals with Disabilities Education Act (IDEA), other than the right to receive any notice required under IDEA, will transfer to the student upon reaching age 18.
2. *After the student reaches the age of 18, Fort Bend ISD shall provide any notice required under the IDEA to both the adult student and to the parent.*
3. The student's IEP shall also state that the student has been provided information and resources regarding guardianship, alternatives to guardianship, including a supported

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decision-making agreement and other supports and services that may enable the student to live independently.

## **Transfer of Parental Rights at Age of Majority**

*34 CFR §§ 99.31(8), 99.5(a), 300.520(a), 300.625(b), (c); 19 TAC § 89.1049(b), (e); TEC § 29.017(b); 20 USC 1415(m)(1)*

When a child with a disability reaches 18 years old (except for a child who has been determined to be incompetent under state law):

1. All rights under the IDEA transfer from the parent to the adult student (except that the District must provide any notice required under the IDEA to both the adult student and the parents); and
2. All rights under the Family Education Rights and Privacy Act (FERPA) transfer from the parent to the adult student (except that consent is not required to disclose information to the parent of an adult student if the student is a dependent student, or another exception applies regarding when consent is not required to disclose information).

An adult student who holds rights under the IDEA is not prohibited from executing a valid power of attorney.

## **Notification of the Transfer of Rights**

*34 CFR §300.520(a)(3); TEC § 29.017(c); 19 TAC § 89.1049(c); 20 § USC 1415(m)(1)(C)*

Fort Bend ISD must notify in writing the adult student and parent of the transfer of rights at the time the student reaches the age of 18. This notice must include:

1. A statement that parental rights have transferred to the adult student; and
2. Provide contact information for the parties to use in obtaining additional information.

The notification of the transfer of rights need not contain the elements of Prior Written Notice, and this notification is separate and distinct from the requirement that the student's IEP include a statement relating to the transfer of parental rights beginning at least one year before the student reaches the age of 18.

## **Right to Notice Following a Transfer of Rights**

*34 CFR § 300.520(a)(1)(i); 19 TAC § 89.1049(a), (d); TEC § 29.017(a); 20 USC § 1415(m)(1)(A)*

While the District must provide any notice required by the IDEA to both the adult student and parent following a transfer of rights:



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1. Prior Written Notice of an ARD meeting does not constitute an invitation to, or create a right for, the parent to attend the meeting; and
2. Prior Written Notice given to an adult student and parent does not create a right for the parent to consent or participate in the proposal or refusal to which the notice relates.

However, the adult student or Fort Bend ISD may invite individuals who have knowledge or special expertise regarding the student, including the parent.

## MEMBERSHIP OF THE ARD COMMITTEE

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***34 CFR §§ 300.156, 300.321; 19 TAC § 89.1050 (c); 19 TAC §§ 75.1023(d)(1), 89.1050, 89.1230(b), 89.1131, 101.1003(b), 101.1005(a)***

The following members should be included in each ARD meeting:

1. The parents of the child with a disability or adult student;
2. Not less than one general education teacher of the child (if the child is, or may be, participating in the regular education environment):
  - a. Who is a regular education teacher responsible for implementing a portion of the child's IEP; and
  - b. Who, as a member of the ARDC, to the extent appropriate, participates in the development, review, and revision of the IEP, including the determination of appropriate positive behavioral interventions and supports and other strategies for the child and supplementary aids and services, program modifications and supports for school personnel;
3. Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child who is appropriately certified or licensed;
4. Local Education Agency (LEA) Representation – (the LEAs Representative may be the Director of Special Education or campus designee or a campus administrator acting on behalf of the District. The choice of the representative is at the discretion of the District, so long as the District's representative meets these criteria.)
  - a. Who is qualified to provide, or supervise the provision of, specially designed instruction
  - b. Who is knowledgeable about the general education curriculum; and
  - c. Who is knowledgeable about the availability of resources of the LEA;
5. An individual who can interpret the instructional implications of evaluation results, such as a Licensed Specialist in School Psychology (LSSP) or an Educational Diagnostician;
6. At the discretion of the parent or Fort Bend ISD, other individuals who have knowledge or special expertise regarding the child, including:
  - a. Related services personnel as appropriate;
  - b. In the case of a child who has previously served under the Early Childhood Intervention (ECI) program, at the request of the parent, by invitation to the initial ARD meeting, the

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ECI service coordinator or other representatives of the ECY system to assist with the smooth transition of services;

7. The child with a disability, whenever appropriate, and when the purpose of the meeting will be consideration of transition services (and if the child does not attend, the District must take other steps to ensure that the child's interests and preferences are considered);
8. The ARD committee shall also include the following additional participants, as appropriate:
  - a. With the consent of the parents or a child who has reached the age of majority, a representative of any participating agency that is likely to be responsible for providing for or paying for transition services; and
  - b. A teacher who is certified in the education of children with auditory impairments for the child with a suspected or documented auditory impairment including suspected or documented deaf-blindness;
  - c. A teacher who is certified in the education of children with visual impairments for the child with a suspected or documented visual impairment including suspected or documented deaf-blindness;
  - d. When determining participation in state and district-wide assessments for an English language learner, a member of the language proficiency assessment committee (LPAC) to address the child's needs; and
  - e. When considering initial or continue placement of the child in Career and Technical Education (CTE), a representative from CTE preferably the teacher.

***Consent to Excuse Member from Attending ARD Committee Meeting***  
***19 TAC § 89.1050(c)(4); 34 CFR § 300.321(e); 20 USC § 1414(d)(1)(C)(ii)***

A required member is not required to attend an ARD committee meeting (in whole or in part) if the member's area of the curriculum or related services is not being modified or discussed in the meeting and the following conditions are satisfied:

1. The parent and the District agree in writing that:
  - a. The member's attendance is not necessary; and
  - b. The member's area of the curriculum or related services is not being modified or discussed in the meeting.
2. The Excusal is documented on the Consent to Excuse ARD Committee Member(s) found in Success Ed within the Notice of IEP Meeting.

When a required member's area of the curriculum or related services is being modified or discussed in the meeting, the required member may be excused from attending an ARD committee meeting (in whole or in part) if the following conditions are satisfied:

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1. The parent and the LEA consent to excuse the member from the ARD meeting;
2. The parent’s consent is in writing; AND
3. The member submits in writing to the parent and the ARD committee input into the development of the IEP prior to the meeting. FBISD Special Education Department will provide a form the teacher must use to report information to the parent.
4. The Excusal is documented on the Consent to Excuse ARD Committee Member(s) found in Success ED within the Notice of IEP Meeting AND the input from the member being excused is documented within the ARD Committee Minutes.

The Excusal process may be utilized in certain situations. The Attendance and Excusal procedures do not have to be followed for the following ARDC members:

1. The parent;
2. The child with a disability; and
3. Other individuals who have knowledge or special expertise regarding the child who attend at the discretion of the parent or the LEA.

**The District prefers that the Excusal process not occur at the annual ARD, or for any other ARD meeting unless prior approval is obtained by the appropriate Assistant Director of Special Education. It is important that all required members attend the student’s ARD meeting.**

## ARD MEETINGS

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### ***Initial ARD***

*TEC § 29.004 and 29.005*

An Initial ARD meeting must be held within 30 calendar days of the completed Initial evaluation unless the district receives written consent for the Full Individual Evaluation at least 35 but less than 45 school days before the last instructional day of the school year, the evaluation must be completed and the written report provided to the parent or legal guardian not later than June 30 of that year. The student’s ARD shall meet not later than the 15<sup>th</sup> school day of the following school year to review the evaluation.

In the event that the parent is non-responsive to communication, regarding the Initial ARD, notice of the ARD should be sent and the Initial ARD held without the parent within the required timeframe. A letter must be sent after 3 attempts to schedule the ARD meeting. This letter summarizes the attempts made and when the ARD is scheduled. The parent is encouraged to attend, but if unable to, then the ARD will be held and the information will be mailed to the parent via certified U.S. Mail. The school district should develop the IEP (which includes goals objectives, programming, placement and services) and then send a copy of the Initial ARD to the parent.

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Consent for Initial Placement form must be signed by the parent prior to Special Education services being implemented. It is important to remember the parent must give consent prior to services beginning. If the parent does not sign consent for services, the CCC/ARD Facilitator is to contact the Program Manager of Evaluation for guidance.

## **Annual ARD**

Each student with a disability must have an ARD meeting within one year of the last Annual ARD date. An Annual ARD meeting may be held prior to the previous year's Annual ARD date but must not be held after the Annual ARD date of the previous year.

## **Re-evaluation Planning ARD**

### **34 CFR § 300.324**

Fort Bend ISD does not utilize a Re-evaluation Planning ARD but rather uses the SCORE process to discuss and plan for the re-evaluation process. Please see Section 1 of these Special Education Administrative Procedures for specifics on planning for a Re-evaluation (SCORE meeting process which is completed with IEP members but outside of the ARD meeting). *It is critical to remember when the Re-evaluation plan is completed via the SCORE process, and consent is obtained, the Re-evaluation should begin immediately.*

## **Review/Brief ARD**

A Review ARD meeting is an ARD meeting held throughout the year. Here are some examples of when Review ARD meetings should be held:

- 58 member of the ARD/IEP team requests an ARD meeting to discuss concerns (this includes the parent).
- The student is not making progress and/or is not on track to master the Annual IEP goals.
- Student has mastered Annual IEP goals.
- Academic/Behavior IEP and objectives need to be addressed, modified, etc.
- Student placement needs to be addressed.
- ESYS was not discussed during the Annual and needs to be addressed prior to summer.
- Changes to State Assessment need to be addressed.
- Student has increased attendance problems.
- Other reasons as appropriate for the ARD committee to address.

## **ARD vs. Amendment to ARD/IEP**

IDEA streamlines the ARD process by adding a provision to the law. Under Section 614(d)(3)(D), the district and parents may agree not to convene an ARD meeting for purposes of making changes to the child's program once the annual/anniversary ARD meeting has been held. Instead, they may develop a written document to modify or amend the current IEP/ARD. The parent must be provided with the Prior Written Notice of Change along with the Amended IEP document within 5 days of the completion

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of the Amendment to the ARD. Upon request, a parent or guardian shall be provided with a revised copy of the IEP with the amendments incorporated.<sup>24</sup>

Fort Bend ISD will utilize Amendment to the ARDs for certain situations. Following is an analysis document for Fort Bend ISD which will help you determine if the action being considered can be addressed by amending the ARD or if an ARD must be held.

If you have a question about the procedure or would like to request an exception to the rule, please contact the Director of Special Education.

## ARD vs. Amendment to ARD/IEP Analysis

ISSUE/ITEM	ARD	Amendment
<b>IEP/MODIFICATIONS/SERVICE</b>		
<ul style="list-style-type: none"><li>Changes in Present Level of Academic Achievement and Functional Performance (PLAAPF); If this is changed by amendment, the IEP goals and objectives must be reviewed and updated as well (see below).</li></ul>		√
<ul style="list-style-type: none"><li>Add/Edit/Delete measurable short term objectives which <b>will not</b> result in a change in service delivery hours and/or placement (general education/special education and/or related services)</li></ul>		√
<ul style="list-style-type: none"><li>Add/Edit/Delete measurable annual goals and/or short term objectives which <b>will</b> result in a change in service delivery hours and/or placement (general education/special education and/or related services.)</li></ul>	√	
<ul style="list-style-type: none"><li>Add/Edit/Delete instructional accommodations and/or supplementary aids and services which <b>will not</b> result in a change in service delivery hours and/or placement).</li></ul>		√

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<sup>24</sup> 34 C.F.R. § 300.324(a)(6)

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<ul style="list-style-type: none"> <li>Develop IEPs thirty (30) school days following a Temporary Placement ARD</li> </ul>	√	
<ul style="list-style-type: none"> <li>Change in existing technology devices and/or services needed to implement a student’s IEP which <b>will not</b> result in a change in service delivery hours and/or placement.</li> </ul>		√
<ul style="list-style-type: none"> <li>Changes in related services (type and/or services hours - except Transportation)</li> </ul>	√	
<b>PLACEMENT</b>		
<ul style="list-style-type: none"> <li>Any change in placement (i.e. General Ed/IS to Resource, BIC to Resource, Life Skills to ABC, etc.)</li> </ul>	√	
<b>ASSESSMENT</b>		
<ul style="list-style-type: none"> <li>Any change in type of State Assessment administered to student</li> </ul>	√	
<ul style="list-style-type: none"> <li>Modify/adjust/add/delete accommodations to State Assessment</li> </ul>		√
<b>ESY</b>		
<ul style="list-style-type: none"> <li>Consider need for ESY</li> </ul>	√	
<b>BEHAVIOR INTERVENTION PLAN (BIP)</b>		
<ul style="list-style-type: none"> <li>Add/Edit/Delete BIP objectives which <b>will not</b> result in a change in service delivery hours and/or placement (general education/special education and/or related services)</li> </ul>		√
<ul style="list-style-type: none"> <li>Add/Edit/Delete BIP goals/objectives which <b>will</b> result in a change in service delivery hours and/or placement (general education/special education and/or related services)</li> </ul>	√	
<b>ELIGIBILITY</b>		
<ul style="list-style-type: none"> <li>Any change in Eligibility (add or remove)</li> </ul>	√	
<b>GRADUATION</b>		
<ul style="list-style-type: none"> <li>Change in Graduation Plan Option</li> </ul>	√	
<b>PERSONAL CARE SERVICES (PCS)</b>		
To describe Personal Care Services in more detail if there are already IEPs Goals and Objectives in Annual ARD		√
To add Personal Care Services (this would be the same as adding related services or IEP services)	√	

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There may be circumstances in which an ARD was locked with an error and an Amendment ARD may be appropriate to correct the error. Please contact the Program Specialist for Compliance for permission to proceed with an Amendment in these circumstances.

## ***Dismissal ARD***

### ***34 CFR §§ 300.305, 300.304-300.311***

If a student is re-evaluated and no longer meets eligibility as a student with a disability, an ARD Meeting must be held to consider the recommendation of the Full Individual Evaluation prior to dismissing the student from Special Education services.

## ***Graduation***

The ARDC makes the determination regarding the Graduation Program Option or Graduation Plan for a student with a disability. This process begins for a student at the Annual ARD during 8<sup>th</sup> grade as the ARD committee determines appropriate IEPs and courses for the 9<sup>th</sup> grade year. At least each school year at the Annual ARD, the Graduation Plan should be reviewed. [When an ARD committee determines that a student requires modification\(s\) to the curriculum in a required course\(s\) for state credit on the Foundation High School Program, the student will also be required to successfully complete his/her IEP and meet additional criteria to determine that the student has employability skills and/or access to services outside of the school district\\*](#).

## Graduation Requirements

### ***19 T.A.C. § 89.1070***

(a) Graduation with a regular high school diploma under subsections (b)(1), (b)(2)(D), (g)(1), (g)(2), (g)(3), or (g)(4)(D) of this section terminates a student's eligibility for special education services under this subchapter and Part B of the Individuals with Disabilities Education Act and entitlement to the benefits of the Foundation School Program, as provided in Texas Education Code (TEC), §42.003(a).

(b) A student entering Grade 9 in the 2014-2015 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions.

(1) The student has demonstrated mastery of the required state standards (or district standards if greater) in Chapters 110-118, 126-128, and 130 of this title and satisfactorily completed credit requirements for graduation under the Foundation High School Program specified in §74.12 of this title (relating to Foundation High School Program) applicable to students in general education as well as satisfactory performance as established in the TEC, Chapter 39, on the required state assessments, unless the student's admission, review, and dismissal (ARD) committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.

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(2) The student has demonstrated mastery of the required state standards (or district standards if greater) in Chapters 110-118, 126-128, and 130 of this title and satisfactorily completed credit requirements for graduation under the Foundation High School Program specified in §74.12 of this title through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance as established in the TEC, Chapter 39, on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation. The student must also successfully complete the student's individualized education program (IEP) and meet one of the following conditions.

(A) Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.

(B) Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.

(C) The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

(D) The student no longer meets age eligibility requirements.

**\*\*\* Note regarding the following provisions related to students earning an endorsement: During the 86<sup>th</sup> Legislative Session, House Bill 165 was approved and revises the TEC 28.025 by adding subsection (c-7) This allows a student to earn an endorsement if the student has completed the required courses and credits on the Foundation High School Program, including credits in math, science, electives, and the courses required for the endorsement with or without modifications to the curriculum. The change to allow modified curriculum to count, only occurs when an ARD committee determines the curriculum remains sufficiently rigorous, in order for the student to retain eligibility for an endorsement. The law does not explicitly set a standard or define the term "sufficiently rigorous". ARD committees must weigh the modifications included in the IEP for each student individually as applicable to each course and the curriculum requirements in question to determine whether the curriculum, as modified, is sufficiently rigorous. The ARD committee shall also determine whether the student is required to achieve satisfactory performance on an EOC assessment to earn an endorsement. The Commissioner of Education has proposed rules to reflect the legislative changes; the following provisions taken from the current rules are subject to immediate change. FBISD will follow current state law where any inconsistency is identified.**

(c) A student receiving special education services may earn an endorsement under §74.13 of this title (relating to Endorsements) if the student:

(1) satisfactorily completes the requirements for graduation under the Foundation High School Program specified in §74.12 of this title as well as the additional credit requirements in mathematics, science, and elective courses as specified in §74.13(e) of this title with or without modified curriculum;



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(2) satisfactorily completes the courses required for the endorsement under §74.13(f) of this title without any modified curriculum; and

(3) performs satisfactorily as established in the TEC, Chapter 39, on the required state assessments.

(d) Notwithstanding subsection (c)(3) of this section, a student receiving special education services classified in Grade 11 or 12 during the 2014-2015, 2015-2016, or 2016-2017 school year who has taken each of the state assessments required by Chapter 101, Subchapter CC, of this title (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD of this title (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments is eligible to receive an endorsement if the student has met the requirements in subsection (c)(1) and (2) of this section.

(e) In order for a student receiving special education services to use a course to satisfy both a requirement under the Foundation High School Program specified in §74.12 of this title and a requirement for an endorsement under §74.13 of this title, the student must satisfactorily complete the course without any modified curriculum.

(f) A student receiving special education services who entered Grade 9 before the 2014-2015 school year may graduate and be awarded a high school diploma under the Foundation High School Program as provided in §74.1021 of this title (relating to Transition to the Foundation High School Program), if the student's ARD committee determines that the student should take courses under that program and the student satisfies the requirements of that program. Subsections (c) and (d) of this section apply to a student transitioning to the Foundation High School Program under this subsection. As the TEC, §28.0258 and §39.025(a-2), modify the state assessment requirements applicable to students in general education, a student receiving special education services who is classified in Grade 11 or 12 during the 2014-2015, 2015-2016, or 2016-2017 school year who has taken each of the state assessments required by Chapter 101, Subchapter CC, of this title (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD of this title (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments may graduate if the student has satisfied all other applicable graduation requirements.

(g) A student receiving special education services who entered Grade 9 before the 2014-2015 school year may graduate and be awarded a regular high school diploma if the student meets one of the following conditions.

(1) The student has demonstrated mastery of the required state standards (or district standards if greater) in Chapters 110-118, 126-128, and 130 of this title and satisfactorily completed credit requirements for graduation (under the recommended or distinguished achievement high

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school programs in Chapter 74, Subchapter F, of this title (relating to Graduation Requirements, Beginning with School Year 2007-2008) or Chapter 74, Subchapter G, of this title (relating to Graduation Requirements, Beginning with School Year 2012-2013)), as applicable, including satisfactory performance as established in the TEC, Chapter 39, on the required state assessments.

(2) Notwithstanding paragraph (1) of this subsection, as the TEC, §28.0258 and §39.025(a-2), modify the state assessment requirements applicable to students in general education, a student receiving special education services who is classified in Grade 11 or 12 during the 2014-2015, 2015-2016, or 2016-2017 school year may graduate under the recommended or distinguished achievement high school program, as applicable, if the student has taken each of the state assessments required by Chapter 101, Subchapter CC, of this title (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD of this title (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments and has met all other applicable graduation requirements in paragraph (1) of this subsection.

(3) The student has demonstrated mastery of the required state standards (or district standards if greater) in Chapters 110-118, 126-128, and 130 of this title and satisfactorily completed credit requirements for graduation (under the minimum high school program in Chapter 74, Subchapter F or G, of this title), as applicable, including participation in required state assessments. The student's ARD committee will determine whether satisfactory performance on the required state assessments is necessary for graduation.

(4) The student has demonstrated mastery of the required state standards (or district standards if greater) in Chapters 110-118, 126-128, and 130 of this title through courses, one or more of which contain modified content that is aligned to the standards required under the minimum high school program in Chapter 74, Subchapter F or G, of this title, as applicable, as well as the satisfactorily completed credit requirements under the minimum high school program, including participation in required state assessments. The student's ARD committee will determine whether satisfactory performance on the required state assessments is necessary for graduation. The student graduating under this subsection must also successfully complete the student's IEP and meet one of the following conditions.

(A) Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.

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*Questions for an ARD committee to consider under this option:*

- 1. What is the student's postsecondary goal in the areas of: employment, education/training, and independent living (if applicable)?*
- 2. What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?*
- 3. What courses, if any, has the student completed that have prepared them with the employment skills and/or self-help skills necessary to obtain or retain a job?*
- 4. What jobs (paid or unpaid) has the student held during high school?*
- 5. Is the student currently employed? If so, where and for how long?*
- 6. Is the student successful in this job(s)? How do you know?*
- 7. Did the student require any support from special education in order to obtain or retain the job?*
- 8. If so, who will the student contact once they graduate from high school to access the same type of support to retain their job or obtain a new job?*
- 9. If so, is the student already in contact with this person/agency?*

(B) Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.

*Questions for an ARD committee to consider under this option:*

- 1. What is the student's postsecondary goal in the areas of: employment, education/training, and independent living (if applicable)?*
- 2. What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?*
- 3. What courses, if any, has the student completed that have prepared them with the employment skills and/or self-help skills necessary to obtain or retain a job?*
- 4. What jobs (paid or unpaid) has the student held during high school?*
- 5. Is the student currently employed? If so, where and for how long?*
- 6. Is the student successful in this job(s)? How do you know?*
- 7. Did the student require any support from special education in order to obtain or retain the job?*
- 8. If so, who will the student contact once they graduate from high school to access the same type of support to retain their job or obtain a new job?*
- 9. If so, is the student already in contact with this person/agency?*
- 10. If the student has never held a job or been competitively employed, what courses has the student taken that have prepared them to obtain or retain a job (as identified in their postsecondary employment goal), including courses that have provided instruction for self-help skills that the student would need in order to be successful in that job (based on their individual disability-related needs in the PLAAFP)?*

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11. *Was the student successful in these courses? How do you know (ex. IEP goal was created and the student mastered the goal)?*

(C) The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

*Questions for an ARD committee to consider under this option:*

1. *What is the student’s postsecondary goal in the areas of: employment, education/training, and independent living (if applicable)?*
2. *What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?*
3. *What courses, if any, has the student completed that have prepared them with the employment skills and/or self-help skills necessary to obtain or retain a job?*
4. *What jobs (paid or unpaid) has the student held during high school?*
5. *Is the student currently employed? If so, where and for how long?*
6. *Is the student successful in this job(s)? How do you know?*
7. *Did the student require any support from special education in order to obtain or retain the job?*
8. *If so, who will the student contact once they graduate from high school to access the same type of support to obtain or maintain a new job or support in a postsecondary education program?*
9. *If so, is the student already in contact and receiving services with this person/agency?*
10. *If not, what should be the next steps for the student to complete in order to access this support or service?*

(D) The student no longer meets age eligibility requirements.

*Questions for an ARD committee to consider under this option:*

1. *Is this student currently 22? If so, they will not be eligible for services through special education during the next school year.*
2. *Will this student turn 22 on or before September 1 of next year? If so, they will not be eligible for services through special education during the next school year.*

(h) All students graduating under this section must be provided with a summary of the student’s then-present levels of academic achievement and functional performance as described in 34 Code of Federal Regulations (CFR), §300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 CFR, §300.305(e)(1), must be included

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as part of the summary for a student graduating under subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) of this section.

(i) Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) of this section and who will remain in school to complete their education do not have to be evaluated in accordance with subsection (h) of this section. *\*\*A student who receives special education services and has completed four years of high school but has not met the requirements of his/her IEP, may participate in graduation ceremonies and receive a certificate of attendance. Even if the student participates in graduation ceremonies to receive the certificate of attendance, he/she may remain enrolled to complete the IEP and earn his/her high school diploma. However, the student will only be allowed to participate in one graduation ceremony.*

(j) Employability and self-help skills referenced under subsections (b)(2) and (g)(4) of this section are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment.

(k) For students who receive a diploma according to subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) of this section, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

(l) For purposes of this section, modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in Chapters 110-118, 126-128, and 130 of this title. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content.

## **Transfer ARD**

In an effort to make sure transfer students receive comparable services, as required under 34 C.F.R. § 300.323 (e) and (f) a transfer ARD should be conducted within 5 days of a student transferring into the school district from another district in Texas or from another state. The ARD Meeting needs to be held to discuss the Special Education services the student was receiving in the previous district and develop the services to be provided in Fort Bend ISD.

The following steps should occur prior to the Transfer ARD:

1. The CCC, ARD Facilitator or Dept. Head must contact the previous school district to verify the student's current Special Education eligibility and to gain information about the Special Education services the student was receiving.
2. Once the services are verified and the student is enrolled in Fort Bend ISD, the Transfer ARD meeting should be scheduled. Please note that it is not necessary to have the paperwork prior to the ARD meeting as long as the services were verified.
3. A Transfer ARD is a legally constituted ARD and required members must attend.

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4. The Transfer ARD should be held within 5 days of enrollment. However, the parent must receive a Prior Written Notice of the ARD. The parent may choose to waive the 5-school day notice.
5. If the student’s home school does not house the appropriate program/services that the student was receiving in the previous district, the CCC/ARD Facilitator must contact the Special Education Program Manager over the program/service to determine what campus the student will need to enroll to receive comparable services.
6. Once the campus is determined, the Special Education Program Manager will contact the campus where the student will attend and communicate with the CCC/ARD Facilitator and the Campus Principal about the transfer student.
7. The Special Education Program Manager should communicate with the home CCC/ARD Facilitator to discuss the need for a staffing prior to the ARD and ensure that both campuses are clear about the Transfer ARD process (if needed). **The Transfer ARD should occur at the student's home campus.**

Another ARD Meeting must be held within 30 school days of the date the student is verified as being a student eligible for special education services for students transferring within the state of Texas; that date will likely coincide with the Transfer ARD date. Out of state transfers will follow initial evaluation timelines (see Section 1).

## SPECIFIC AREAS TO ADDRESS DURING THE ARD MEETING

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### ***Accelerated Instruction and Intensive Program of Instruction***

*TEC §§ 28.0211, 28.0213*

Each student with a disability who does not perform satisfactorily on their State Assessment test must receive Accelerated Instruction (Grades 5 and 8) or Intensive Program of Instruction (all other grades not applicable to Student Success Initiative (5<sup>th</sup> and 8<sup>th</sup>) in which a student is tested with State Assessment.

Fort Bend ISD special education services will document “Accelerated Instruction” and “Intensive Program of Instruction” in the same area of the ARD document and follow similar procedures regarding the development of a plan to assist the student in attaining growth.

### **FBISD Procedure**

If a student with a disability fails their ARD recommended State Assessment, an ARD committee must meet within 4 school weeks, or as soon as possible, to consider the following:

- Results of State Assessment, Grades in the subject the student failed the State Assessment, District CBA results, attendance, and other district data
- Review of Current IEPs, accommodations, supplementary aides, special education services
- Develop plan to address the concerns

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The Accelerated Instruction Plan/Intensive Program of Instruction may include a revision of the student’s IEP, increased special education services (in general education setting and/or special education setting), increased or addition of accommodations and/or modifications, and other interventions to assist the student in attaining growth.

The Accelerated Instruction Plan/Intensive Program of Instruction **must** include a plan to monitor the student’s progress. In addition, the ARD Committee Minutes should include detailed information about the plan (i.e. what was changed to address the failure, where the changes will be implemented, how progress will be monitored, etc.)

## ***Personal Graduation Plan***

*TEC § 28.0212 and 28.02121*

For non-disabled students, a Personal Graduation plan must be completed for each student enrolled in middle or high school who:

1. Does not perform satisfactorily on their state assessments or
2. Is not likely to receive a high school diploma before the fifth school year following the student’s enrollment in grade level nine as determined by the district.

For students receiving Special Education services, the ARD/IEP serves as the Personal Graduation Plan.

## ***Adapted Physical Education (AdPE)***

1. All students referred for Adapted Physical Education (AdPE) evaluation must have an identified disability.
2. AdPE services are provided upon consideration of a current evaluation and written report.
3. If AdPE services are provided, the goals and/or objectives will be agreed upon by the ARD Committee.
4. Parents will receive progress reports toward the AdPE goals/objectives in the same timeframe as nondisabled students, unless the students IEP requires more frequent reporting.

For more information about Adapted Physical Education, see the same-named area in Section 3 of the Special Education Administrative Procedures .

## ***Assistive Technology (AT)***

***34 CFR §§ 300.5, 300.6, 300.105, 300.324(a)(2)(v)***

When developing a child’s IEP, the ARDC must consider the devices or services required for a student to be more independent or to demonstrate measurable progress regarding goals, objectives, or classroom tasks. This means that the ARDC must consider whether the child needs assistive technology devices and/or services.

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## **Legal/Federal Definitions**

As defined in the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) “Assistive Technologies are tools and/or strategies used to help support academic goals within the Individualized Education Program (IEP).

## **Assistive Technology Device**

An Assistive Technology Device is “any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities.”

Assistive Technology as a device does not include a medical device that is surgically implanted (e.g., cochlear implant), or the replacement of such a device. However, this does not limit the responsibility of the Local Education Agency to provide monitoring and maintenance of the external equipment to maintain a student’s health, safety, and educational goals, if written in the IEP. Therefore, supports for use of the implanted device could be provided and considered as an AT service. As a general matter, schools are not responsible for providing personal devices such as eyeglasses, hearing aids, or braces, that a child with a disability requires regardless of whether he/she is attending school.

## **Assistive Technology Service**

IDEA 2004 defines an Assistive Technology Service as “any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device” and includes, but is not limited to:

1. The evaluation of the needs of the child, including a functional evaluation of the child in the child’s customary environment;
2. Purchasing, leasing, or otherwise providing for the acquisition of ATDs by the child;
3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing ATDs;
4. Coordinating and using other therapies, interventions, or services with ATDs, such as those associated with existing education and rehabilitation plans and programs;
5. Training or technical assistance for the child or, where appropriate, the family of the child; and
6. Training or technical assistance for professionals, including individuals providing education and rehabilitation services, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of the child.

## **Procedures Aligned with Federal/Legal Requirements**

1. Consider Assistive Technology needs for every student with a disability who qualifies for special education services within the student’s Full Individual Evaluation and in all



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subsequent re-evaluations or specialty evaluations (including functional and related service evaluations).

2. Consider/Discuss Assistive Technology needs for every special education student at **every** IEP/ARD meeting. The need for AT must be discussed regardless of the student’s prior needs/recommendations as the student’s goals and needs may change.
3. Every IEP/ARD committee must address one of five statements in the ARD Supplement:
  - a. The student is able to complete required classroom tasks and is making progress on his or her IEP goals and objectives with accommodations and/or modifications that are in place. No Assistive Technology is required.
  - b. The student is able to complete required classroom tasks independently and is making progress on his or her IEP goals and objectives as expected. No Assistive Technology is required.
  - c. The student is able to complete required classroom tasks and is making progress on the IEP goals and objectives with the supports that are in place, but is not independent with the tasks. Assistive Technology may allow the student to be more independent and is being considered in the following area/s: (DIRECTIONS: Check area/s in which AT should be considered and identify the specific tasks the student is having difficulty within this section. ) . Check “yes” on the AT indicator on the PLAAFP section of the ARD document.
  - d. The student is not able to complete required classroom tasks and is making minimal or no progress towards IEP goals and objectives with the supports that are in place. Assistive Technology is being considered in the following area/s: (DIRECTIONS: Check area/s in which AT should be considered and identify the specific tasks the student is having difficulty with.)
  - e. The student has assistive technology devices in place to support his/her needs. (DIRECTIONS: Check the area/s in which Assistive Technology is required in order for the student to make progress.)
4. When more information is needed, complete the Assistive Technology Consideration Form and Assistive Technology Consideration Guide/s related to the area/s of concern. After completing the form, the following options may be considered:
  - a. AT Trials with Level 1-No Tech/Low Tech tools:
    - i. Conduct trials with level 1 tools/strategies identified in the AT Consideration Guide.
    - ii. Collect data on the effectiveness of the tools/strategies.
    - iii. If the trials are successful, request an ARD to document the need for AT. Complete the AT Supplement and integrate AT into the goals and objectives and/or accommodations or modifications for the student. Check “yes” on the AT indicator on the PLAAFP section of the ARD document, and monitor effectiveness.

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- iv. If the trials are not successful, contact the Program Manager for Assistive Technology for further guidance.
- b. AT Staffing
  - i. Request an AT staffing to discuss options including the use of No/Low Tech (Level 1) and Mid- Tech (Level 2) equipment by completing the Assistive Technology Student Information Form and sending it to the Program Manager for Assistive Technology. The AT Manager or Specialist will schedule the staffing with the campus.
  - ii. Conduct AT trials based on recommendations made in the AT staffing.
  - iii. Collect data on the effectiveness of the tools/strategies.
  - iv. If the trials are successful, request an ARD to document the need for AT. Complete the AT Supplement and integrate AT into the goals and objectives and/or accommodations or modifications for the student. Check “yes” on the AT indicator on the PLAAFP section of the ARD document, and monitor effectiveness.
  - v. If the trials are not successful, contact the Program Manager for Assistive Technology for further guidance.
- c. AT evaluation
  - i. Refer the student for an AT evaluation to consider the need for High Tech (Level 3) equipment. An AT evaluation requires the collaboration of a multidisciplinary team consisting of a member of the Assistive Technology team, teachers, and other specialists who work with the student.
  - ii. A member of the campus evaluation staff will obtain consent for the evaluation from the parents and include the signed form in the referral packet.
  - iii. Send in the referral packet including all forms to the Program Manager for Assistive Technology. (Assistive Technology Consideration Form and Assistive Technology Consideration Guide/s and the parent consent)

It is up to the ARDC to recommend appropriate AT devices/equipment. If a parent chooses to provide personal AT equipment for their student, the ARDC must discuss whether the personal equipment is required for a FAPE. If the personal equipment is not required, the parent may still send the equipment, but the school district is not required to implement or maintain the equipment. Please see the Student Handbook for more information regarding: Use of Mobile Devices, Including Smart Phones (Student Handbook page 96) and Disclaimers: for Bringing Your Own Device (BYOD) (Student Handbook page 98).

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## **Assistive Technology Equipment Check-Out Procedures**

Low-Tech equipment should be currently available at the campus level. Teachers in most specialized programs have access to either Boardmaker Plus or SymbolStix software for creating visual supports and Low-Tech communication materials for students. If your campus does not have a specialized program, but needs access to the software, contact the SERS Instructional Liaison for licensing information.

Mid-Tech level devices/equipment may require a trial period of use. These devices may be currently available from SERS or the AT Department. If the equipment is not available, it may need to be ordered. Contact the Program Manager for AT to request devices for trials and Mid-Tech recommendations made through FIEs and AT Staffings. The devices/equipment will be checked out or ordered in the student's name.

High Tech devices/equipment will be ordered following acceptance of the recommendations made in an AT evaluation by the ARD committee. Following the ARD, contact the Program Manager for AT. The devices/equipment will be ordered in the student's name and checked out to the monitoring teacher when they arrive.

**Deaf/Hard of Hearing (DHH) *TEC §§ 29.301, 29.303, 30.004; 19 TAC §89.1050; 34 CFR § 300.324(a)(2); 20 USC § 1414(d)(3)(B)(iv); TSD Admissions FAQs***

The District shall ensure that all children with an eligibility of Deaf/Hard of Hearing (DHH) have an education in which the child's unique communication mode is respected, used, and developed to an appropriate level of proficiency.

For a student with eligibility of DHH, the ARD committee must consider:

1. The child's language and communication needs;
2. The child's opportunities for direct communications with peers and professional personnel in the child's language and communication mode;
3. The child's academic level; and
4. The child's full range of needs, including opportunities for direct instruction in the child's language and communication mode.

DHH students may receive special education services through a variety of service delivery models. Many students are appropriately serviced on their home campus with special education services; other students may need additional instructional support from a Teacher of the Deaf/Hard of Hearing. For students who need additional Deaf Education services, FBISD participates in the Brazoria-Fort Bend Regional Day School Program for the Deaf (RDSPD). Students receiving direct services via the Brazoria-Fort Bend RDSPD may receive services according to a continuum of services based on the unique needs of the student. Continuum of services for DHH students include the following:

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1. Monitor/consult only (Indirect service): These are students who do not receive direct instruction from a certified Teacher of the Deaf. However, RDSPD teachers may provide indirect services to the campus teaching staff by providing support such as setting up a communication system, providing sign language resources, or suggesting strategies for a better listening environment in the classroom. All DHH students will have a monitoring RDSPD teacher that will provide their name and contact information and a Support Packet for Teachers Working with Deaf and Hard of Hearing Students at the beginning of each school year. Additional consultation may be requested at any time by direct contact with the RDSPD teacher or RDSPD Office.
2. Itinerant (Direct service): These are students who receive at least *45 minutes a week of direct instruction* from a certified Teacher of the Deaf at their home campus. Any services less than 45 minutes a week are considered indirect services, “DHH monitor only”. In addition, if an itinerant DHH student has an Assistive Listening Device (ALD) such as a FM system, the ALD is provided by the RDSPD. Personal amplification or listening devices include hearing aids, cochlear implants, and bone-anchored hearing aids (BAHA) are provided by the parent/guardian. ARD meetings for students receiving itinerant services are held at the campus the student attends and are facilitated by the campus-based staff members.
3. Cluster Site-Based (Direct service): These students participate in the RDSPD at one of three campuses in FBISD: SWE, FCMS, or DHS. Cluster site-based students require daily instruction from a certified Teacher of the Deaf due to their significant language and communication deficits. These ARD meetings are facilitated by the FBISD Evaluation Specialist/CCC/ARD Facilitator with RDSPD representatives in attendance. The criteria for placement into the Brazoria-Fort Bend RDSPD is for a student to meet DHH Eligibility; have language and/or academic delays due to hearing loss; daily educational need for instruction from a Teacher of the Deaf. A student is considered a member of the RDSPD when they receive direct services from a Teacher of the Deaf, either itinerantly or on a FBISD site campus location.

All ARDs for DHH students must have a Teacher of the Deaf present. In order to request a teacher of the deaf attend an ARD meeting, contact the RDSPD Office Clerk at 281-634-1497 at least two weeks prior to the scheduled ARD.

A request for consultation may be made at any time through the RDSPD Office or directly with the RDSPD teacher assigned to the student. A consultation may be warranted when a DHH student who is not receiving direct RDSPD services may need direct services, or may need recommendations for accommodations or modifications.

Procedures during the ARD process for a DHH student -

- Schedule of Services-
  - a. Monitor/Consult students: Their services should be listed under “Supplementary Aids and Services” with the allotted amount of time if time is specified for consult. Nothing should be listed under “Instructional Services” or “Related Services”. A description of the DHH

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services should be provided to the ARD facilitator by the RDSPD teacher or representative, and recorded in the Deliberations section of the ARD paperwork.

- b. Itinerant students: The services will be listed under “Instructional Services” with the allotted amount of time. In addition, please note in the deliberations section of the ARD that “Direct instruction from the Regional Day School Program for the Deaf will be provided.” ALDs should be listed as an AT device; however, a personal listening device such as a hearing aid or cochlear implant should not be considered AT because it is not provided by the school district. The RDSPD teacher assigned to the student will recommend a Campus Plan for Listening Devices so there is a plan for who, where, and how equipment will be taken care of during the school day. (see the *Campus Plan for Listening Devices* form in the Appendix)
  - c. Cluster Site-Based (Direct service): The services will be listed under “Instructional Services” with the allotted amount of time. In addition, please note in the deliberations section of the ARD that “Direct instruction from the Regional Day School Program for the Deaf will be provided.”
- Texas School for the Deaf (TSD) Information – It is a state requirement to give this information at the initial placement ARD and at least once annually to all students with a DHH eligibility. The information is provided in Success Ed and can be presented by the special education case manager, Evaluation specialist, CCC or ARD Facilitator, or by the RDSPD representative who attends the ARD meeting.
  - Communication Needs Supplement for Deaf and Hard of Hearing- DHH Supplement – This required supplement is completed for all DHH students and is part of Success Ed. The RDSPD representative that attends the ARD can assist special education staff with completing the form.
  - RDSPD Referral Supplement– This is a required form at the initial placement ARD and at each annual ARD for all students receiving direct DHH services such as itinerant or cluster site-based instruction from a Teacher of the Deaf. The form is provided in Success Ed and can be presented by the special education case manager, evaluation specialist, CCC or ARD Facilitator, or by the RDSPD representative who attends the ARD meeting. The RDSPD representative that attends the ARD can assist special education staff with completing the form.

Initial and transfer ARD/IEP meetings will be held at and conducted by the student’s zoned campus with RDSPD staff members in attendance.

For additional information regarding the RDSPD program, please refer to section 5 of the Special Education Administrative Procedures. Additional information regarding the evaluation process for students with an eligibility of DHH, can be found in Section 1 of the Special Education Administrative Procedures.

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## ***Autism (AU) Supplement*** **19 TAC § 89.1055(e)(6)**

An Autism Supplement must be completed for any student in Fort Bend ISD who has the eligibility of AU. The AU supplement has several strategies that must be considered by the ARD committee. The AU supplement must be completed at the Annual ARD at the minimum.

The classroom teacher should collaborate with other staff members to complete the supplement which will be reviewed at the ARD meeting.

Below are the 11 strategies that are found on the AU supplement and must be considered, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. **Extended educational programming** (for example: extended day and/or extended school year services that consider the duration of programs/settings based on assessment of behavior, social skills, communication, academics, and self-help skills);
2. **Daily schedules** reflecting minimal unstructured time and active engagement in learning activities (for example: lunch, snack, and recess periods that provide flexibility within routines; adapt to individual skill levels; and assist with schedule changes, such as changes involving substitute teachers and pep rallies);
3. **In-home and community-based training** or viable alternatives that assist the student with acquisition of social/behavioral skills (for example: strategies that facilitate maintenance and generalization of such skills from home to school, school to home, home to community, and school to community);
4. **Positive behavior support** strategies based on relevant information, for example:
  - a. Antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and
  - b. a Behavior Intervention Plan developed from a Functional Behavioral Assessment that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings;
5. Beginning at any age, **futures planning** for integrated living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments;
6. **Parent/family training and support**, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD), that, for example:
  - a. provides a family with skills necessary for a child to succeed in the home/community setting;
  - b. includes information regarding resources (for example: parent support groups, workshops, videos, conferences, and materials designed to increase parent knowledge of specific teaching/management techniques related to the child's curriculum); and

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- c. facilitates parental carryover of in-home training (for example: strategies for behavior management and developing structured home environments and/or communication training so that parents are active participants in promoting the continuity of interventions across all settings);
7. Suitable **staff-to-student ratio** appropriate to identified activities and as needed to achieve social/behavioral progress based on the child's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence as determined by, for example:
  - a. adaptive behavior evaluation results;
  - b. behavioral accommodation needs across settings; and
  - c. transitions within the school day;
8. **Communication interventions**, including language forms and functions that enhance effective communication across settings (for example: augmentative, incidental, and naturalistic teaching);
9. **Social skills** supports and strategies based on social skills assessment/curriculum and provided across settings (for example: trained peer facilitators (e.g., circle of friends), video modeling, social stories, and role playing);
10. **Professional educator/staff support** (for example: training provided to personnel who work with the student to assure the correct implementation of techniques and strategies described in the IEP); and
11. **Teaching strategies** based on peer reviewed, research-based practices for students with ASD (for example: those associated with discrete-trial training, visual supports, applied behavior analysis, structured learning, augmentative communication, or social skills training).

If the ARDC determines that services are not needed in one or more of the areas, the IEP must include a statement to that effect and the basis upon which the ARDC made that determination.

Those strategies deemed necessary and appropriate for the student may be incorporated throughout the IEP and/or described in a supplement.

## ***Extended School Year Services (ESYS)***

***34 CFR § 300.106; 19 TAC §§ 89.1055***

Extended School Year Services (ESYS) is an Individualized Education Program (IEP) for children with disabilities that are provided to students beyond the regular school year. ESYS must be considered and addressed at the student's annual ARD meeting. The need for ESYS must be discussed on an individual basis by the child's ARD Committee from formal and/or informal evaluations provided by the Assessment Team, Special Education Staff and/ or the parents. The documentation must demonstrate that in one or more critical areas addressed in the current IEP goals and objectives, the child has exhibited, or may be expected to exhibit severe or substantial regression in critical skill area(s) that cannot be recouped within a reasonable period of time or that need to be maintained beyond the regular school year. Severe or substantial regression means that the student has been, or will be, unable to maintain one or more acquired critical skills in the absence of ESYS services. 19 TEX. ADMIN.

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CODE § 89.1065 ; *Alamo Heights ISD v. State Board of Ed.*, 790 F2d. 1153 (5th Cir. 1986)(severe or substantial regression required for ESY).

In considering students with disabilities for ESY, Fort Bend ISD does not limit ESY to specific categories of disabilities or unilaterally limit the type, amount, or duration of ESY. The Assessment Team and/or the Special Education Staff establishes a general timeframe for ESY each year. However, the ARD Committee determines the ESY timeframe to meet the individual needs of the student. It is important to remember that ARD committee determinations regarding ESY services are prospective in nature and not intended to make up for past denials of FAPE, if any. OSEP. Part B Implementation of IDEA Provision of Services in the Current COVID-19 Environment Q&A Document. September 28, 2020.

If the annual ARD is held in the fall semester of the school year, then it **may** be necessary to delay the decision about ESY until later in the school year (due to limited documentation). If this is the case, then another ARD must be held to revisit this issue.

Fort Bend ISD uses the following process to provide Extended School Year Services (ESYS) to its students:

1. The need for ESY must be documented on the ESY Data Form for Regression, which will be updated and sent out each school year. The documentation shall demonstrate that in one or more critical areas addressed in the current individualized education program (IEP) objectives, the student has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be recouped within a reasonable period of time or the maintenance of those critical skills that extend beyond the regular school year.
2. Severe or substantial regression means that the student has been, or will be, unable to maintain one or more acquired critical skills in the absence of ESY.
3. The reasonable period for recoupment of acquired critical skills shall be determined based on needs identified in each student's IEP. If the loss of acquired critical skills would be particularly severe or substantial, or if such loss results, or reasonably may be expected to result, in immediate physical harm to the student or to others, ESY may be justified without consideration of the period of time for recoupment of such skills. In any case, the period for recoupment shall not exceed eight weeks.
4. A skill is critical when the loss of that skill results, or is reasonably expected to result, in any of the following occurrences during the first eight weeks of the next regular school year:
  - a. placement in a more restrictive instructional arrangement;
  - b. significant loss of acquired skills necessary for the student to appropriately progress in the general curriculum;
  - c. significant loss of self-sufficiency in self-help skill areas as evidenced by an increase in the number of direct service staff and/or amount of time required to provide special education or related services;
  - d. loss of access to community-based independent living skills instruction or an independent living environment provided by non-educational sources as a result of regression in skills;or



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- e. loss of access to on-the-job training or productive employment as a result of regression in skills.
5. If a student demonstrates the need for ESYS, the ARD committee must decide on the appropriate IEP goals and objectives the student will work on during the determined ESYS. The determination of IEP goals and objectives for ESYS must be identified in an ARD meeting.
6. Goals for students recommended for ESYS should come from their current IEP. These goals should be identified as those being critical to a student’s academic, behavioral, or functional development. This may include skills that may have been mastered during the school year, but without ESYS participation during the summer, the student would suffer regression in that particular area.

## ESYS ARD Meeting

As part of the ARD meeting held to consider ESYS, the following components must be discussed and documented:

1. *ESYS Supplement*

If the student meets the requirements and there is a valid need for ESYS services, then an ARD must be held (if it was not determined at the annual ARD). The ESYS ARD Supplement must be completed in its entirety in Success Ed during the ARD and included in the IEP. The ESY IEPs must be indicated in the drop-down text box located within the ESY supplement

2. *ESYS IEP Goals & Objectives*

If the student meets the ESYS recommendation requirements, then the committee needs to identify those goals in which the student has shown either regression (which has been noted on the IEP) or is a critical skill on the student’s IEP. **The ARD Committee deliberations must specify the time and duration for ESYS instructional and/or related services.** The ESY IEPs must be indicated in the drop-down text box located within the ESY supplement

3. *Transportation Supplement*

If the student will be receiving specialized transportation during ESYS, then it must be indicated in Success Ed, and the transportation supplement must be completed during an ARD. If a parent has declined specialized transportation during the regular school year, but the ARD committee determines that there will be a need for this service during ESYS, then an ARD must be held in order to add this service. It should be noted in the deliberations that this service will only be for the duration of ESYS. In addition, a Transportation Supplement must be completed and submitted along with the other ESYS paperwork. All information must be updated and confirmed before submitting the form. For more information about the Fort Bend ISD Special Transportation process, please see the self-named area in Section 3 of this Special Education Handbook.

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Once an ARD has been held to make the recommendation for ESY and all paperwork has been completed, the ESY recommendations must be submitted to the Program Manager overseeing the program in which the student receives services. All ESY documents should be uploaded into Success Ed under the History tab.

## **ESYS Guidance**

**\*\*\*\***Be sure to note in the deliberations as well as the ESY service page (Section 6 of the ARD document) the time and duration of service reflected on the *ESY Supplement*. Example - “The ARD committee has determined that the student needs, and ESY will be provided, 4 hours per day, 4 days per week, for 6 weeks with no more than a 2 consecutive week break during the summer of ESY services to maintain his current level of academic and/or functional performance of critical skill areas as described on the ESY goals/objectives approved by the ARD committee.”

## ***Extracurricular/ Non-academic Activities***

***TEC § 33.081; 34 CFR §§ 300.107, 300.117***

1. The ARD committee shall consider if any accommodations are necessary for a student to participate in extracurricular/nonacademic activities. These accommodations should be documented in the IEP.
2. The ARD committee should not place the student into specific extracurricular/ nonacademic activities. Students must follow similar entrance criteria that non-disabled students must follow to participate in extracurricular/nonacademic activities. However, the ARD committee may determine accommodations are required should he/she meet participation requirements.

If guidance is needed in a specific situation, please contact the Director of Special Education.

## ***Functional Behavior Assessment (FBA)***

If the student is not identified as receiving special education services, the Student Support Team (SST) should meet to review the concerns and follow the guidance provided within the Responsive Instruction (RI) manual.

**If the student is served with special education services and is displaying behavior that is interfering with learning of self or others and does not have a current Behavior IEP/BIP, the following procedures apply:**

1. Concerns are brought to the student’s case manager.
2. The case manager will:
  - a. Review these procedures with the teacher/administrator bringing the concern
  - b. Explain the data collection process

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- c. Provide and review forms for data collection
  - d. Discuss informal behavior plans or strategies utilized and how to collect data on student response
  - e. Assist the teacher, as needed with the data collection
  - f. Inform the CCC/ARD Facilitator/Department Head that there are behavioral concerns and determine what information has been provided to the school staff
3. The case manager will monitor the data collection process for approximately two (2) weeks.
  4. If the student’s behavior improves without the need for a formal Behavior IEP/Behavior Intervention Plan, no further action is needed. The case manager will keep the documents in the student’s working/teacher folder.
  5. If through the data collection and informal behavior plan process the student’s behavior improves with the implementation of a behavior plan and that plan is needed for the behaviors to be maintained, continue with step number 7 regarding the staffing process.
  6. If the behavior does not improve, the case manager will ask the CCC/ARD Facilitator/Department Head to schedule a staffing.
  7. The staffing must include the teacher, case manager, and LSSP assigned to the campus. The campus administrators must be invited, but their attendance is optional.
  8. At the staffing, the LSSP will take the lead and review all concerns and discuss the process of conducting a Functional Behavior Assessment to support the development of Behavior IEP and Behavior Intervention Plan.
  9. The LSSP will be responsible for conducting a Functional Behavior Assessment.
  10. The LSSP should schedule a SCORE meeting to determine the need for additional evaluation. A SCORE meeting is a planning meeting held outside the ARD process to consider the scope of the evaluation. The SCORE meeting process includes consulting the teachers, parent, and other staff members involved with the student.
  11. If the SCORE meeting determines that additional evaluation is needed, the Notice of evaluation will be given to the parent and consent obtained. *It is recommended that an ARD committee is held to discuss the need to develop additional interventions and supports until the FBA can be completed.*
  12. Once the consent is obtained, the LSSP will conduct the FBA.
  13. Upon completion, the LSSP will contact the CCC/ARD Facilitator/Department Head to schedule a staffing and ARD to review the new evaluation and present the FBA and draft BIP/Behavior IEP.

**If the student is served with special education services and is displaying behavior that is interfering with learning of self or others and does have a current Behavior IEP/BIP, the following procedures apply:**

1. Concerns are brought to the student’s case manager.
2. The case manager will:
  - a. Review these procedures with the teacher/administrator bringing the concern;
  - b. Review the current Behavior IEP and BIP and answer any questions regarding the implementation;

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- c. Explain the data collection process;
  - d. Provide and review forms for data collection if the teacher does not have them;
  - e. Assist the teacher as needed with the data collection; and
  - f. Inform the CCC/ARD Facilitator/Department Head that there are behavioral concerns and what information has been provided to the school staff.
3. The case manager will monitor the data collection process for approximately two (2) weeks.
  4. If the student’s behavior improves without the need for changes to the BIP, no further action is needed. The case manager will keep the documents in the student’s working/teacher folder.
  5. If the behavior does not improve, the case manager will ask the CCC/ARD Facilitator/Department Head to schedule a staffing.
  6. The CCC/ARD Facilitator/Department Head will schedule a staffing. The staffing must include the teacher, case manager, and LSSP assigned to the campus. The campus administrators must be invited, but their attendance is optional.
  7. At the staffing, the LSSP will take the lead and review all concerns and documentation.
  8. The LSSP will review the last FBA conducted, review data and determine if the Behavior IEP and BIP needs to be changed based on the data or if a new FBA should be recommended.
  9. If an FBA is not required at this time, proposed changes to the behavior IEP and BIP should be discussed and an ARD meeting should be held to consider proposed changes. Note\*\* If the student does not respond to a new Behavior IEP/BIP within 4 weeks of the ARD accepting the changes, the LSSP should be contacted to complete a FBA.

## ***Implementation of the IEP***

### ***34 CFR § 300.323; 34 CFR § 300.323***

After the IEP is written and a placement is determined, the CCC/ARD Facilitator/Department Head shall coordinate with the student’s special and general education teachers and related service providers to ensure the student is provided the special education and related services identified in the IEP.<sup>25</sup> The CCC/ARD Facilitator/Department Head shall make the student’s IEP accessible to each regular education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation.<sup>26</sup> Additionally, the CCC/ARD Facilitator/Department Head shall inform each regular teacher, special education teacher, related service provider, and any other service provider who is responsible for the implementation of the student’s IEP, of each of her or his specific responsibilities related to implementation of the student’s IEP and the specific accommodations, modifications, and supports that must be provided for the student as identified in the IEP.<sup>27</sup>

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<sup>25</sup> 34 CFR § 300.323(c)

<sup>26</sup> 34 CFR § 300.323(d)

<sup>27</sup> *Id.*

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The CCC/ARD Facilitator/Department Head shall maintain an eligibility folder for each student receiving special education services, in addition to the student's cumulative record. The eligibility folder shall include, but need not be limited to, copies of referral data; documentation of notices and consents; evaluation reports and supporting data; ARD committee reports; and the student's IEPs.<sup>28</sup>

Each CCC/ARD Facilitator/Department Head shall ensure that each teacher who provides instruction to a student with disabilities:

- has access to the student's current IEP;
- is informed of the teacher's specific responsibilities related to implementation of the IEP, such as goals and objectives;
- is informed of needed accommodations, modifications, and supports for the student that must be provided for the student in accordance with the IEP; and
- has an opportunity to request assistance regarding implementation of the student's IEP.<sup>29</sup>

Each CCC/ARD Facilitator/Department Head shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting to:

- request a review of the student's IEP; and
- provide input in the development of the student's IEP.

Each CCC/ARD Facilitator/Department Head shall timely respond to the teacher's request; and provide for notification to the student's parent or guardian of the teacher's response.<sup>30</sup>

## **Annual or Review ARD meetings**

Throughout the year the teacher and case manager monitor the implementation and effectiveness of the BIP and Behavior IEP. Data should be collected on the behaviors addressed in the BIP/Behavior IEP, as well as on the interventions implemented and results of implementation.

In preparing for the ARD meeting, the teacher will review the mastery criteria listed on the Behavior IEP and consult with LSSP if needed. If the student has mastered the annual Goal for the BIP/Behavior IEP, the ARD committee should decide whether the child should:

- Continue with a BIP/Behavior IEP but increase the mastery criteria, or
- Discontinue the BIP/Behavior IEP all together

If the BIP/Behavior IEP needs minor changes, the Special Education teacher can write the proposed edits into Success Ed, and the proposed BIP/Behavior IEP must be considered at the ARD. If the BIP/Behavior IEP requires major changes or the student is not mastering the Behavior IEP goal, the LSSP

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<sup>28</sup> 34 CFR § 300.323 (a)

<sup>29</sup> 19 TEX. ADMIN. CODE § 89.1075(c)

<sup>30</sup> 19 TEX. ADMIN. CODE § 89.1075(d)

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must become involved and consider the need for a FBA (see Functional Behavior Assessment procedures in this section of the Special Education Administrative Procedures).

*If the Special Education teacher/Case Manager requires assistance with the revision of the Behavior IEP/BIP and the LSSP is not available, the Program Manager for Evaluation should be contacted to determine appropriate central office staff to assist the teacher.*

## **Additional Information**

What if an ARD meeting is held and a Behavior IEP/BIP is requested; however, no data has been collected? The ARD committee should discuss that a FBA should be completed prior to the Behavior IEP/ BIP being written. The data collection phase is necessary prior to developing a Behavior IEP/BIP. The ARD committee may consider the development of an interim Behavior Intervention Plan until the FBA can be completed.

## **Grading and Reporting**

### **TEC § 28.022**

Each special education student must receive a progress report and report card as often as their non-disabled peers. In addition, each student shall receive a progress report/report card in the Fort Bend ISD format. Updated IEP goals & objectives should be updated and attached to the report card at appropriate intervals and in accordance with the student's ARD. Each student receiving special education instruction has an Individualized Education Program (IEP) which addresses the student's educational needs, educational goals, and objectives.

1. The special education teacher will utilize a lesson plan which reflects the goals as stated on the IEP. Grades should evolve from the goals with supporting documentation of how the grade was determined.
2. Numerical grades will be recorded for each subject area in a grade book.
3. Care should be taken to ensure that goals are written at a level which continues to challenge the student's abilities. This may necessitate accommodations in curriculum, methods, pacing, materials, criteria, etc.
4. If the student with disabilities fails to meet the expectations addressed in the IEP, the responsible teacher will review the IEP for appropriateness of goals/objectives, instructional levels, materials, and methods. The teacher must document on the IEP the efforts made to try to help the student achieve success.
5. If a student with disabilities is not progressing adequately toward mastery of the goal by the annual ARD, the ARD committee must convene to discuss the student's needs and make recommendations to help the student achieve success.
6. If the student has excessive absences, an ARD committee should meet to discuss why the student is not attending school, the appropriateness of the IEP, need for additional testing, and compulsory attendance, as appropriate.

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7. The grading of a special education student in a general education classroom is based upon the ARD committee recommendations for, if any, accommodations of TEKS and other accommodations of pacing, methods, and materials needed. When accommodations have been recommended by the ARD committee, the special education teacher is responsible for:
  - a. Informing the general education teacher of the recommended accommodations/modifications and ensuring accommodations/modifications are implemented;
  - b. Providing information concerning the student’s achievement levels, learning style, and behavioral needs;
  - c. Offering assistance to the general education teacher on a scheduled basis, as recommended by the ARD committee; and
  - d. Documenting contacts with the general education teacher and student, as determined by the ARD committee.
8. On occasion, the ARD committee will recommend that a specific subject be taught in a combination general education/special education instructional arrangement. The special education student’s grade, in this situation, may be determined proportionately by the general and special education teachers who provide the instruction, as determined by the ARD committee.
9. Unless the ARD committee designates otherwise, when a student is enrolled in the homebound program, the general classroom teacher will be responsible for grading all assignments and recording grades on the report card and permanent record for all subject areas.

## **Documentation of Conference to Review Lack of Expected Progress**

An ARD committee meeting or staffing is required to address a student’s lack of expected progress on his/her goals and objectives or within the general curriculum. The following procedure must be followed to determine the need for an ARD committee meeting.

1. At the end of each grading period, the special education case manager will review progress reports and/or report cards of all students on their caseloads.
2. If a student is making a grade of less than 70 for a nine weeks period, the case manager will schedule a staffing with the following personnel to review the student’s progress.
  - a. Parent
  - b. Student
  - c. General Education teacher(s) who have indicated the student is not being successful in class
  - d. Speech pathologist, if applicable
  - e. Campus administrator
3. The Case Manager must document the results of the review of progress and staffing in the Success Ed parent log.
4. If the student continues to exhibit a lack of progress within 3 weeks of the 9-week grading period, an ARD committee meeting is necessary to consider changes in the student’s IEP.

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5. The Case Manager must notify the CCC, Department Head or ARD Facilitator to schedule an ARD as soon as possible.

## **Limited English Proficient (LEP)**

### **TAC §89.1226, 34 CFR 300.324(a)(2)(ii)-(iv)**

Below is a replication of the Guidelines for Identification of Exit of LEP students with Disabilities: LPAC/Special Education Collaboration Team Document

## **Introduction**

This document has been developed as a guide for identification and exit of LEP students with disabilities. It represents the interpretation of Subchapter BB of the 19 Texas Administrative Code (TAC). This guide provides the most current revision of the Texas Administrative Code that includes three additions to state law:

1. LPAC & ARD Collaboration
2. Identification of LEP students
3. Exiting of LEP students

## **Identification & Exit of LEP Students**

Previously, the LPAC was solely responsible for identifying and exiting LEP students. With the changes made to the TAC, the LPAC and ARD committee will collaborate to identify students as LEP and to exit students from the bilingual and ESL programs. Sections from the TAC have been provided below regarding LEP students with disabilities:

### *19 TAC§89.1226 Testing and Classification of Students*

*(f)For entry into a bilingual education or English as a Second Language (ESL) program, a student shall be identified as Limited English Proficient using the following criteria:*

*(4) The Admission, Review, and Dismissal (ARD) committee, in conjunction with the Language Proficiency Assessment Committee (LPAC) shall determine an appropriate assessment instrument and designated level of performance for indicating Limited English Proficiency as required under subsection (d) of this section for students for whom those tests would be inappropriate as part of the Individualized Education Program (IEP). The decision for entry into a bilingual education or English as a Second Language (ESL) program shall be determined by the ARD committee in conjunction with the LPAC in accordance with §89.1220(g) of this title (relating to LPAC).*

*(k)The ARD committee, in conjunction with the LPAC shall determine an appropriate assessment instrument and performance standard requirement for exit under subsection (h) of this for students for whom those tests would be inappropriate as part of the IEP. The decision to exit a student who receives both special education and special language services from the bilingual*



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*education or ESL program is determined by the ARD committee in conjunction with the LPAC in accordance with applicable provisions of subsection (h) of this section.*

As a result of the above changes to state law, members of the ARD committee need to be aware of current educational research as it pertains to students who are LEP; while the members of the LPAC need to have basic knowledge of disabilities and how these disabilities can impact students' linguistics needs as second language learners.

## **“ARD COMMITTEE IN CONJUNCTION WITH THE LANGUAGE PROFICIENCY COMMITTEE” (ARD Committee/LPAC)**

State law specifies that the ARD committee “in conjunction with” LPAC determines an appropriate assessment instrument and performance standard requirement for entry and exit of LEP eligibility for students with disabilities being served in special education. What is meant by “the ARD committee in conjunction with the LPAC”? TEA stated in the February 6, 2008 TETN that the “ARD in conjunction with LPAC” responsibilities could be accomplished in an informal meeting of key ARD and key LPAC members, and that the results of the informal meeting must be documented in some fashion. If a school district decides to have informal meetings to determine an appropriate assessment instrument and designated level of performance for LEP identification and exit of students who are served in special education, then the results of the meeting must be forwarded and discussed in both the ARD meeting and the LPAC meeting.

In the ARD/LPAC meeting, the consensus members of the ARD committee make the final decision on issues of special education services, although the input of all ARD/LPAC team members should be invited and taken into consideration. The entire ARD/LPAC team, however, sets the criteria for LEP identification and exit, as well as determines if the LEP entry and exit criteria have been successfully met.

## **Fort Bend ISD ARD/LPAC Collaboration Model**

### **Campus ARD/LPAC Collaboration Team**

As noted above, TEA allows school districts to determine which members of the ARD and LPAC are key members. Fort Bend ISD procedure defines the “ARD/LPAC Collaboration Team” as the key members and will include a minimum of three members:

1. Campus Administrator (member of both ARD and LPAC committees)
2. Special Education Case Manager (member of ARD committee)
3. LPAC Representative (member of LPAC committee)

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## **Informal Meeting (Staffing)**

At a student's staffing, the responsibilities of the ARD/LPAC collaboration team are as follows:

- Discuss identification for LEP services
- Recommend entry and/or exit criteria
- Document ARD/LPAC Collaboration Team recommendations on the *ARD/LPAC Collaboration* form. This staffing form is only used to document recommendations for the ARD/LPAC committee and should be kept in the LPAC folder. This form does not go in the student's state audit folder.

## **ARD Meeting**

At a student's ARD meeting, the responsibilities of the ARD/LPAC collaboration team members are as follows:

- Discuss identification for LEP services
- Recommend or approve entry and exit criteria
- Present ARD/LPAC collaboration recommendations
- Make program decision based on language of instruction (Bilingual Education or English as a Second Language)
- Monitor progress of student
- At end of year, determine if exit criteria have been met as documented on ARD/LPAC LEP supplement form.
- If the established modified exit criteria have been met, a BRIEF ARD or an amendment must be held.

## **Identification of LEP Students**

State law requires that any student with a language other than English on the Home Language Survey must be tested for English proficiency. Upon initial enrollment all students must have a Home Language Survey (HLS) completed in their student record (only one: The original or a copy of original). The HLS shall be administered to each student new to the district and to students previously enrolled who were not surveyed in the past. If the HLS indicates a language other than English, testing must be initiated to determine English proficiency

All students who are being tested for English proficiency must be assessed in the following areas:

- Listening (grades PK-12)
- Speaking (grades PK-12)
- Reading (grades 2-12)
- Writing (grades 2-12)

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## SPECIAL EDUCATION/LEP ENTRY Procedures

The following information provides guidance for 3 and 4 year old students identified as receiving special education services and who may require Limited English Proficiency services.

### Student who is not enrolled yet in school (3 year old who is evaluated at Intake)

Intake Center Evaluation Specialists complete special education testing. During the evaluation process, the evaluation team conducts testing in English and if appropriate in the native/other language of the student. Since the student is still not enrolled in school, the evaluation process is completed and an initial ARD meeting is held. If the student is tested in the native/other language, the ARD should address the linguistic needs of the student. Does the student qualify for Special Education?

No

The LPAC will ensure the student meets the state LEP entry criteria when the student formally enrolls in school and is 4 years old. No further action is required by ARD.

Yes

Student enrolls in school. During the enrollment process, parent completes the Home Language Survey. (The HLS may stay in the folder and is not "acted on" for purposes of LEP, until later). Does the Home Language Survey indicate a language other than English?

Student receives special education services only. No further action is needed by LPAC.

No

Yes

LPAC meeting is held within 5 school days (or as soon as possible) to review ARD/LPAC meeting results. If the ARD/LPAC recommended the student not enter the LEP program due to the disability, the student is not classified as LEP.

NO

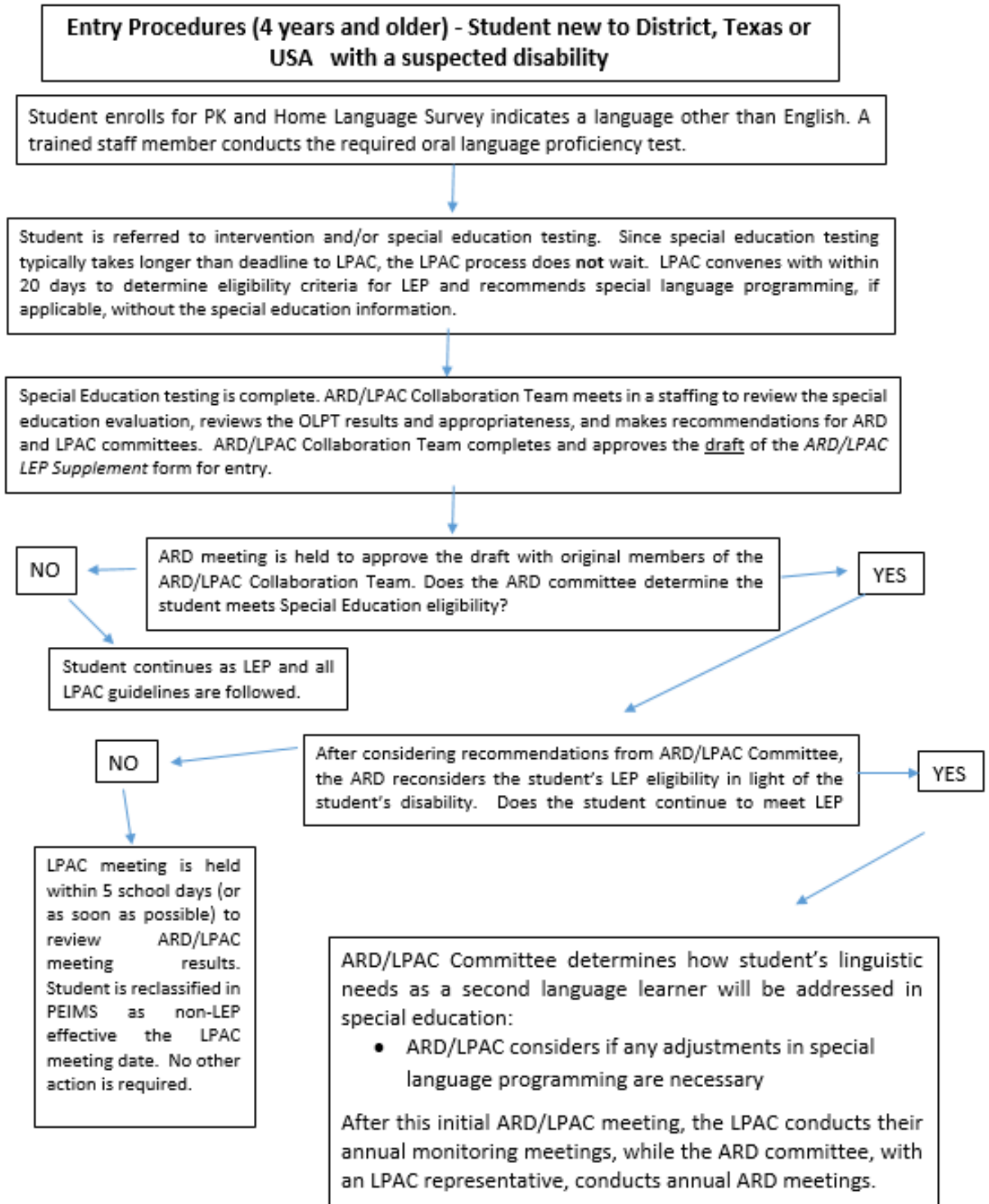
ARD/LPAC collaboration team meets in a staffing prior to PK year (4 years old by Sept. 1<sup>st</sup>), the ARD/LPAC collaboration team reviews the special education student's FIE, reviews progress and makes recommendation for ARD and LPAC. ARD/LPAC collaboration members complete the draft of the ARD/LPAC LEP Supplement (a copy goes in the student's LPAC folder).

Student's anniversary/annual ARD prior to turning 4 must be held prior to the end of the school year. Since the student's Home Language Survey indicated a language other than English, the ARD/LPAC collaboration team should meet to review and approve recommendations from the ARD/LPAC LEP Supplement to discuss LEP eligibility in light of the student's disability and the LEP requirements prior to the student turning 4 and entering PK. During the ARD meeting, the LEP Supplement is approved. Does the ARD committee determine that the student is LEP?

YES

ARD/LPAC committee determines how student's linguistic needs as a second language learner will be addressed in special education. The ARD/LPAC LEP Supplement is approved and becomes part of the ARD document. After this initial ARD/LPAC meeting, the LPAC and ARD conduct their regular meetings as appropriate.

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## **Exiting of Special Education/LEP Students**

LEP exit criteria for students with disabilities should follow as closely as possible the state and local exit criteria yet take into consideration the student's disability. For students whose disability would not require a change in the criteria and for students who can be reasonably expected to meet it, the LEP Fort Bend ISD exit criteria should be utilized and not modified.

In rare cases, a LEP student receiving special education services may qualify to be exited using modified criteria permitted under TAC 89.1225(k), which special considerations to a LEP student for whom assessments and/or standards under TAC 89.1225 (h) are not appropriate because of the nature of a student's particular condition. Students considered for special exit criteria under TAC 89.1225(k) should only be those designated to take STAAR Alt 2 as determined by the ARD committee in conjunction with the LPAC.

Students should only be exited from the bilingual or ESL program at the end of the school year.

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## SPED/LEP EXIT Procedures Must complete the 2 step process

**Step 1- Student with a disability already identified as LEP and there is consideration that the LEP exit criteria be modified. Only students taking the STAAR Alt 2 may be considered for a modified exit criteria**

In preparation for the annual ARD meeting for the upcoming school year, the ARD/LPAC Collaboration Team meets in a staffing prior to an ARD/LPAC committee meeting if exit criteria will be modified. During the staffing, the ARD/LPAC Collaboration Team reviews the special education student's evaluation, reviews progress, discusses proposed LEP exit criteria, and completes the appropriate portions of the *ARD/LPAC LEP Supplement* approving the draft.

ARD meeting or amendment is held with the same members of the ARD/LPAC Collaboration Team members that participated in the staffing. ARD committee considers:

- How the student's linguistic needs as a second language learner have been and may still need to be addressed in special education
- How the student's linguistic diversity needs have been and may still need to be addressed
- Approves the LEP Exit Criteria taking the student's disability into
- LPAC supplement is completed to include the modified exit criteria
- Documents all decisions on the *ARD/LPAC LEP Supplement*

\*All SPED/LEP students require an *ARD/LPAC LEP Supplement* whether criteria is modified or not

**Step 2- Student with a disability identified as LEP meets ARD/LPAC established LEP exit criteria**

ARD meeting or amendment is held with ARD/LPAC Collaboration team members. ARD Committee determines if the student's linguistic needs as a second language learner have been met based on assessment results and verifies criteria was met for the modified exit. The *ARD/LPAC LEP Supplement* is completed along with other appropriate ARD documents. The student is reclassified to Monitoring Year 1 status.

If modified exit criteria is met, the LPAC meeting is held within 5 school days (or as soon as possible) to review ARD/LPAC meeting results. The student is classified as meeting exit criteria and non-LEP effective the date of the LPAC meeting. Parent notification is sent.

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## ARD/LPAC Collaboration Staffing Form

Campus: \_\_\_\_\_ Student: \_\_\_\_\_ Grade: \_\_\_\_\_ ID#: \_\_\_\_\_

LPAC/ARD Collaboration team member signatures:

Campus Administrator: \_\_\_\_\_

LPAC Representative: \_\_\_\_\_

Special Ed Representative: \_\_\_\_\_

Other: \_\_\_\_\_

### Entry

Oral Language Proficiency measure given: \_\_\_\_\_ Results: English \_\_\_\_\_ Spanish \_\_\_\_\_  
(date)

Oral Language Proficiency measure was unable to be given due to severity of disability.  
Justification: Significant cognitive deficit at least 2 standard deviations below the mean

ITBS (grades 2 and above), if applicable \_\_\_\_\_ NPR \_\_\_\_\_ NPR  
(Reading) (Language)

Entry Criteria Recommended by ARD Committee:

- The student meets eligibility to be classified as a student with Limited English Proficiency (LEP).
- Classification as LEP is not recommended by the ARD/LPAC Collaboration Team.

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## Exit

### Exit Recommendation from ARD Committee:

- Student will follow the State mandated LEP Exit Criteria.
- Due to the student's disability, the State mandated LEP exit criteria is recommended to be modified as indicated above.

### Evidence of Need for Modification of Exit Criteria:

- Student takes the STAAR Alt 2 state assessment

Choose an exit assessment appropriate	Individual Student Performance Standard
<b>Must choose one:</b>	<b>Must choose one:</b>
<input type="checkbox"/> TELPAS Listening	<input type="checkbox"/> Beginner <input type="checkbox"/> Intermediate <input type="checkbox"/> Advanced <input type="checkbox"/> Advanced High
<input type="checkbox"/> Unable to assess due to disability*	
<b>Must choose one:</b>	<b>Must choose one:</b>
<input type="checkbox"/> TELPAS Speaking	<input type="checkbox"/> Beginner <input type="checkbox"/> Intermediate <input type="checkbox"/> Advanced <input type="checkbox"/> Advanced High
<input type="checkbox"/> Unable to assess due to disability*	
<b>Must choose one:</b>	<b>Must choose one:</b>
<input type="checkbox"/> TELPAS Reading	<input type="checkbox"/> Beginner <input type="checkbox"/> Intermediate <input type="checkbox"/> Advanced <input type="checkbox"/> Advanced High
<input type="checkbox"/> Unable to assess due to disability*	
<b>Must choose one:</b>	<b>Must choose one:</b>
<input type="checkbox"/> TELPAS Writing	<input type="checkbox"/> Beginner <input type="checkbox"/> Intermediate <input type="checkbox"/> Advanced <input type="checkbox"/> Advanced High
<input type="checkbox"/> Unable to assess due to disability*	
<p><b>Grades 1-2: Norm-referenced standardized achievement tests are not required for students in grades 1-2 eligible under TAC 89.1225 (k).</b></p> <p><b>Grades 3-12: Must meet state standard on STAAR Assessments (Reading/Writing/ English). This includes all STAAR versions (i.e. STAAR, STAAR-A, STAAR-ALT, STAAR-EOC and STAAR-ALT EOC).</b></p>	

\*When it is not appropriate to assess one or more domains due to a student's disability, the ARD committee and LPAC will provide documentation to support the decision not to assess the domain.

### **Step 2: Once TELPAS and STATE ASSESSMENT scores have been received by the campus:**

- Established EXIT criteria has been met; ARD Committee met on \_\_\_\_\_ (date) and verified exit from LEP status



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## ARD/LPAC Supplement

LPAC Supplement must be completed at the student’s Annual ARD meeting and at the ARD that is held after the student meets regular exit and/or modified exit criteria.

## ARD/LPAC Collaboration Team Staffing and ARD Documentation Process and Forms

Whenever the ARD/LPAC collaboration team members meet to collaborate in the interest of the student, they should consider information regarding the cognitive and linguistic abilities, as well as the affective needs, of the student. These joint meetings may occur not only to facilitate a student entry into and exit out of the respective programs but also to review progress, determine linguistic accommodations and discuss other issues related to the student’s Individualized Education Plan (IEP). Recommendations from these collaborative efforts must be presented at ARD committee meetings to ensure that the appropriate considerations regarding the second language acquisition in English are addressed in the development of the student’s IEP. Decisions relating to services that impact second language acquisition must also be documented by the LPAC.

The information contained in this document was compiled using several sources, specifically:

- Texas Administrative Code §89.1126
  - Commissioner’s Rules Concerning State Plan for Educating Limited English Proficient students
- *Guidance Document: ARD in Conjunction with LPAC*, prepared by Dr. Criselda Guajardo Alvarado, Education and Evaluation Consultants
- Texas Education Agency, Special Education Department, *Guidance Related to ARD Committee and LPAC Collaboration*
- Texas Education Agency, Process for Considering Special Exit Criteria from Bilingual/English as a Second Language (ESL) Services

## Frequently Asked Questions

1. *After an ARD is held for a student receiving Special Education services who has met the criteria for exit from LEP and the LPAC meets to reclassify the student, does there need to be a LPAC representative at the student’s ARD meeting?*

No. Once the student has been exited from LEP, the LPAC will monitor the student for two years according to the Commission Rules guidelines. There is no need for LPAC representative at the ARD once the student has been exited.

2. *We understand that the modified Exit criteria must be set in an ARD PRIOR to State Assessment. Does this include TELPAS?*

Yes. TELPAS is part of the State Assessment for students with disabilities who are also identified as LEP. Therefore, if there is consideration to modify the Exit criteria, this ARD/LPAC

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Collaboration team meeting and ARD to review the modified Exit criteria all must be held prior to the beginning of the TELPAS window.

- 3. The Special Ed/LEP process indicates that once the state assessment scores are received, an ARD must be held to review the scores and determine if the modified LEP criteria was met and to discuss the plan to remove student from LEP services. After the ARD meeting, a LPAC meeting must occur to review the ARD recommendation and formally exit the student from LEP. The LPAC procedures note that this should occur at the end of the year. How do we handle the situation if an ARD is not held prior to summer dismissal due to scheduling difficulties?*

If the ARD and LPAC meetings are not completed at the end of the year, they should be scheduled prior to the first day of instruction during the next year. They can be exited from LEP at the beginning of the year under these circumstances. It is recommended that if there are a lot of students that will need ARDs and LPAC meetings at the end of the year, focus on the students who will be transitioning to a new campus first (4<sup>th</sup>, 6<sup>th</sup>, and 8<sup>th</sup> graders).

- 4. Should every student who is receiving Special Education services and has “Spanish” checked on the Home Language Survey have an ARD/LPAC LEP Supplement form in LPAC folder?*

Yes, though for most students as the exit criteria is not being recommended for modification, there will only be one box on the supplement checked for exit which states that the student will follow the state mandated LEP Exit criteria.

- 5. Should LPAC/ARD Collaboration meetings take place before a PPCD/ECSE student is ever labeled as LEP? (In thinking of 3-year-olds who are tested when they turn 4)*

Yes, for those students who are evaluated at the Intake Center (3-year-olds) and will be turning 4 prior to September 1, an ARD/LPAC Collaboration team meeting should take place prior to an ARD meeting. It is recommended that this process be postponed until late in the school year of the student’s first year if he/she is 3 years old so data can be gathered (i.e., if student turns 3 in October and begins PPCD/ECSE, gather data and then the collaboration staffing and ARD should occur in late April or May).

- 6. What happens if the student does not meet the anticipated exit criteria, do we have to conduct another ARD/LPAC collaboration meeting and ARD?*

If a student with a disability does not meet State Assessment expectations, then an ARD meeting must be scheduled to consider additional interventions, changes to IEP, etc. Therefore, during the ARD meeting to discuss the student’s failure on the State Assessment, the previous ARD/LPAC LEP supplement should be reviewed along with any previously set modified criteria. If the ARD committee determines there is a need to change the modified criteria, then a new

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ARD/LPAC LEP supplement should be completed. If no changes are determined to be needed, then a new ARD/LPAC LEP supplement does not have to be completed until the next annual ARD.

## ***Least Restrictive Environment (LRE)***

### **Access to Facilities**

#### ***34 CFR § 104.21***

The District shall ensure that no qualified individual with a disability shall, because the District's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the District or be subject to discrimination. The District shall operate each program, service, or activity so that when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. The District is not, however, required to make each existing facility or every part of a facility accessible to and usable by individuals with disabilities.

### **Compliance**

Campus or District compliance with these requirements may be achieved by, but shall not be limited to:

1. Redesigning equipment;
2. Reassigning classes or other services to accessible classrooms or facilities within the building;
3. Assigning aides to qualified individuals with disabilities;
4. Visiting an individual's home;
5. Delivering services at alternate accessible locations either at the campus or in another District facility;
6. Constructing new facilities that comply with the law;
7. Utilizing any other methods that would result in making services, programs, and activities accessible to individuals with disabilities.

Written documentation that students have accessibility may be achieved by ARD/IEP documents and/or campus and district plans. Please contact the appropriate Special Education Program Manager for additional assistance.

### **Placement**

#### ***34 CFR §§300.115 - 300.120***

Fort Bend ISD will, to the maximum extent appropriate, ensure that children with disabilities are educated with children who are nondisabled and in special classes, separate schooling, or other removal of children with disabilities from the regular environment occurs only if the nature of the disability is such that education in regular classes with the use of supplementary aids and services

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cannot be achieved satisfactorily.<sup>31</sup> Once a student’s IEP is fully developed, the student’s ARD committee shall consider, and the student’s IEP shall document, a placement determination based upon the individual needs of the particular student and the appropriate and least restrictive educational environment in which the IEP can be implemented. When making a placement decision, the ARD committee considers a continuum of alternative placements.

What does it mean to have a continuum of placement options for students? The District shall make available a continuum of alternative placements listed in the definition of special education under 34 C.F.R. § 300.38 (e.g., instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions), and make provision for supplementary services to be provided in conjunction with placement in the general education setting to facilitate such placement.<sup>32</sup> The IEP, evaluations and other relevant data guide the ARD committee in making placement decisions.

Residential Treatment Centers (RTCs) or private residential programs are included in the continuum of placements.<sup>33</sup> The District is not required to place a student in a private residential program unless such placement is necessary to provide special education and related services. In order for a residential placement to be appropriate under the IDEA, the placement must be (1) essential in order for the student to receive a meaningful educational benefit, and (2) primarily oriented toward enabling the student to obtain an education. The District is not required to bear the costs of private residential services that are primarily aimed at treating a student’s medical difficulties or enabling the student to participate in non-educational activities.<sup>34 35</sup>

## **LRE Questions appropriate for the ARDC**

### **34 CFR §§300.114 - 300.116**

The following are points for discussion and documentation as an ARD committee determines the appropriateness of the Least Restrictive Environment for a student with disabilities and a potential move to a more restrictive setting. {Based on *Daniel R.R. v. State Board of Education*, 874 F.2d 1036 (5th Cir. 1989)}

1. Can education in the general classroom, with the use of supplementary aids and services, be achieved satisfactorily for the student?
  - a. Has the Fort Bend ISD taken steps to accommodate the student with disabilities in the general classroom?
    - i. Did the district provide supplementary aids and services?

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<sup>31</sup> 34 CFR § 300.114 (a)

<sup>32</sup> 34 C.F.R. § 300.115(b); 34 C.F.R. § 300.115(b); 19 TEX. ADMIN CODE §89.63

<sup>33</sup> 34 C.F.R. § 300.115

<sup>34</sup> *Richardson ISD v. Michael Z*, 580 F.3d 286 (5<sup>th</sup> Cir. 2009); 34 C.F.R. § 300.104

<sup>35</sup> Tex. Ed. Code § 29.008; Tex. Ed. Code § 29.012; 19 TEX. ADMIN. CODE § 89.61; [TEA’s Residential Treatment Center \(RTC\) application process](#); 34 C.F.R. § 300.325(a)

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- ii. Did the district provide accommodations?
  - b. Are the services provided sufficient or token gestures?
    - i. The district does not have to provide every conceivable supplementary aid or service.
    - ii. IDEA 2004 (Individuals with Disabilities Education Act) does not require general education teachers to devote all or most of their time to one student with a disability.
    - iii. IDEA 2004 does not require that general education teachers modify the general education program beyond recognition.
    - iv. General education teachers are not required to modify the general education curriculum to the extent that the student with disabilities is not required to learn any of the skills normally taught in general education.
  - c. Will the student receive an educational benefit from general education?
    - i. Can the student grasp the TEKS curriculum elements of the general education curriculum?
    - ii. Consider and document the nature and severity of the student’s disability in relation to receiving educational benefit from general education.
  - d. Examine the student’s overall educational experience in the mainstreamed environment, balancing the benefits of general and special education for each individual student.
  - e. What effect does the presence of the student with disabilities have on the general classroom environment and thus on the education that the other students are receiving.
  - f. Discuss and document any disruptions in the classroom.
  - g. Does the student require so much of the teacher’s attention that the teacher will have to ignore the other students’ needs in order to attend to the student with disabilities?
2. If education in a general classroom cannot be achieved satisfactorily, determine whether the student has been mainstreamed to the maximum extent appropriate for that student.
- a. Determine if all academic and non-academic classes in general education with nondisabled peers has been considered or tried.
  - b. Determine if mainstreaming for lunch, recess, or other times has been considered.

## ***Student Success Initiative***

The Student Success Initiative (SSI) is a State initiative designed to provide an accelerated instructional plan (AIP) for a student who does not pass the State Assessment in specified grade levels.

1. If SSI is applicable for a certain grade level for non-disabled students, then it is also applicable for a special education student. The SSI information is addressed in the ARD in the section called, “Intensive Program of Instruction.”

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2. If an Accelerated Instruction Plan is required via the SSI requirements, the AIP is developed by the ARD committee via IEPs and any attached AIP forms from the Grade Placement Manual.
3. The ARD committee serves as the Grade Placement Committee (GPC) for students receiving special education services, under this section.

## ***State Assessment Decision-Making Procedures for Students with Disabilities*** **19 TAC § 89.1055(b), 34 CFR § 300.305**

The Texas Student Assessment Program seeks to include as many students as possible in STAAR while providing alternate assessments for students whose academic achievement and progress cannot be measured appropriately with STAAR

STAAR Alternate 2/STAAR Alternate End of Course assessments have specific participation requirements that must be carefully considered before recommending these assessments. The ARD committee cannot recommend an alternate assessment if the student does not meet the participation requirements.

The participation requirements describe the type of grade-level instruction in the TEKS (accessed through prerequisite skills) that a student should be receiving in order to participate in an alternate assessment.

When making assessment decisions, the members of the ARD committee must weigh the benefits of rigorous and challenging expectations with the possibilities of success, given each student's individual **strengths, needs, instruction, and accommodations**.

The academic instructional decisions made by the ARD committee and **documented in the IEP** must always guide assessment decisions.

Beginning with the March 2017 administration of STAAR, students with disabilities and English language learners (ELLs) who are eligible for testing accommodations may receive those accommodations through an enhanced online version of STAAR called STAAR On-line. Embedded accommodations include but are not limited to (text-to-speech or content and language supports) that can be assigned on an individual student basis, the online version of STAAR will include enhanced accessibility features that are available to all students.

All students enrolled in grades 3-11 are to participate in state assessment for the subject areas required at the appropriate enrolled grade. In Texas, that assessment is the STAAR (State of Texas Assessments of Academic Readiness) for students in grades 3-8, End-of-Course (EOC) assessments for high school students. Please note that students who take an alternative assessment will take the STAAR Alternate 2 in all grade levels and subject areas. The ARDC must determine if the student can take the standard assessments or one of the modified or alternate forms of the assessment.

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## **FBISD Procedure**

### **Prior to the ARD**

Prior to the ARD meeting in which State Assessment Decisions will be determined:

- For each student receiving special education services in Grades 3 and above, the case manager should gather as much information about accommodations for testing to present to the ARD committee.

### **During the ARD**

#### *PLAAFPs*

The PLAAFP should clearly document the results of previous year's state assessments as well as document accommodations found to be effective.

#### *State Assessment Page*

Each subject area is to be addressed for state and district assessments for the current and next school years.

Accommodations also need to be addressed for each subject area on the state assessment pages. For more information, see the SE Manager User Guide found on the Success Ed homepage.

It is not necessary to also describe in the committee deliberations.

1. Eligibility statements should describe how the student meets TEA's qualifying criteria.
2. Must choose each subject area that the accommodation applies.
3. For the accommodation of Oral Administration, you must describe how this is to be implemented – either totally in its entirety or partially upon student request.
4. For the accommodation of Supplemental Aids, you must list the specific item for each subject area (e.g. Math = multiplication chart; English = blank graphic organizer, Mnemonic devices, etc.)

#### *Participation Requirements*

TEA defines the participation requirements as stated below. This information is a direct copy of the state assessment participation requirements provided through the TEA website.

#### *Alternative Assessments*

Students receiving special education services who have the most significant cognitive disabilities and are unable to participate in the other statewide assessments even with substantial accommodations and/or modifications will be assessed with STAAR Alternate 2.

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Admission, review, and dismissal (ARD) committees may decide that a student’s knowledge and skills can best be assessed with STAAR Alternate 2 if the student meets all of the following participation criteria. The student:

1. Has a significant cognitive deficit as documented in the student’s FIE.
2. Requires specialized, extensive supports to access the grade-level curriculum and environment.
3. Requires intensive, individualized instruction in all instructional settings.
4. Accesses and participates in the grade-level TEKS through prerequisite skills.
5. The decision to administer the STAAR Alternate 2 assessment is based on the student’s significant cognitive disability and NOT any other factors such as the student’s racial or economic background, English learner status, excessive or extended absences, location of service delivery, anticipated disruptive behavior or emotional distress, or any other such factors.

## *ARD Committee Deliberations*

This section should highlight the state assessment discussions that were held during the ARD (previous test taken and score student received, accommodations routinely given in instruction and effectiveness, review of the State-approved accommodations and the TEA Decision Making Guide form, and STAAR Alternate 2 Decision Making Matrix, if appropriate). All the items should have been discussed and documented in prior ARD pages so the Committee Deliberations may just summarize these and add any additional conversations that ARD committee had regarding the State Assessment decision-making process. Therefore, it is not necessary to list each test and/or accommodation recommended in the committee deliberations.

## *FitnessGram Assessment*

The FitnessGram Assessment measures three components of health-related physical fitness that have been identified as important to overall health and function. There are six areas that are tested. The ARD committee must address each area. The FitnessGram must be addressed for students in grades 3-12. If a student is receiving Adapted Physical Education services, the AdPE teacher will make recommendations to the ARD committee regarding the student’s ability or inability to participate in the six areas to be assessed.

## *Types of STAAR Assessments*

### *STAAR*

Measures a student’s mastery of the state-mandated curriculum, the Texas Essential Knowledge and Skills (TEKS).

### *STAAR Online*

A general assessment administered online with accommodations integrated into the online system, designed for students with disabilities who meet the eligibility requirements.



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## *STAAR-Alternate 2*

STAAR Alternate is an alternate assessment based on academic standards and is designed for students with significant cognitive disabilities receiving special education services. Additionally, the students must meet participation requirements. STAAR Alternate 2 was developed to meet federal requirements of both the Elementary and Secondary Act (ESEA) and the Individuals with Disabilities Education Act (IDEA). ESEA requires that all students be assessed in specific grades and subjects throughout their academic career, whereas IDEA requires that students with disabilities have access to the same standards as their non-disabled peers and be included in statewide assessments. STAAR Alternate 2, which was redesigned as a result of state legislation passed in 2013, is a standardized assessment administered individually to each eligible student.

Students must meet specific requirements to take either assessment. Both assessments are available for the same grades and subjects assessed in the general STAAR program.

## *STAAR Alternate 2 End of Course Exams (SAEOC)*

For students enrolled in grades 9-12, the ARD committee will determine which of the STAAR Alternate End of Course (SAEOC) exams required for the graduation.

## *TELPAS*

The Texas English Language Proficiency Assessment System (TELPAS) is designed to assess the progress that Limited English Proficient (LEP) students make in learning the English language. TELPAS measures English language proficiency in the following domains:

- Grades K–1 reading, listening, speaking, and writing
- Grades 2–12 reading, listening, speaking, and writing

*TELPAS Alternate* TEA has developed the TELPAS Alternate assessment to meet the federal requirements mandated under the Every Student Succeeds Act (ESSA), which requires states to administer an alternate English language proficiency (ELP) assessment for English learners (ELs) with the most significant cognitive disabilities who cannot participate in the general ELP assessment, even with allowable accommodations.

## **Determining State Assessment for Transfer Students**

### *In-State*

For students previously enrolled in a Texas Public School, contact the previous school to confirm which form of the state assessment was taken, the student's performance, and/or the assessment that was recommended. Make assessment recommendations during the 30-day Transfer Placement period based on previous testing and performance, or recommendations from the previous school. If assessment information is not available from the previous school, the Fort Bend ISD Assessment Department can access information from the state assessment data center with the student's PEIMS number (Social Security number or state ID number), name, and date of birth. Students considered LEP must be assessed on TELPAS unless the student has been exited from LEP. Confirm participation in TELPAS and/or exit from LEP with

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the previous district. Both STAAR/TAKS and TELPAS decisions should be considered at the Placement ARD.

## *Out of State*

Contact the previous school to:

- Confirm that the student was assessed
- Confirm subject areas assessed
- Ask if that assessment was the general assessment or an alternate assessment. To clarify what type of assessment was administered, it may be necessary to describe the Texas assessments and ask if the assessments are similar.
- Ask if the student received regular, modified, or an alternative curriculum. If the student received a modified or alternative curriculum, find out if the state assessment was designed specifically as an alternate assessment or if alternate norms were applied to the general assessment.
- Ask about performance.
- If the student is LEP, confirm testing and performance measures used in the state to determine level of English acquisition and at what level the student is performing.

Make assessment decisions for the Transfer ARD based on information provided about previous assessments and the type of curriculum on which the student was instructed. For additional guidance, contact your Special Education Program Manager/Specialist.

## **Annual ARD and/or Review ARD**

### *Annual ARD*

Student participation in state assessment must be considered at every Annual ARD. The state assessment participation requirements provided by TEA should be followed in the decision-making process:

### *Review ARD*

Student participation in state assessment should be reviewed at any Review ARD to confirm that the recommended assessment continues to be appropriate. If the purpose of the Review ARD is to reconsider the student's participation in state assessment, the same decision-making process should be followed as those for the Annual ARD. For more information regarding the assessment process, please refer to the STAAR Student Success Initiative Educator Guide (2020-2021) here:

[tea.texas.gov/sites/default/files/2020-21%20STAAR%20SSI%20EducatorGuide%20Sept.pdf](https://tea.texas.gov/sites/default/files/2020-21%20STAAR%20SSI%20EducatorGuide%20Sept.pdf)

### *TELPAS*

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When a student receiving special education services is Limited English Proficient (LEP), the ARDC must work in conjunction with the LPAC to ensure that issues related to both the student’s disability and language proficiency are carefully considered when assessment decisions are made. TELPAS assessments should be considered for all ELs receiving special education. Exit from LEP is considered on a case by case basis in collaboration with the ARDC and the LPAC. Standard LEP exit criteria can be waived and alternate criteria set in some circumstances, primarily in the case of severe cognitive disability. The following assessments should be considered:

- K-1: Holistically-scored assessments in speaking, listening, reading, and writing are available. These assessments are administered by a qualified TELPAS rater based on student observations and work samples. Each domain is considered separately and documentation of the justification for not participating in any of the four domains is included on both the form provided by the Success Ed system and in the ARD Committee deliberations section of the ARD. The ARDC and LPAC should collaborate on the appropriate measures for all LEP students regardless of determined disability(ies).
- Gr. 2-12: Assessments include holistically-scored speaking, listening, and writing assessments rated by a qualified TELPAS rater from observations and writing samples. Students take the TELPAS Reading test either in a paper or online format. TELPAS reading tests for grades 2–12 are designed to determine where ELLs are on the continuum of English language reading proficiency and to measure their growth from year to year. The instrument starts with an initial understanding of high-frequency English words and phrases and culminates with the ability to read and understand texts similar to those written for English-proficient students. Each domain should be considered separately with justification documented when one or more domains is not assessed. Students taking STAAR/TAKS should be assessed in all four domains using the appropriate allowed accommodations for TELPAS.

## **Restricted ARD dates due to State Assessment**

In an effort to reduce testing irregularities and miscommunications regarding State Assessment accommodations, Fort Bend ISD will implement a process of restricting ARD dates two weeks prior to and during state assessment time, for all students enrolled in the corresponding grade levels.

ARDs that are required such as Initial ARDs, MDR ARDs etc., may continue to be held during this period. The dates in which NO ARDs may be held will be determined and sent out on a yearly basis. The dates will be based on the current TEA State Assessment Calendar.

## ***Supplementary Aids and Services – Accommodations***

***34 CFR §§ 300.42, 300.320(a)(4); 19 TAC 89.1050(a)(1); 28 C.F.R. 35.104***

Supplementary Aids and Services are “aids, services, and other supports provided in General Education classes, other educational-related settings, and in extracurricular and non-academic

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settings, to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate.”

Examples of supplementary aides and services:

- a. Qualified interpreters, note-takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments
- b. Qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments
- c. Acquisition or modification of equipment or devices

The Full Individual Evaluation and ARD process identify the appropriate supplementary aids and services students require to be educated with non-disabled children to the maximum extent appropriate.

## ***Student-Specific/1:1 Aide or Paraprofessional***

Prior to a holding an ARD Meeting to discuss a student-specific aide, the campus should contact the appropriate Program Manager to review all data to ensure that Least Restrictive Environment is being followed. See request area in Section 8 of the Special Education Administrative Procedures.

The discussion of a student-specific aide should be documented in the ARD Deliberations. If a student-specific aide is determined to be necessary for a student to access and make progress in the general education curriculum, the service should be documented on the Schedule of Services page within Success Ed under related services. Factors to consider include individual student needs, class size, staff-to-student ratio, and need for student support in order to demonstrate educational progress. Some of the most common reasons for this type of support include:

1. Protection/safety of the student;
2. Physical assistance/needs throughout day;
3. Instructional support;
4. Transition; and
5. Reducing student anxiety.

This type of support ranges from portions of the school day to a full school day, depending on the needs of the student. In the event a student-specific aide is provided to a student, the campus should develop a contingency plan for when the student-specific aide is absent.

The ARD committee determines a student’s required supplementary aids and services. To the extent practicable, supplementary aids and services, special education, and related services must be based on peer-reviewed research. Accommodations and/or modifications determined during the ARD should be those that the student must have on a regular basis in order to access and make progress in the general

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education curriculum. The ARD Committee considers any request by a parent for a specific supplementary aid and/or service such as service dogs, tape recorders, note-takers, and any other specific requests. Any decision to discontinue a supplementary aid should be based on data that demonstrates the student does not make progress in the general education curriculum when the supplementary aid is used.

The ARDC must determine and include in the child’s IEP:

1. The projected date for the beginning of the services and modifications;
2. The anticipated frequency of those services and modifications; and
3. The anticipated duration of those services and modifications.

## ***Audio Recording***<sup>36</sup>

1. The district, the parent, or the adult student may audio-record the ARD committee meeting. All participants in the meeting will be informed that such a recording is being made.
2. If a parent or adult student notifies the ARD committee that they will record the meeting, the district should also record the meeting and document the meeting is being recorded in the deliberations. If the audio recording is in a digital format, a copy can be uploaded to the student’s Success Ed file under the History tab. For audio recordings on a cd, a copy must be given to the parent and another copy to be sent to MR Wood Center for Learning Special Education Records Department at the end of the year during check out.
3. If an interpreter is used in the ARD meeting, two cd’s /recordings should be made. One is given to the parent and one is filed in Success Ed or the Special Education Records Department.

## ***Service Animals*** **28 C.F.R. §35.104**

Requests for the Use of Service Animals by Enrolled Students, Under the ADA Section 504

### **PURPOSE**

The purpose of these procedures is to establish guidelines for the use of service animals by students in the Fort Bend Independent School District, including school buildings, vehicles and other property.

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<sup>36</sup> *Ltr to Anonymous*, 40 IDELR 70 (OSEP 2003). Part B does not address the use of audio or video recording devices at IEP meetings, and no other Federal statute either authorizes or prohibits the recording of an IEP meeting by either a parent or a school official. Therefore, an SEA or public agency has the option to require, prohibit, limit, or otherwise regulate the use of recording devices at IEP meetings. If a public agency has a policy that prohibits or limits the use of recording devices at IEP meetings, that policy must provide for exceptions if they are necessary to ensure that the parent understands the IEP or the IEP process or to implement other parental rights guaranteed under Part B. An SEA or school district that adopts a rule regulating the tape recording of IEP meetings also should ensure that it is uniformly applied.

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These procedures will be used to assist Fort Bend ISD personnel in handling requests for service animals, including directing parents' requests to the proper individuals within Fort Bend ISD, and advising parents of their rights under the relevant laws. For additional information regarding Service Animals, please refer to Fort Bend ISD Board Policy FBA (LEGAL).

## **FEDERAL LAWS CONCERNING SERVICE ANIMALS IN SCHOOLS**

### Individuals with Disabilities in Education Act

Under the Individuals with Disabilities in Education Act ("IDEA"), eligible students are entitled to a free, appropriate public education ("FAPE"). The parent may request that an ARD committee consider whether the use of a service animal is necessary for the student to receive a FAPE. If the ARD Committee determines that the student can be provided FAPE without the use of the animal, the animal does not become a related service or support under a student's IEP.

### Americans with Disabilities Act and Section 504 of the Rehabilitation Act

Under the Americans with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act (Section 504), schools are generally required to allow a disabled individual to be accompanied by a service animal, so long as the animal meets the ADA definition of "service animal," the animal is under the control of its handler, is housebroken, and does not pose a direct threat to the health and/or safety of others. Exclusion of an animal could be discrimination based on disability. The ADA requires public entities to appoint a person to handle claims of disability discrimination, the Section 504 Coordinator (See Board Policy FB and FFH). Additionally, the Section 504 committee should convene to apply the ADA guidelines and determine if additional accommodations are needed for access or for an equal educational opportunity.

For students who are eligible under Section 504 and have a Section 504 accommodation plan, a Section 504 committee should convene to review the plan to ensure the child continues to have equal educational opportunity and to consider reasonable accommodations. Additionally, the Section 504 committee should convene to apply the ADA guidelines and determine if additional accommodations are needed for access or for an equal educational opportunity.

## **DEFINITION OF SERVICE ANIMAL**

Service animals are defined by the ADA as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed must be directly related to the individual's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. 28 C.F.R. §35.104. A service animal is not a pet.

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## PROCEDURES/REQUIREMENTS for Students

Use of service animals by a student with a disability is subject to the following procedures and requirements:

A. Application for Use of Service Animal –Parents/Adult students must submit a request, *Service Animal Documentation and Medical Information Sheet* found in the Appendix of Section IV of the Special Education Administrative Procedures) for the use of service animals to the Program Manager, Special Education/504/Dyslexia who is the district designee for Section 504. The campus administrator or CCC/ARD Facilitator must notify the Executive Director of Student Support Services of the request. Requests for the use of service animals on School District property must, whenever possible, be made no less than fifteen (15) business days prior to the proposed use of the service animal. The animal may be required to demonstrate that it is a trained service animal by performing the functions identified by the owner/user that are intended to mitigate the impact of a disability.

B. Determination of Whether Animal is a Service Animal - Applications for use of Service Animal will be reviewed by the Section 504 Coordinator. The Section 504 Coordinator will determine if the animal meets the definition of service animal under the ADA. If the animal meets the definition of service animal and there are no grounds to remove the animal, the student will be allowed to use the animal on campus. All applications for use of the service animal on School District property will be considered on a case-by-case basis. Subject to the IDEA and Section 504, approval of the use of the service animal is subject to periodic review, revision, or revocation by the District. At a minimum, the request for a service animal will be reviewed annually. The request for use of the service animal must be renewed annually, prior to the start of each subsequent school year. In addition, the request must be renewed whenever the student changes schools or when the student desires to use a different service animal.

C. Service animals necessary for FAPE - If the student is eligible for special education services under the IDEA, an ARD committee must be scheduled and the student's ARD committee will determine if the animal is necessary for FAPE. The use of a service animal is a methodology. If the student's needs can be met by a method other than the use of a service animal, such as with assistive technology or adult support, the service animal is not necessary for FAPE. The need for a service animal is subject to periodic review and revision by the ARD committee. At a minimum, the student's IEP and the need for a service animal will be reviewed annually. A service animal will not be included as part of a student's IEP unless the ARD committee determines the animal is necessary for a FAPE.

D. Agreement for Use of Service Animal - If the animal meets the definition of a service animal, the parent must sign and return the *Agreement for Use of the Service Animal*, (Found in Appendix) prior to the service animal being introduced into the schools setting.

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Fort Bend ISD requests, but does not require, that Service Animals wear an orange collar and a leash or a vest at all times that identifies it as a service animal to students and staff.

E. Exclusion of Service Animal – Under the Americans with Disabilities Act, a service animal may be excluded if: 1) it is out of the handler’s control and the handler cannot take effective steps to control the animal; 2) the animal is not housebroken; 3) the animal poses a direct threat to the health or safety of others; or 4) the animal’s presence or behavior fundamentally alters the nature of the School District’s service, program, or activity.

F. Responsibility for Service Animal

- a. It is the responsibility of the student who uses a service animal pursuant to this procedure to provide proper handling of the service animal. The service animal must be under the control of the handler at all times. The school district is not responsible for the care or supervision of the animal. Any cost incurred to handle the service animal will be the responsibility of the adult student or parent of the student who uses the service animal. The school nurse will be consulted by school administration regarding any known allergies among the school population. Any measures needed to minimize contact between any allergic students and the service animal will be identified by the school administration and followed by the handler.
- b. The service animal shall have a harness, leash, or other tether unless either: (a) the handler is unable because of a disability to use a harness, leash, or other tether; or (b) the use of such device would interfere with the service animal’s safe, effective performance of work or tasks. In such circumstances, the service animal must be under the handler’s control through another effective means such as voice control or signals. The handler will be responsible for ensuring the service animal is provided any food and water needed by the animal and regular outside time to relieve itself in a designated place, including proper disposal of waste. Any food provided at the school must be contained in sealable containers. The service animal will not be allowed on school furnishings unless it is required for performance of its work or task. It is the handler’s responsibility to inform others that the animal is a service animal and should not be petted, bothered, harassed or fed.
- c. The adult student or the student's parents/guardians are liable for any damage to school or personal property and any injuries to individuals caused by the service animal. The District and its employees shall be held harmless in the event that the animal damages property or causes harm to any individual.



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G. The District may, at its discretion, require that the student/parent requesting the use of a service animal complete the steps of this procedure, as often as reasonable so that the District may ensure the safety of patrons and the continued need for the service animal to the student.

H. Prior to the introduction of the service animal into the school, relevant campus staff will create a plan with the student and the student's parent to integrate an approved service animal into the classroom and school environment and to meet the animal's basic needs during the school day. The plan will consider appropriate training for school staff, emergency evacuation and disaster response, and any other activities or conditions appropriate for the learning environment.

I. To the extent that use of a service animal is not a related service addressed in an IEP or Section 504 plan, an integration plan does not constitute a service or accommodation under the IDEA or Section 504.

J. The introduction of a service animal into the school setting may result in medical issues among other students and/or employees. Should such issues arise, the District will resolve those issues by considering the needs of all persons involved. The student's schedule may be altered or other appropriate action taken in order to accommodate the document needs of all students and staff on the campus.

K. Fort Bend Independent School District follows all applicable laws and regulations to protect the health and safety of the students and employees of Fort Bend ISD. Texas law pertaining to the treatment of animals shall apply. See Tex. Penal Code Chapter 42 and Tex. Human Res. Code Chapter 121.

## COMPLAINT PROCEDURES

Fort Bend Independent School District provides training to staff to ensure compliance with the ADA and Section 504 regarding requests for service animals. Any individual who believes that he/she is being denied access to buildings or programs, or discriminated against based on disability, should immediately inform the Section 504 Coordinator, Ronje Gonzales at 281-634-1242. Any disputes or complaints by any person involving service animals should be made in writing to the Section 504 Coordinator. Some disputes may be subject to the grievance procedures outlined by School Board Policy and/or in the Student Handbook.

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## Service Animal Procedure Checklist (Internal Use)

- Attachment 1 and Attachment 2 (optional) Submitted to \_\_\_\_\_ (Campus name), on \_\_\_\_\_ (Date)
- Attachment 1 reviewed by Campus Principal
- Attachment 1 and 2 reviewed by 504 Coordinator/Division Specialist or designee
- Attachment 1 and Attachment 2 (if applicable) Reviewed by ARD Committee
- ARD Committee Decision
  - Required for FAPE \_\_\_\_\_
  - Not required for FAPE \_\_\_\_\_
- Final Approval if not Required for FAPE
  - 504 Coordinator \_\_\_\_\_
  - Date of Approval \_\_\_\_\_
- Forward Approval to
  - Campus Principal
  - Program Manager, Special Ed Supplemental Health Services (Angela Singletary)
  - Executive Director, Special Education & Learning Support Services (Deena Hill)
- Campus Admin will create a plan for the integration of approved service animal

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## ***Transition Planning***

***34 CFR 300.43(a), (b); 34 CFR 300.320(b), 20 USC § 1401(34) (A), TEC, §29.011 and §29.0111, §89.1055(h)***

Transition planning is a process designed to to facilitate a student’s movement from school to post-school activities and assist students with disabilities to achieve their postsecondary goals in the areas of education, employment and adult services, independent living, or community participation. Through transition planning, annual goals and a coordinated set of activities focusing on both academic and functional skills are established to facilitate progress towards a student’s postsecondary goals.

Transition will address transition for each student receiving special education services prior to the age of 14 or in 7<sup>th</sup> grade, whichever comes first.

## **Transition Process**

1. A consent letter for permission to invite an agency is sent home for the parent to sign prior to the ARD meeting addressing transition. The Consent: Transition Services form in Success Ed must be signed by the parent/adult student prior to the ARD Notice being sent home, if the third-party agency will be invited to the ARD.
2. Age appropriate transition assessment must be completed for each student. This should include student assessment (interest survey, ability assessment, data collected by teachers), parent input via parent survey or questioner, and teacher input via teacher survey or questioner. If additional assessments are needed, the case manager will contact the Transition Teacher for additional resources. In addition to the parent, teacher, and student surveys, transition assessments should vary from one year to the next.

The ARD committee must consider and, if appropriate, address the following issues in the IEP as part of the Transition Process:

1. appropriate student involvement in the student's transition to life outside the public school system;
2. if the student is younger than 18 years of age, appropriate involvement in the student's transition by the student's parents and other persons invited to participate by:
  - a. the student's parents; or
  - b. the school district in which the student is enrolled;
3. if the student is at least 18 years of age, involvement in the student's transition and future by the student's parents and other persons, if the parent or other person:
  - a. is invited to participate by the student or the school district in which the student is enrolled; or
  - b. has the student's consent to participate pursuant to a supported decision-making agreement under Texas Estates Code, Chapter 1357;
4. appropriate postsecondary education options, including preparation for postsecondary-level coursework;

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5. an appropriate functional vocational evaluation;
6. appropriate employment goals and objectives;
7. if the student is at least 18 years of age, the availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives;
8. appropriate independent living goals and objectives;
9. appropriate circumstances for facilitating a referral of a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student such as a waiver program established under the Social Security Act (42 U.S.C. Section 1396n(c)), §1915(c); and
10. the use and availability of appropriate:
  - a. supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and
  - b. supports and services to foster the student's independence and self-determination, including a supported decision-making agreement under Texas Estates Code, Chapter 1357.

The IEP must also include the following and be reviewed/updated annually:

1. appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
2. the transition services, including courses of study (4 year plan), needed to assist the student in reaching the postsecondary goals developed under paragraph (1) of this subsection.

The case manager will complete the transition process for their case managed students by collaborating with the student, student's counselor and consulting with the Transition teacher. The Transition teacher will work with the student, teacher and parents to guide the transition plan. The transition teacher also will ensure that the plan includes services that will reasonably enable the student to meet his/her postsecondary goals. This is known as a Coordinated Set of Activities, which include activities in the areas of instruction, related services, community experience, development of employment, acquisition of daily living skills, and functional vocational assessment (if applicable).

## **Transition Teacher- is this the direction that we need to go?**

- The Transition Teacher is the campus resource person who can assist the ARD Facilitator with the transition planning process for the assigned high school and for feeder middle schools.

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- As the resource person, the Transition Teacher can assist the ARD Facilitator with training for high school and middle school staff relative to the transition planning process and the completion of all required forms.
- Both the Transition Teachers and ARD Facilitators can ensure campus staff are informed of any change in policies and procedures concerning transition planning or services.
- After the case manager completes the transition components the Transition Teacher can review it before the ARD committee meets.

## ***Visual Impairment Including Blindness (VI)***

### ***34 CFR § 300.324(a)(2)(iii); TEC § 30.002***

For a child who is blind or is visually impaired, after an evaluation of the child’s reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the child’s future needs for instruction in braille or the use of braille, the ARDC must either:

1. Provide for reading and writing instruction in braille and the use of braille; or
2. Determine that instruction in braille or the use of braille is not appropriate.

Before placing a child with a Visual Impairment (VI) in a classroom setting, or within a reasonable period of time after placement, the LEA must provide:

1. Evaluation of the impairment; and
2. Instruction in an expanded core curriculum, which is required for the child to succeed in classroom settings and derive lasting, practical benefits from the education by the LEA, including instruction in:
  - a. Compensatory skills, such as braille and concept development, and other skills needed to access the rest of the curriculum;
  - b. Orientation and mobility;
  - c. Social interaction skills;
  - d. Career planning;
  - e. Assistive technology, including optical devices;
  - f. Independent living skills;
  - g. Recreation and leisure enjoyment;
  - h. Self-determination; and
  - i. Sensory efficiency.

For a student with a Visual Impairment, the ARDC must develop an IEP that:

1. Provides a detailed description of the arrangements made to provide the child with an evaluation of the impairment and instruction in the expanded core curriculum required for children with visual impairments;

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2. Sets forth the plans and arrangements made for contacts with and continuing services to the child beyond regular school hours to ensure the child receives the instruction required for children with visual impairments; and
3. Reflects that the child has been provided a detailed explanation of the various service resources available in the community and throughout the state.

When developing an IEP for a student with a vision impairment, the Texas Education Agency’s criteria provides:

1. Proficiency in reading and writing is a significant indicator of the child’s satisfactory educational progress. The IEP for a student with a visual impairment must include instruction in braille and the use of braille unless the student’s ARD committee determines and documents that braille is not an appropriate literacy medium for the student. The committee’s determination must be based on an evaluation of the student’s appropriate literacy media and literacy skills and the student’s current and future instructional needs.
2. Each person assisting in the development of the IEP for a student with a visual impairment shall receive information describing the benefits of braille instruction; and
3. Braille instruction may be used in combination with other special education services appropriate to the child’s educational needs; and shall be provided by a teacher certified to teach students with visual impairments; and

The District must provide each parent with the state-adopted form that contains written information about programs offered by state institutions.

## GENERAL EDUCATION TEACHER INPUT

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### **Opportunity for General Education Teachers to Request Assistance**

The immediate person for support to the General Education teacher is the identified Special Education Case Manager. Each campus has a Special Education Case Management System. The Special Education Case manager will act in a collaborative role to solve any difficulties the special education student may be having in the general education class.

### **Special Education Case Manager**

#### **Case Management**

A case manager is a special education teacher responsible for a select number of students receiving special education services on their campus. It is the responsibility of the campus to assign students to the case managers.

- Elementary Level – campus administrator collaborates with CCC
- Secondary Level – special education department head in collaboration with administration

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## **Purpose of Case Manager:**

- Monitor student progress: for students who are failing or in danger of failing, schedule staffing to discuss lack of progress and if necessary, and ARD to adjust supports/services
  - Monitor regularly – avoid waiting until the class has been failed or has dropped too far behind
- Ensure proper implementation of student Individual Education Plan (IEP) – discuss plan with teachers and follow up to ensure implementation is occurring
- Ensure documentation is maintained through Onward Caseload Management electronic logs/Paper Logs (for personal care services/accommodations) for students on caseload
- Upload into Success Ed all logs pertaining to the students on their caseload
- Create and send home Progress Reports each nine weeks
- Communicate with teachers who instruct students with disabilities
- Act as the point of contact for parents of students with disabilities – introduce at beginning of year and have regular communication regarding progress or lack thereof

There should be careful consideration as to how to assign students to case managers. Case managers should either teach or provide some support throughout the day, to the students on their caseload. If this is not possible, case managers should have the ability to see a student on their caseload at least one time per week. If a case manager teaches in a program (ABC, BSS, CLASS, FLASH, Resource, SAILS, ATS), their caseload should reflect students in that program. As a campus, each special education teacher should be assigned to a content/grade level so general education teachers have a specialized person for consultation.

Case management involves three areas of responsibility: Organization, Documentation and ARD Preparation.

## **Organization**

It is imperative that a case manager remain organized throughout the year for various reasons. Some of the items the case manager is responsible for keeping may be collected/requested at different times of the year. Case managers should review all current paperwork for the students on their caseload prior to the school year and prepare all Inclusion logs and Accommodations logs for teachers and service providers, as well as maintain Onward Caseload Management database for student in specialized programs, resource classes and Co-Teach classes. Case Managers are responsible for documenting all supports and services within the Onward Caseload Management system for students in these classroom settings.

At the beginning of the year, the case manager should make sure all school personnel, who are directly involved with the students on their caseloads, receive a copy of the Teacher Bundle in Success Ed by the first day of instruction. This bundle includes the following information:

- Schedule of Services
- Classroom and State Assessment Accommodations

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- Behavioral Intervention Plan (when appropriate)
- Goals and Objectives pages
- Autism Supplement (when appropriate)
- Personal Care Services Supplement (when appropriate)

Other responsibilities of the case manager for the beginning of the year include:

- All school personnel who receive accommodations/modifications pages and/or BIPs MUST sign an **Acknowledgment of Receipt** Form indicating they have received the appropriate information. An email receipt with acknowledgment of the student information may suffice in lieu of the traditional paper form. However, this does not preclude the case manager from meeting directly with the teacher(s) to explain supports and services the student receives.
- Remember the accommodations/modifications, BIPs, and goals and objectives pages are confidential and should not be distributed without a cover page. If given electronically, select “confidential.”
- Best practice is to discuss the information with the teacher at the time of receipt. If not, a follow-up meeting should take place.
- Once the student schedules are available, check to make sure the student’s schedule matches the ARD Schedule of Services page. If there is a discrepancy, notify the CCC, ARD Facilitator or Department Head.
- Review the student’s IEP Goals and Objectives to ensure EVERY student has at least ONE goal.
- Case Manager must introduce self to each of the students on the case manage list. Provide contact information (how can they find you, room number, and conference period). Schedule a time for the transition survey OR give them the survey to complete. (SECONDARY)
- Send home a case manager letter to parents. (ELEMENTARY/SECONDARY) Include transition surveys. (SECONDARY)
- Have regular communication/collaboration with the General Education teacher. Contact the classroom teacher at least one time per week to touch base with the student/teachers (if the teacher does not have the student in their class)
- Each teacher should be assigned to a content area/grade level (General Education teacher should have a Special Education teacher for consultation)
- Have regular communication with the parent regarding progress/lack of progress on IEP, preparing for Annual ARD, concerns brought by parent relating to ARD/IEP, etc. Attend Special Education Department trainings such as Job-Alike meetings, On-Campus PD, and Off-Campus PD

By the end of the first semester, case managers should conduct a midyear checkpoint:

- Progress updates #1 and #2 should be complete



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- IEP Progress updates should be sent home
- Upload documentation of supports and services into the Onward Caseload Management system
- Upload all logs at the end of each nine weeks
- Turn in Inclusion logs to the CCC or Department Head

By the End of Week One in January, students may have new classes for the semester. SECONDARY will need to do the following:

- Once the student schedules are available, check to make sure the schedule matches the ARD Schedule of Services page. If there is a discrepancy, notify the ARD Facilitator or Department Head.
- Distribute appropriate paperwork to all school personnel who are directly involved with the students.
- ALL school personnel who receive accommodations/modifications pages and/or BIPs, MUST sign an **Acknowledgment of Receipt** Form indicating they have received the appropriate information.

## Annual ARD Preparation

At the start of the year, case managers should create a report from Success Ed that delineates when all of the annual ARDs are due for students on their caseload. The notification of the actual date of the ARD will come from an Outlook invitation, generally from the campus CCC (elementary), Campus Evaluator (Diagnostician/LSSP), or ARD Facilitator (secondary).

In order to prepare for the annual ARD date, many items need to be completed. 2-3 weeks prior to the annual, case managers should

- Complete the Universal Screener for updated academic levels
- Request feedback from general education teachers
- Contact the parent(s)/guardian(s)/adult student to gain their input
- Meet with counselor to confirm credits, graduation plan and 4-year plan (SECONDARY)
- Meet with the student to discuss current accommodations and modifications, transition services and course selection for upcoming the year (SECONDARY)

Once all the above is collected, the case manager should start to prepare ARD documents in Success Ed. Case managers are responsible for drafting the PLAAFP, IEP goals and objectives, Behavior Intervention Plans (in collaboration with LSSP), accommodations, supplements (as appropriate), and for SECONDARY case managers this includes transition information and coordinated set of activities. All items should be drafted in Success Ed at least 5 days prior to the date of the meeting. The drafted accommodations, goals and objectives should be sent home in advance for parent input.

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The day of the ARD, case managers should attend with the following material ready to review:

- Teacher input
- Transition information (SECONDARY)
- Progress updates on current goals/objectives
- Draft of the PLAAFP
- Draft goals/objectives/accommodations
- A printed copy of discipline record, attendance, grades, current schedule

Case managers should play an active role throughout the ARD meeting. Special Education teachers should be prepared to discuss all the above. If a case manager is not prepared for the ARD, the CCC/ARD Facilitator/Campus Administrator may decide to cancel the meeting.

After the ARD, case managers need to ensure all service providers have an updated copy of the newly accepted accommodations/modifications, goals/objectives and BIP. It is also important to obtain signatures on a new verification of receipt for those items.

Annual ARD meetings must take place at least once per year, on or before the date of the last annual ARD. There are times that an ARD needs to take place outside of the annual. It is the case manager's responsibility to request those meetings. When a student's PLAAFP changes that results in a change in services, schedule, etc., an ARD may need to occur. If a student experiences a lack of expected progress, the case manager is required to request a brief ARD.

## Documentation

Case Managers are responsible for keeping the following documentation:

- Communication log (parents, teachers, students)
- Accommodations log: general education teachers who have students receiving in-class support
- Inclusion log (paper copies): special education teachers and paraprofessionals who provide in-class support to students with disabilities are to maintain In-Class Support logs and turn in at the end of the 9 weeks to the CCC/DH for collection by Onward Caseload Management
- Onward Caseload Management logs: teachers of record for any student in a specialized program, resource class or co-teach class will document all supports and services through the Onward system. Only the provider who provides direct services to the student will document in the system.

## General Education Teacher Opportunity to Provide Input to the ARD Committee

General education and special education teachers may collaborate. However, the Special Education case manager should gather information regarding student performance and progress from all the student's general education teachers prior to:

1. An initial ARD committee meeting,
2. Evaluation Planning meeting or SCORE, if appropriate,

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3. Annual ARD meeting, or
4. A brief ARD meeting considering other areas such as behavior, failures, etc.

## **Process for Requesting for Further Consideration of Student’s IEP - General Education Teacher**

It is the responsibility of Special Education case manager to support and assist the general education teacher in understanding the student’s disability and IEP. When a general education teacher has concerns about the student’s educational program, the Special Education case manager should:

1. Make an appointment with the general education teacher to discuss the general education teacher’s concern;
2. Listen carefully to each issue raised by the general education teacher; be sure he/she has a clear understanding of the student’s educational competencies and needs. Often the general education teacher with a concern is not present in the ARD committee meeting and has not seen the evaluation information and may not fully understand the student’s strengths and weaknesses.
3. Collaboratively brainstorm possible solutions and alternatives which could be used, being careful to pay close attention to the ARD committee decisions on placement, accommodations, etc. Areas for support include pacing, methods, materials, etc.
4. Keep notes of the issues and solutions to be tried and the person responsible for trying each solution, and the timeline;
5. Set the next date and time to get together to discuss any progress toward the general education teachers concern after he/she has implemented the solutions from the meeting. The special education teacher should always follow-up. Possible ways special education could support the general education teacher are listed above. Don’t hesitate to offer specific suggestions as ways to help the teacher.
6. Involvement of the Principal: If steps above do not improve the situation, the Principal or Assistant Principal should be notified (if they have not already been involved). The following steps should be followed if a solution did not occur:
  - a. The special education case manager should inform the administrator of the steps taken above.
  - b. The administrator will determine any further resources to involve in resolving the situation. The diagnostician, coordinator, or special education director may be included in problem solving.
  - c. The administrator may call a meeting with the parties involved or may offer suggestions to the general education teacher, or may determine an ARD meeting is necessary to address the issues.
7. At any time during the process above, an ARD committee meeting may be requested by the General Education teacher.

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## SPECIAL EDUCATION TEACHER / SERVICE PROVIDER RESPONSIBILITIES

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### **ARD Meetings**

The special education teacher is responsible for the following in the ARD process (if there are multiple special education teachers involved, the special education case manager should ensure these steps are completed:

### **Prior to the ARD**

1. Draft the Present Levels of Academic Achievement and Functional Performance (PLAAFP) in the Success Ed system. The information should be entered in both SE IEP Goals and SE Manager. If there are multiple special education teachers involved, the Special Education Case manager should gather information from all teachers and input the PLAAFPs. The critical part of the PLAAFP section is to ensure that the ARD committee has meaningful and current data to assist in writing appropriate IEP goals and objectives.
2. Prepare the draft IEP measurable annual goals in SE IEP Goals, based on appropriate evaluation (remember the general education teacher(s) to the extent appropriate, should participate in the development, review, and revision of the student's IEP).
3. Send draft IEP goals/objectives to the parent at least one week prior to ARD meeting (if there are multiple special education teachers involved, the special education case manager should coordinate this effort).
4. Use the information in the State Assessment area in Section 4 of the Special Education Handbook to decide upon a recommendation for all applicable state assessments required for the student's grade level. Even if the recommendation is that the student will not take the state assessment, a recommendation should be prepared along with relative data to support the recommendation.
5. Decide which academic and supplementary supports will be recommended to the ARD Committee. This recommendation should be prepared along with relative data to support the recommendation.

### **After the ARD**

1. The Special Education Case Manager should ensure that each teacher who provides instruction to a student with disabilities receives a copy of the student's current IEP and that each teacher be informed of specific responsibilities related to implementing the IEP, such as goals and objectives, as well as needed accommodations, modifications, and supports for the child.
2. Obtain signed documentation from the general education teachers that they have received relevant sections of the student's IEP, such as goals and objectives, and of needed

# IV – Individualized Education Program

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accommodations, and supports for the child for the list of special education students they instruct. A receipt for accommodations and/or modifications should be used to document the General Education Teacher’s receipt of this information. Electronic copies of the pertinent ARD documents may be sent with a “read receipt”. However, this may not take the place of a meeting with the general education teacher to review the paperwork to ensure accommodations/modifications are clear and the teacher understands how to implement them.

3. Assist general education teachers who are involved in the student’s instruction to maintain documentation that they are modifying and/or accommodating educational programs of students as specified in the ARD. The documentation of accommodations and/or in-class support should be turned in to the Special Education Department Head at the end of each nine weeks and will be collected for Onward Caseload Management. The Case Manager should be checking to ensure the documentation for each student is turned in at the end of each nine weeks. (See Appendix for copy of Accommodation Log, In-Class Support/Co-Teach Log and the instructions for each form).

## **Update IEP Goals & Objectives**

1. Ensure that the IEP Goals & Objectives and Progress Report are updated in Success Ed.
2. Send an updated copy of the IEP Goals & Objectives and Progress Report to the parent as indicated on the IEP Goals & Objectives page.

## **FAQs related to Documenting progress towards IEPs**

***Who is responsible for collecting progress-monitoring data for students served in a general education setting?***

Each student is assigned a case manager. The case manager is responsible for collecting all documents related to progress to include data logs/charts, accommodation logs, etc. at the end of each progressing reporting period (9 weeks). All logs should be uploaded into Success Ed at the end of each 9 weeks unless monitored within Onward Caseload Management.

***If a student is in general education setting all day, what happens if there are multiple implementers on a goal? Who is responsible for documenting the progress on goals and objectives?***

All implementers should collaborate to discuss the implementation of the IEP and how documentation will be collected. The special education case manager assigned to the student is ultimately responsible for gathering all data logs and updating progress on the IEP into Success ED at the end of each progressing reporting period (9 weeks).

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***If a student is in a special education setting, what happens if there are multiple implementers on a goal? Who is responsible for documenting the progress on goals and objectives?***

All implementers should collaborate to discuss the implementation of the IEP and how documentation will be collected. The special education case manager assigned to the student is ultimately responsible for gathering all data logs and updating progress on the IEP into Success ED at the end of each progressing reporting period (9 weeks).

***Who is responsible for gathering data/documentation logs from paraprofessionals that provide support to students in the general education setting?***

The case manager is responsible for collecting all documents related to progress to include data logs/charts, accommodation logs, etc. from the paraprofessional at the end of each progressing reporting period (9 weeks). The case manager needs to collaborate with the general education teacher prior to updating IEP progress in Success Ed.

***Who is responsible for gathering data/documentation logs from paraprofessionals that provide support to students in the special education setting (resource, specialized program)?***

The case manager is responsible for collecting all documents related to progress to include data logs/charts, accommodation logs, etc. from the paraprofessional at the end of each progressing reporting period (9 weeks).

The case manager needs to collaborate with the any other special education teachers to gather all data prior to updating IEP progress in Success Ed.

## **Compensatory Services**

Compensatory services may come in many forms. For students under 21, compensatory services may mean either “current compensatory education” or “future compensatory education.” For students after the age of 21, compensatory services usually means extending the student’s full educational services for a specific amount of time beyond his or her 22<sup>nd</sup> birthday.

Fort Bend ISD utilizes the qualitative approach to addressing compensatory services. The qualitative approach is a flexible calculation of how many hours of compensatory services are required to place the student in the same position he or she would have been in if the district did not violate the IDEA. It uses an individualized, fact-specific determination of the amount of “reasonably calculated to provide the educational benefits that likely would have accrued from special education services the school district should have supplied in the first place.”

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The questions asked in determining the amount in this approach

- (1) What are the child’s “specific educational deficits?”
- (2) Which and how much of these specific deficits resulted from the child’s loss of FAPE?”
- (3) What are “the specific compensatory measures needed to best correct” those deficits?

The analysis and ultimate decision regarding whether compensatory services will be provided, and if so, what the services will be, should be clearly documented in the deliberations of the ARD Committee meeting. *(Note portions of the Compensatory Services information described above was referenced from the Region 4 Guidance Document for TEA Special Education Strategic Plan, 2018).*

If there is a situation in which the district did not provide services agreed upon in the IEP, or if there is a delay in an Initial Evaluation (SPP 11 compliance requirement), the District **must** consider providing compensatory services.

1. Gather all pertinent data and consult the service provider to determine what the services should have been and what has actually been provided. Service delivery models vary from consultation to direct service. Be certain that there has not been a misunderstanding or miscommunication about the services delivered.
2. Contact the appropriate Program Manager to discuss the situation prior to the staffing and ARD meeting.
3. A staffing should be held with all pertinent service providers to review the IEP and the progress the child has made. Below are some topics that should be discussed at the staffing:
  - a. Review the student’s progress and rate of learning
  - b. If the child has made progress on the IEP despite the lack of services, the amount of service time should be reviewed to determine if it is an appropriate amount or perhaps if a lowered service time is appropriate. Based upon the data, develop a plan for service to be presented to the ARD committee for review.
  - c. If the child has made limited progress, discuss which goals and objectives specifically are involved and the amount of service time that may be needed to aid in the student’s progress. Based upon the data, develop a plan for service to be presented to the ARD committee for review.
  - d. Consider the student’s current educational services and how the compensatory services can be addressed as not to put the student in a position of “overload”.
4. Contact the parent to schedule an ARD meeting and specifically discuss the purpose of the ARD is to consider the need for compensatory services. During the ARD meeting:
  - a. Discuss the services that were not provided and present a plan to the committee based upon the review of the data.
  - b. Listen to any concerns of the parent and/or student regarding the proposed plan.
5. Describe the plan in the Deliberations of the ARD meeting and complete the Success Ed Compensatory Services Supplement.

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6. Prior to conducting an ARD meeting for compensatory services, please contact the appropriate Assistant Director of Special Education for guidance.
7. If compensatory services are determined, the following information must be sent to the *Director of Special Education* immediately following the ARD:
  - Name of student
  - Campus
  - Compensatory decided during: ARD- Resolution-Mediation- Other
  - Are the compensatory services being awarded due to a denial of special education services related to the TEA Corrective Action Plan? Yes or No, and if yes please explain.
  - Description of Compensatory – Service- Frequency (# of session and length of session)
  - Date of implementation
  - Ending Date
  - Program manager overseeing case
  - Notes

## **Limitations on the Right to FAPE**

If the parent of a student enrolled in FBISD or seeking to be enrolled in the District does not provide consent for the student’s full individual and initial evaluation, or the parent fails to respond to a request to provide consent, FBISD may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards under IDEA. FBISD will use reasonable efforts to obtain parental consent. FBISD will also document its efforts to obtain parental consent, and maintain such documentation in the student’s special education file. The level of effort shall be appropriate to the situation. The actions of FBISD when seeking parental consent will reflect genuine effort and will include more than one effort or means. If the parent or guardian does not provide consent for the student’s full individual and initial evaluation after the District has requested and sought to obtain such consent, the District does not violate its *Child Find* and FAPE obligations to the student if the District declines to pursue the evaluation under these circumstances by requesting a due process hearing to override the parent’s lack of consent.<sup>37</sup>

FBISD shall obtain informed consent from the parent or guardian of a student before the initial provision of special education and related services to the student. FBISD will not construe consent for initial evaluation as consent for initial provision of special education and related services.

The District shall make reasonable efforts to obtain informed consent from the parent or guardian for the initial provision of special education and related services; however, if the parent or guardian fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, FBISD cannot seek to override the parent’s refusal to consent to the initial provision

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<sup>37</sup> 34 C.F.R. § 300.300(a)(3)



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of special education and related services to the student. If the parent does not provide informed written consent for the initial provision of special education and related services, FBISD will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with the special education and related services for which the parent refuses to or fails to provide consent. FBISD is also not required to convene an ARD committee meeting or develop an IEP for the student.<sup>38</sup>

If, at any time subsequent to the initial provision of special education and related services, the parent or guardian of a student revokes consent in writing for the continued provision of special education and related services, FBISD:

- may not continue to provide special education and related services to the student, but shall provide **Prior Written Notice, including [TEA's Notice of Procedural Safeguards](#), before** ceasing the provision of special education and related services;
- may not use the dispute resolution procedures in IDEA in order to obtain agreement or a ruling that the services may be provided to the student;
- will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services; and
- is not required to convene an ARD committee meeting or develop an IEP for further provision of special education and related services.<sup>39</sup>

Unless a parent or guardian has enrolled a student in private school as described herein, that student's enrollment in a private school relieves FBISD of any responsibility for the provision of a FAPE, but the student may be considered for proportionate share services.<sup>40</sup> Likewise, students attending a homeschool program are not entitled to FAPE but may be considered for proportionate share services. TEA, and therefore FBISD, does not regulate, index, monitor, approve, register, or accredit the programs available to parents who choose to home school. This is consistent with the Texas Supreme Court decision rendered in *Texas Education Agency v. Leeper*.<sup>41</sup>

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<sup>38</sup> 34 C.F.R. § 300.300(b)(3)

<sup>39</sup> 34 C.F.R. § 300.300(b)(4)

<sup>40</sup> 19 TEX. ADMIN. CODE § 89.1096

<sup>41</sup> *Texas Education Agency v. Leeper*, 893 S.W.2d 432 (Tex. 1994)

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## District’s Obligations to Children Transitioning from IDEA Part C Early Intervention Services (EIS) to IDEA Part B Early Childhood Special Education (ECSE)

FBISD coordinates with [Texas Health and Human Services Commission \(THHSC\)](#)<sup>42</sup> or its local designees—the Early Intervention Agency—to notify parents or guardians of children in the District who are at least 3 years of age but younger than 6 years of age and who are potentially eligible for enrollment in FBISD’s IDEA Part B Early Childhood Special Education (ECSE) program of the availability of the program.<sup>43</sup> Additionally, at least 90 days before the 3<sup>rd</sup> birthday of a child with a disability under Part C EIS, who may be eligible for preschool special education and related services under Part B, the Early Intervention Agency—must notify the District that the child will shortly reach the age of eligibility for FBISD’s ECSE program.<sup>44</sup> The Program Manager for Evaluation and Related Services is an appropriate contact to receive such notice.

If a child is potentially eligible for FBISD’s ECSE program, with family approval, a transition conference will be convened by the Early Intervention Agency, with an invitation to the District, not fewer than 90 days and not more than 9 months before the child’s 3<sup>rd</sup> birthday, to discuss any potential special education and related services the child could receive from the District.

If the Early Intervention Agency determines that the child is eligible for [Early Intervention Services \(EIS\)](#) more than 45 but less than 90 days before the child’s 3<sup>rd</sup> birthday and if that child may be eligible for ECSE services under Part B, the Early Intervention Agency, as soon as possible after determining the child's eligibility, must notify FBISD that the child on his 3<sup>rd</sup> birthday will reach the age of eligibility for the District’s ECSE program.<sup>45</sup> The Program Manager for Evaluation and Related Services is an appropriate contact to receive such notice.

The Program Manager for Evaluation and Related Services shall ensure that an IEP is in effect for an IDEA B eligible child with a disability who had previously received IDEA Part C services by the child’s 3<sup>rd</sup> birthday while complying with the procedures in **EVALUATIONS: Section 2.0** above. If a child's 3<sup>rd</sup> birthday occurs during the summer, the student's ARD committee shall determine the date when services will begin.<sup>46</sup>

If FBISD knows that a child served in Part C via an *Individualized Family Service Plan* (IFSP) developed by the Early Intervention Agency and referred to IDEA Part B will turn 3 over the summer and that appropriate FBISD personnel won't be available to conduct evaluations and hold ARD committee meetings during the summer, the Program Manager for Evaluation and Related Services shall ensure

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<sup>42</sup> 34 CFR § 303.22

<sup>43</sup> Tex. Ed. Code § 29.009

<sup>44</sup> 34 CFR § 303.209(b)(1)(i); [Early Childhood Transition FAQs](#) (OSEP 2009).

<sup>45</sup> 34 CFR § 303.209 (b)(1)(ii).

<sup>46</sup> 34 CFR § 300.101

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that required activities such as conducting the evaluations, and convening the ARD committee meeting occurs before the end of the school year.<sup>47</sup>

When the Early Intervention Agency provides notification to FBISD of a potentially eligible child fewer than 90 days before the student's 3<sup>rd</sup> birthday, the Early Intervention Agency must provide a written explanation to the District stating the reason for the delay. The Program Manager for Evaluation and Related Services is an appropriate contact to receive such notice. If notification is given between 45-89 days before the student's 3<sup>rd</sup> birthday, the Program Manager for Evaluation and Related Services shall ensure that eligibility is determined as soon as possible.

If a student with a disability was served under IDEA Part C via an *IFSP*, the student's *IFSP* may serve as the IEP of a child with a disability aged 3 through 5 (or, at the discretion of the state educational agency, a 2-year-old child with a disability who will turn age 3 during the school year), if the *IFSP* was developed in accordance with ARD committee procedures, is consistent with state policy, and agreed to by FBISD and the student's parents or guardians.<sup>48</sup>

If a student's *IFSP* was incorrectly developed by the Early Intervention Agency and FBISD and the parent or guardian agree to use the *IFSP* in lieu of an IEP, FBISD shall modify the *IFSP* so that it meets the requirements for an IEP.<sup>49</sup>

While IDEA Part B requires coordination to assure the continuity of services, it does not compel FBISD to provide all the same services in an IEP that were in a student's *IFSP*.

## **FAPE via virtual or remote instruction**

In accordance with [guidance from the TEA](#), each student's ARDC is encouraged to convene a meeting to develop emergency contingency plans as part of a student's IEP that provides for virtual or other remote services and instruction during periods of cessation of normal school operations in response to a natural disaster, pandemic and/or other public health and safety crisis in accordance with federal, state and local authorities. The student's ARD committee and the parent(s) or guardian(s) may also agree to modify a student's IEP to include a separate schedule of related services and accommodations that will be followed during periods of remote or virtual instruction.

The student's ARD committee, with input from the parent or guardian, may choose to use the model [Special Education Emergency Contingency Plan](#) developed by the [TEA or other plan as determined by the District](#).

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<sup>47</sup> [Early Childhood Transition FAQs](#) (OSEP 2009)

<sup>48</sup> 34 CFR § 300.323 (b)(1); 20 USC § 1414 (d)(2)

<sup>49</sup> 34 CFR § 300.323 (b); U.S. Department of Education, 71 Fed. Reg. 46679 (2006)

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According to nonbinding guidance from [OSEP on September 28, 2020](#), ARD committees should consider—

- “how a student's IEP will be implemented with traditional in-person instruction
- how services also could be provided through remote/distance instruction if circumstances require a change to distance learning or a hybrid model.”<sup>50</sup>

When ARD committees make these determinations, the ARD committee, together with the parent or guardian, may also consider:

- alternate available instructional methodologies or delivery;
- online instruction, teleconference, direct instruction via telephone or videoconferencing; and
- consultative services to the parent, if feasible and appropriate.<sup>51</sup>

The District will investigate all appropriate assessment instruments and tools to determine if some can be administered or completed remotely during the natural disaster, pandemic and/or other public health and safety crisis, provided that evaluation of the student is based on personal observation (whether in person or through tele- or videoconferencing).

The District may coordinate with the developers of their current assessment instruments to determine if the instruments can be administered or completed remotely, without significantly impacting the validity and reliability of the results. Tests and other evaluation materials must be used for the purposes for which the assessments or measures are valid and reliable, and must be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments.<sup>52</sup>

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<sup>50</sup> OSEP. [Part B Implementation of IDEA Provision of Services in the Current COVID-19 Environment Q&A Document](#). September 28, 2020.

<sup>51</sup> *Id.*

<sup>52</sup> 34 C.F.R. § 300.304(c)(1)(iii)-(v)

# Appendix-Section 4

INSPIRE • EQUIP • IMAGINE



**Attachment 3**

**AGREEMENT FOR USE OF SERVICE ANIMAL**

I have read and understand the Fort Bend ISD’s Service Animals procedures. I acknowledge that I have received a copy of these procedures, and agree that I will abide by the terms of these procedures. I understand that Fort Bend ISD has the discretion to exclude or remove my Service Animal if it is:

- out of control and/or the animal’s handler does not effectively control the animal’s behavior;
- not housebroken or the animal’s presence or behavior fundamentally interferes in the functions of the School District; or,
- poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.

I agree to be responsible for any and all damage to School District property, personal property, and any injuries to individuals caused by my Service Animal.

**OWNER APPROVAL**

\_\_\_\_\_  
Signature: Parent/Adult Student

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature: Section 504 Coordinator

\_\_\_\_\_  
Date

*Note: This Service Animal Documentation Form is valid until the end of the current school year. It must be renewed prior to the start of each subsequent school year, whenever the student changes schools, or whenever a different Service Animal will be used. (This form is to be provided only after a determination of eligibility is approved.)*

### Attachment 3

#### AGREEMENT FOR USE OF SERVICE ANIMAL

I have read and understand the Fort Bend ISD's Service Animals procedures. I acknowledge that I have received a copy of these procedures, and agree that I will abide by the terms of these procedures. I understand that Fort Bend ISD has the discretion to exclude or remove my Service Animal if it is:

- out of control and/or the animal's handler does not effectively control the animal's behavior;
- not housebroken or the animal's presence or behavior fundamentally interferes in the functions of the School District; or,
- poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.

I agree to be responsible for any and all damage to School District property, personal property, and any injuries to individuals caused by my Service Animal.

#### OWNER APPROVAL

\_\_\_\_\_  
Signature: Parent/Adult Student

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature: Section 504 Coordinator

\_\_\_\_\_  
Date

*Note: This Service Animal Documentation Form is valid until the end of the current school year. It must be renewed prior to the start of each subsequent school year, whenever the student changes schools, or whenever a different Service Animal will be used. (This form is to be provided only after a determination of eligibility is approved.)*

**ASSISTIVE TECHNOLOGY CONSIDERATION PROCESS**

Steps in the Consideration Process	Discussion
<p>1. The student’s instructional/IEP goals and classroom expectations identified by the student’s teachers drive the consideration process.</p> <ul style="list-style-type: none"> <li>Are there educational tasks that you expect the student to complete that he/she is not able to do because of his/her disability?</li> </ul>	<p><input type="checkbox"/> No, the student is making progress on the required tasks with the instructional supports that are in place, assistive technology is not required. The consideration process is complete. <b>Stop here.</b></p> <p><input type="checkbox"/> Yes, the student is not making progress or is making minimal progress with the supports that are currently in place. Proceed to the next step.</p> <p><input type="checkbox"/> The use of assistive technology may increase the student’s level of independence or allow him/her to participate more fully. Proceed to the next step.</p>
<p>2. Based on the response, select the area/s in which the student is not able to meet the expectations outlined in the IEP.</p>	<p><input type="checkbox"/> Oral Communication/Language</p> <p><input type="checkbox"/> Writing/Written Composition</p> <p><input type="checkbox"/> Spelling</p> <p><input type="checkbox"/> Reading</p> <p><input type="checkbox"/> Study/Organizational Skills</p> <p><input type="checkbox"/> Math</p> <p><input type="checkbox"/> Other: List-</p>
<p>3. Complete an <i>Assistive Technology Consideration Process Guide (ATCPG)</i> for the targeted areas checked in the previous section.</p>	<p>Available in the Appendix section of the handbook and in the Assistive Technology section on the Special Education SharePoint Site.</p>
<ul style="list-style-type: none"> <li>Column A-Required Tasks: Check the items that are expected of all students in the environment, and then select the areas where the student is having difficulty. List the student’s IEP goals/objectives related to the area of concern at the bottom of the column.</li> </ul>	<p>Identify the classroom tasks the student is expected to do that are difficult?</p> <p>Identify IEP goals/objectives in which the student is making minimal or no progress.</p> <p>Identify tasks that the student is NOT being asked to attempt in which assistive technology may be helpful?</p>
<ul style="list-style-type: none"> <li>Column B-Standard Classroom Tools: Check the standard classroom tools that are available to all students in the classroom and list any additional tools</li> </ul>	<p>Is the student able to complete the required tasks with the standard tools available in the classroom?</p> <p><input type="checkbox"/> Yes, assistive technology is not required. The consideration process is complete for this target area. <b>Stop here.</b></p> <p><input type="checkbox"/> No, continue to column 3.</p>
<ul style="list-style-type: none"> <li>Column C-Accommodations/Modifications: Check the modifications/accommodations that are in place for the student to address the</li> </ul>	<p>Is the student able to complete the required tasks with the modifications/ accommodations that are currently in place?</p>



**ASSISTIVE TECHNOLOGY CONSIDERATION PROCESS**

<p>area(s) of need and list additional ones identified in the IEP.)</p>	<p><input type="checkbox"/> Yes, assistive technology is not required. The consideration process is complete for this target area. <b>Stop here.</b></p> <p><input type="checkbox"/> No, continue to the Assistive Technology Solutions Form.</p> <p align="center"><b>OR</b></p> <p>Could the use of assistive technology allow the student to be more independent or reduce the need for accommodations/modifications?</p> <p><input type="checkbox"/> Yes, continue to the Assistive Technology Solutions Form</p> <p><input type="checkbox"/> No, assistive technology is not required. The consideration process is complete for this target area. <b>Stop here.</b></p>
<p>Column D:</p>	<p>Available in the Appendix section of the handbook and in the Assistive Technology section on the Special Education SharePoint Site.</p>
<ul style="list-style-type: none"> <li>Is the student currently utilizing any Assistive Technology tools or devices to address the area/s of concern?</li> </ul>	<p>If yes, What AT tools is the student currently using?</p> <p>Describe the student’s current abilities related to the use of the AT.</p> <p>What needs are not being met with the current AT that is in place?</p> <p>Determine possible solutions to the barriers associated with the current AT. If the current tools are no longer meeting the student’s needs, continue to the next step.</p>
<ul style="list-style-type: none"> <li>Are there low-tech (level 1) tools that have not been considered or tried that may result in progress?</li> </ul>	<p>If yes, complete trials with identified tools. <b>Stop here.</b></p> <ul style="list-style-type: none"> <li>If successful, add the tools to the AT Supplement and check “yes” on the AT indicator in the PLAAFP section of the ARD. Add the tools to the accommodations/modifications and/or IEP goals.</li> </ul> <p>If low-tech tools are not appropriate for the student, proceed to the next step.</p>
<ul style="list-style-type: none"> <li>Are there mid-tech (level 2) tools that should be considered or tried that may result in progress?</li> </ul>	<p>If yes, complete an AT trials or AT staffing request. <b>Stop here.</b></p> <ul style="list-style-type: none"> <li>The campus should request AT Trials when the instructional staff is familiar with the tools and can implement their use without further training.</li> <li>The campus should request an AT Staffing when the instructional staff is not familiar with the tools and will need additional training or information on the use and implementation of the tools.</li> </ul> <p>If successful, add the tools to the AT Supplement and check “yes” on the AT indicator in the PLAAFP section of the ARD. Add the tools to the accommodations/modifications and/or IEP goals.</p>

## ASSISTIVE TECHNOLOGY CONSIDERATION PROCESS

<ul style="list-style-type: none"><li>• Does the student require high-tech (level 3) tools in order to make progress?</li></ul>	<p>Were low tech and mid tech tools considered or used prior to making a formal request for an AT evaluation?</p> <ul style="list-style-type: none"><li>• <input type="checkbox"/> Yes, it was determined that these options are not appropriate for the student because</li><li>• <input type="checkbox"/> No, these options were not considered or tried because</li></ul>
<p>5. A formal Assistive Technology Evaluation can be requested as a part of a Full and Individual Evaluation or by the ARD committee <b>after</b> the instructional team has completed the AT Consideration Process.</p>	<p>The following forms are required when requesting an AT evaluation:</p> <ul style="list-style-type: none"><li>• Parent consent (uploaded into Success Ed)</li><li>• Assistive Technology Consideration Process Form (this form)</li><li>• Assistive Technology Consideration Guides (ATCG) for each of the areas of concern checked above</li><li>• Assistive Technology Parent Questionnaire</li></ul> <p>Send the documents to the Program Specialist for Assistive Technology at MR Wood.</p>

# Assistive Technology Resource Guide

This is a companion document to the Assistive Technology Consideration Process Guide to assist IEP teams by providing examples of each area within the AT Consideration Process Guide. Each column contains general examples for each area but is not considered all inclusive. Remember that others who are not familiar with the student may refer to this document to provide supports.

<p><b>Assistive Technology Services</b> – applies to all instructional and/or access areas.</p> <ul style="list-style-type: none"> <li>• Activities that help teams select, acquire and/or provide technical assistance in the use of assistive technology devices             <ul style="list-style-type: none"> <li>○ Assistive Technology Evaluation of the student</li> <li>○ Acquisition of AT - purchasing or leasing</li> <li>○ Selecting, designing, fitting, customizing, adapting, applying, maintaining, replacing, and/or repairing AT devices</li> <li>○ Coordinating and using other therapies, interventions or services with AT devices</li> <li>○ Training or technical assistance for student or student’s family</li> <li>○ Training or technical assistance for professionals, employees or others who are involved with the student</li> </ul> </li> </ul>
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### Useful Notes for Using this Resource Guide

**Column A:** Relates to basic instructional tasks that support the curriculum. IEP goals and objectives that do not fall into these tasks should also be considered.

**Column B:** Standard classroom materials available for student use (listed in alphabetical order)

**Column C:** Accommodations, modifications and/or strategies (listed in alphabetical order)

**Column D:** Potential Assistive Technology solutions (corresponds to Columns D and E on the Consideration Process Guide)

A. Area and Sample Instructional Tasks	B. Standard Classroom Materials	C. Accommodations/Modifications/Strategies	D. Assistive Technology Solutions
<p><b>Writing/Written Composition:</b></p> <ul style="list-style-type: none"> <li>• Draw/illustrate</li> <li>• Write name</li> <li>• Copy information</li> <li>• Write letters/words/numbers</li> <li>• Align numbers and text</li> <li>• Write from dictation</li> <li>• Writes legibly</li> <li>• Complete written worksheets and/or tests</li> <li>• Outline/organize thoughts</li> <li>• Write sentences, paragraphs or narratives</li> <li>• Take notes</li> <li>• Graph</li> </ul>	<ul style="list-style-type: none"> <li>• Computer/tablet/word processor</li> <li>• Crayon/Marker</li> <li>• Dictionary, grammar and/or spell checker</li> <li>• Document camera</li> <li>• Interactive whiteboard</li> <li>• Letter and number strip</li> <li>• Paper/writing surface</li> <li>• Pen</li> <li>• Pencil</li> </ul>	<ul style="list-style-type: none"> <li>• Change format or substitute alternatives for written assignments</li> <li>• Decrease assignment length</li> <li>• Decrease number of responses</li> <li>• Increase print size</li> <li>• Increase time</li> <li>• Optimal student seating               <ul style="list-style-type: none"> <li>• appropriate lighting (not facing glare or in shadows)</li> <li>• away from extraneous noises</li> <li>• close proximity to the teacher (distance)</li> </ul> </li> <li>• individualized visual</li> </ul>	Level 1: No/Low-Tech
			<ul style="list-style-type: none"> <li>• Pencil grip or other alternative writing aids</li> <li>• Adapted paper               <ul style="list-style-type: none"> <li>○ bold line</li> <li>○ raised line</li> <li>○ different spacing</li> <li>○ colored</li> <li>○ graph</li> </ul> </li> <li>• Positioning Aids (slant board/clip board)</li> <li>• Non-slip material</li> <li>• Personal dry erase board</li> <li>• Timers</li> </ul>

# Assistive Technology Resource Guide

A. Area and Sample Instructional Tasks	B. Standard Classroom Materials	C. Accommodations/Modifications/Strategies	D. Assistive Technology Solutions
<ul style="list-style-type: none"> <li>• Use appropriate spelling, grammar, punctuation, and/or capitalization</li> <li>• Use digital tools to produce and publish writing</li> <li>• Writes within time frames</li> </ul>		<p>proximity to educational environment/materials</p> <ul style="list-style-type: none"> <li>• Oral dictation</li> <li>• Peer note taker</li> <li>• Picture symbols to supplement written words</li> <li>• Pre-teach content specific vocabulary</li> <li>• Provide outline or copy of lecture notes</li> <li>• Use outline and/or webbing strategies</li> <li>• Word banks, sentence starters, and cloze format writing activities for supports</li> </ul>	Level 2: Mid-Tech Solutions
			<ul style="list-style-type: none"> <li>• Classroom/Campus computer, tablet, software or app with built-in accessibility features               <ul style="list-style-type: none"> <li>○ spell and grammar checker</li> <li>○ outlining/ graphic organizers</li> <li>○ word prediction software</li> </ul> </li> <li>• word processor               <ul style="list-style-type: none"> <li>○ text-and-picture-based</li> <li>○ text-to-speech (talking)</li> <li>○ speech recognition</li> <li>○ portable</li> </ul> </li> <li>• online dictionaries</li> <li>• digital recorders/recording software</li> <li>• onscreen keyboard</li> <li>• screen enlargement</li> </ul>
			Level 3-High Tech Solutions
			<ul style="list-style-type: none"> <li>• Smartpen</li> <li>• Electronically scanned worksheets</li> <li>• Advanced software on district-provided student laptop or tablet device that includes:               <ul style="list-style-type: none"> <li>○ Optical Character Recognition</li> <li>○ text-to-speech with highlighting</li> <li>○ study tools</li> <li>○ dictionary</li> <li>○ word prediction</li> </ul> </li> <li>• Braille writer</li> <li>• Braille note taker with refreshable display</li> <li>• Alternate access/accessibility features               <ul style="list-style-type: none"> <li>○ adapted pointers</li> <li>○ alternative mice</li> <li>○ keyguards</li> <li>○ alternative keyboards</li> <li>○ switch access</li> <li>○ screen readers</li> <li>○ speech recognition</li> <li>○ magnifiers</li> </ul> </li> </ul>

# Assistive Technology Resource Guide

A. Area and Sample Instructional Tasks	B. Standard Classroom Materials	C. Accommodations/Modifications/Strategies	D. Assistive Technology Solutions
<p><b>Spelling:</b></p> <ul style="list-style-type: none"> <li>• Identify correctly spelled word</li> <li>• Write spelling words from dictation</li> <li>• Spell words orally</li> <li>• Use correct homonyms</li> <li>• Look up words</li> <li>• Complete writing tasks with correct spelling</li> </ul>	<ul style="list-style-type: none"> <li>• Alphabet strip</li> <li>• Computer/tablet/word processor</li> <li>• Dictionary, grammar and/or spell checker</li> <li>• Document camera</li> <li>• Flashcards</li> <li>• Interactive whiteboard</li> </ul>	<ul style="list-style-type: none"> <li>• Peer/adult assistance</li> <li>• Personal dictionary</li> <li>• Preview of vocabulary</li> <li>• Use synonyms</li> <li>• Word wall/list</li> </ul>	Level 1: No/Low-Tech
			<ul style="list-style-type: none"> <li>• Phonics phone</li> </ul>
			Level 2: Mid-Tech
			<ul style="list-style-type: none"> <li>• Portable spell checker with or without auditory output</li> <li>• Classroom or Campus Device, software or app                             <ul style="list-style-type: none"> <li>○ spell and grammar checker</li> <li>○ word prediction</li> <li>○ word processor                                     <ul style="list-style-type: none"> <li>• picture-based</li> <li>• text-to-speech</li> <li>• speech recognition</li> </ul> </li> </ul> </li> <li>• online dictionaries</li> </ul>
			Level 3: High-Tech
<ul style="list-style-type: none"> <li>• Advanced software on district-provided student laptop or tablet device that includes:                             <ul style="list-style-type: none"> <li>○ Optical Character Recognition</li> <li>○ text-to-speech with highlighting</li> <li>○ study tools</li> <li>○ dictionary</li> <li>○ word prediction</li> </ul> </li> </ul>			

# Assistive Technology Resource Guide

A. Area and Sample Instructional Tasks	B. Standard Classroom Materials	C. Accommodations/Modifications/Strategies	D. Assistive Technology Solutions
<b>Reading</b> <ul style="list-style-type: none"> <li>• Positioning reading material</li> <li>• Identify letters/numbers</li> <li>• Recognize/read name</li> <li>• Decodes words</li> <li>• Read common high-frequency words by sight</li> <li>• Read words, sentences and/or longer passages</li> <li>• Comprehend age/grade appropriate reading materials</li> <li>• Literal meaning</li> <li>• Inferential meaning</li> <li>• Main idea</li> <li>• Summarize key points</li> <li>• Retell stories with key details in correct sequence</li> <li>• Reads with fluency</li> </ul>	<ul style="list-style-type: none"> <li>• Computer/tablet/word processor</li> <li>• Document camera</li> <li>• Electronic texts</li> <li>• Interactive whiteboard</li> <li>• Projected information</li> <li>• Supplemental texts</li> <li>• Tests</li> <li>• Textbooks</li> <li>• Whiteboard</li> </ul> <p>Worksheets</p>	<ul style="list-style-type: none"> <li>• Change complexity of material</li> <li>• Custom vocabulary list</li> <li>• Decrease assignment length</li> <li>• High interest, low reading level materials</li> <li>• Highlight to emphasize key points</li> <li>• Increase print size</li> <li>• Increase time</li> <li>• Optimal student seating                             <ul style="list-style-type: none"> <li>○ appropriate lighting (not facing glare or in shadows)</li> <li>○ away from extraneous noises</li> <li>○ close proximity to the teacher (distance)</li> <li>○ individualized visual proximity to educational environment/materials</li> </ul> </li> <li>• Peer/adult assistance</li> <li>• Pre-teach new vocabulary</li> <li>• Provide key points/details ahead of time</li> <li>• Provide picture symbols to supplement printed words</li> <li>• Provide questions ahead of time Provide two sets of textbooks</li> <li>• Read text aloud</li> <li>• Supplement print with audio</li> </ul>	<div style="text-align: center; background-color: #e0e0e0; padding: 2px;"><b>Level 1: No/Low-Tech</b></div> <ul style="list-style-type: none"> <li>• Page fluffers</li> <li>• Positioning Aids (slant board/book holders for positioning books)</li> <li>• Colored paper, overlay filters or lens</li> <li>• Tracking aids</li> <li>• Adapted books</li> </ul> <div style="text-align: center; background-color: #e0e0e0; padding: 2px;"><b>Level 2: Mid-Tech</b></div> <ul style="list-style-type: none"> <li>• Portable dictionary with speech output</li> <li>• Handheld reading devices</li> <li>• Specialized format books                             <ul style="list-style-type: none"> <li>○ large print</li> <li>○ audio</li> <li>○ electronic (eBook)</li> <li>○ braille</li> </ul> </li> <li>• Classroom or Campus Device, software or app                             <ul style="list-style-type: none"> <li>○ variable color text/background combinations</li> </ul> </li> <li>• word processor</li> </ul> <div style="text-align: center; background-color: #e0e0e0; padding: 2px;"><b>Level 3: High-Tech</b></div> <ul style="list-style-type: none"> <li>○ eBook Readers</li> <li>○ document scanner</li> <li>○ Advanced software on district-provided student laptop or tablet device that includes:                             <ul style="list-style-type: none"> <li>○ Optical Character Recognition</li> <li>○ text-to-speech with highlighting</li> <li>○ study tools</li> <li>○ dictionary</li> <li>○ word prediction</li> </ul> </li> <li>○ Braille note taker with refreshable display</li> <li>○ Alternate access/accessibility features                             <ul style="list-style-type: none"> <li>○ adapted pointers</li> <li>○ alternative mice</li> <li>○ keyguards</li> <li>○ switch access</li> <li>○ magnifiers</li> </ul> </li> </ul>

# Assistive Technology Resource Guide

A. Area and Sample Instructional Tasks	B. Standard Classroom Materials	C. Accommodations/Modifications/Strategies	D. Assistive Technology Solutions
<p><b>Math:</b></p> <ul style="list-style-type: none"> <li>• Identify numbers</li> <li>• Use number concepts</li> <li>• Complete basic calculations</li> <li>• Complete complex calculations</li> <li>• Complete math word problems</li> <li>• Use time concepts</li> <li>• Use money concepts</li> <li>• Use measurement concepts</li> <li>• Use geometric concepts</li> <li>• Use fractions and decimals</li> <li>• Use and interpret data</li> </ul> <p>Explain knowledge of mathematical process</p>	<ul style="list-style-type: none"> <li>• Calculator</li> <li>• Computer/tablet/word processor</li> <li>• Document camera</li> <li>• Formula sheet</li> <li>• Graph paper</li> <li>• Interactive whiteboard</li> <li>• Manipulatives</li> <li>• Math chart</li> <li>• Math drawing tools</li> <li>• Math fact sheet</li> <li>• Number line</li> </ul>	<ul style="list-style-type: none"> <li>• Change assignment format</li> <li>• Change complexity of material</li> <li>• Color-code operation symbols and/or text</li> <li>• Decrease assignment length</li> <li>• Dictionary of math terms</li> <li>• Group similar problems together</li> <li>• Have students verbalize the process</li> <li>• Increase print size</li> <li>• Increased time</li> <li>• Peer/adult assistance</li> <li>• Provide additional spacing between problems</li> <li>• Re-phrase vocabulary in word problems</li> <li>• Turn lined paper vertically for ready-made columns</li> </ul>	Level 1: No/Low-Tech
			<ul style="list-style-type: none"> <li>• Adapted paper</li> <li>• Tactile graphics</li> <li>• Calculator</li> </ul>
			Level 2: Mid-Tech
			<ul style="list-style-type: none"> <li>• Alternative calculators               <ul style="list-style-type: none"> <li>○ talking</li> <li>○ on-screen</li> <li>○ braille</li> <li>○ money</li> </ul> </li> <li>• Talking watch/clock</li> </ul>
Level 3: High-Tech			
<ul style="list-style-type: none"> <li>• Advanced software on district-provided student laptop or tablet device that includes:               <ul style="list-style-type: none"> <li>○ equation editors</li> <li>○ math translator</li> <li>○ document scanner</li> <li>○ electronic math worksheets</li> </ul> </li> <li>• graphing</li> <li>• color identifier</li> <li>• money identifier</li> <li>• Adapted measuring devices               <ul style="list-style-type: none"> <li>○ measuring cups</li> <li>○ talking tape measures</li> <li>○ rulers</li> <li>○ compasses or protractors</li> <li>○ thermometers</li> </ul> </li> </ul>			

# Assistive Technology Resource Guide

A. Area and Sample Instructional Tasks	B. Standard Classroom Materials	C. Accommodations/Modifications/Strategies	D. Assistive Technology Solutions
<p><b>Study/Organizational Aids</b></p> <ul style="list-style-type: none"> <li>• Maintain dedicated study time</li> <li>• Maintain 'to do' list</li> <li>• Follow organizational system</li> <li>• Keep track of assignments</li> <li>• Follow steps to complete assignments</li> <li>• Complete assigned task within designated timelines</li> <li>• Request teacher/peer assistance when needed</li> <li>• Have appropriate materials/ supplies</li> <li>• Identify important points</li> <li>• Compile and organize information from various sources</li> </ul>	<ul style="list-style-type: none"> <li>• Agendas</li> <li>• Calendars</li> <li>• Classroom reminders</li> <li>• Computer/tablet/word processor</li> <li>• Document camera</li> <li>• Interactive whiteboard</li> <li>• Notebooks</li> <li>• Parent/student portals</li> <li>• Rubrics</li> <li>• Social learning networks</li> <li>• Study guides</li> <li>• Syllabuses</li> <li>• Provide electronic storage file system (Microsoft 365)</li> <li>• Schoology</li> </ul>	<ul style="list-style-type: none"> <li>• Additional spacing between desks</li> <li>• Assignment sheet</li> <li>• Color coding</li> <li>• Daily planner book</li> <li>• Dedicated study time</li> <li>• Highlighters/sticky notes</li> <li>• Optimal student seating                             <ul style="list-style-type: none"> <li>○ appropriate lighting (not facing glare or in shadows)</li> <li>○ away from extraneous noises</li> <li>○ close proximity to the teacher (distance)</li> <li>○ individualized visual proximity to educational environment/materials</li> </ul> </li> <li>• Outline of key points</li> <li>• Peer/adult assistance</li> <li>• Provide extra supplies of classroom materials</li> <li>• Provide long-term assignment timelines</li> <li>• Provide oral and printed directions</li> <li>• Provide print copies of ordered steps in a task</li> <li>• Sensory supports</li> <li>• Show a model of the end product</li> <li>• Student checklist</li> <li>• Study carrel</li> </ul>	<p style="text-align: center;"><b>Level 1: No/Low-Tech</b></p> <ul style="list-style-type: none"> <li>• Timers</li> <li>• Binder/Folder System with tabs and color-coding</li> </ul> <p style="text-align: center;"><b>Level 2: Mid-Tech</b></p> <ul style="list-style-type: none"> <li>• Digital recorder</li> <li>• Classroom/Campus Device, software or app                             <ul style="list-style-type: none"> <li>○ auditory reminders</li> <li>○ speech prompting</li> <li>○ daily planners</li> <li>○ outlining/graphic organizers</li> </ul> </li> </ul> <p style="text-align: center;"><b>Level 3: High-Tech</b></p> <ul style="list-style-type: none"> <li>• Advanced software on district-provided student laptop or tablet device that includes:                             <ul style="list-style-type: none"> <li>○ Optical Character Recognition</li> <li>○ text-to-speech with highlighting</li> <li>○ study tools</li> <li>○ dictionary</li> <li>○ word prediction</li> </ul> </li> <li>• braille note taker with refreshable display</li> <li>• Specialized tote for students with visual impairments</li> </ul>



# Assistive Technology Resource Guide

A. Area and Sample Instructional Tasks	B. Standard Classroom Materials	C. Accommodations/Modifications/Strategies	D. Assistive Technology Solutions
<p><b>Oral Communication/Language</b></p> <ul style="list-style-type: none"> <li>• Gain attention of peers/adults within environment</li> <li>• Express wants/needs</li> <li>• Request assistance as needed</li> <li>• Provide appropriate greetings</li> <li>• Inform others</li> <li>• Request clarification</li> <li>• Participate in collaborative conversations</li> <li>• Terminate conversation</li> <li>• Ask and answer questions</li> <li>• Retell stories</li> <li>• Describe</li> <li>• Define</li> <li>• Sequence</li> <li>• Explain</li> <li>• Summarize</li> <li>• Compare and contrast</li> <li>• Persuade</li> <li>• Give oral presentations</li> </ul>	<ul style="list-style-type: none"> <li>• Books</li> <li>• Computer/tablet/word processor</li> <li>• Document camera</li> <li>• Interactive Whiteboard</li> <li>• Manipulatives</li> <li>• Non-verbal communication (gestures and body language)</li> <li>• Verbal communication</li> <li>• Writing materials</li> </ul>	<ul style="list-style-type: none"> <li>• Accept alternative responses (i.e. shortened, single word, less grammatically correct)</li> <li>• Accept descriptive responses</li> <li>• Additional response time</li> <li>• Interpreter</li> <li>• Provide questions ahead of time</li> <li>• Repetition of spoken answers</li> <li>• Teacher modeling</li> <li>• Verbal prompts</li> <li>• Video modeling</li> <li>• Visual supports</li> </ul>	<p style="text-align: center;"><b>Level 1: No/Low-Tech</b></p> <ul style="list-style-type: none"> <li>• Communication representation (objects, pictures, symbols, tactile, letters, words)</li> <li>• Object-based calendar box</li> <li>• Augmentative &amp; Alternative Communication (AAC) solutions                             <ul style="list-style-type: none"> <li>○ sign language / gestures</li> <li>○ communication books/boards/wallets/vests</li> <li>○ Picture Exchange Systems</li> <li>○ core vocabulary boards with up to 75 locations and a flip section for fringe vocabulary.</li> </ul> </li> <li>• Aided Language Stimulation/Model use of AAC system</li> <li>• Engineering the environment</li> <li>• Use 'Total Communication'</li> <li>• Basic Voice Output Communication Aids                             <ul style="list-style-type: none"> <li>○ Single message device</li> <li>○ Sequenced messaging</li> <li>○ 2 Location devices</li> </ul> </li> </ul> <p style="text-align: center;"><b>Level 2: Mid-Tech</b></p> <ul style="list-style-type: none"> <li>• Voice Output Communication Aids                             <ul style="list-style-type: none"> <li>○ multi-level</li> <li>○ static display</li> <li>○ 4-32 locations</li> </ul> </li> <li>• Campus/Classroom computer/tablet app-based</li> </ul> <p style="text-align: center;"><b>Level 3: High-Tech</b></p> <ul style="list-style-type: none"> <li>• Speech amplification systems</li> <li>• Voice Output Communication Aids                             <ul style="list-style-type: none"> <li>○ digitized / synthesized speech</li> <li>○ dynamic display</li> <li>○ computer/tablet app-based</li> </ul> </li> <li>• Device, Software or App                             <ul style="list-style-type: none"> <li>○ computer</li> <li>○ tablet</li> </ul> </li> </ul>



# Instructions for Accommodation Log

Please see the Appendix for a copy of the Accommodation Log to document for students on your campus.

As a district, Fort Bend ISD has created a specific form for documenting accommodations that are part of a student’s individualized program. The Fort Bend ISD Special Education handbook identifies the district’s process for completing the form in Section 4 of the handbook. This user friendly form is housed on Fortshare and Share Point drive with pre-populated dates for Semester 1 and Semester 2 of the 2016-17 school year for easy access and use.

<b>Name of Student:</b>					
<b>Teacher Name: Ms. Texas</b>			<b>Course: 8th Grade ELA</b>		
<b>Case Manager Name: Ms. Houston</b>			<b>Mod/Acc per ARD on: 5/15/2016</b>		
<b>Does this student have an AU supplement? If yes, YOU must document an AQ (acquisition) code</b>					
<b>Acquisition Code:</b> AQ: None needed: Student is able to be successful in a general education setting with the same staff to student ratio as their non-disabled peers					
Please click and choose the modifications/accommodations for the student above in this field of study.					
B2-Opportunity to respond orally	E2-Oral administration- Read all questions and answers throughout the text				
F-Assignment notebook					
K-Calculator					
<b>Other:</b>		<b>Other:</b>		<b>Other:</b>	
<b>Week of</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
22-Aug	E2 / B2 / F	F	B2 / F	E2 / F	B2 / F

The top portion of the form will be completed by the Special Education Case Manager on the campus. This includes the student’s name, teacher’s name, the case manager’s name, the course, the date the accommodations/modifications were agreed upon in an ARD, as well as the acquisition code. Continue reading to learn more about acquisition codes.

Teacher Name: Ms. Texas

Course: 8th Grade ELA

Case Manager Name: Ms. Houston

Mod/Acc per ARD on: 5/15/2016

Does this student have an AU supplement? If yes, YOU must document an AQ (acquisition) code

**Acquisition**

**Code:**

Please click and choose the modifications/accommodations for the student above in this field of study.

- A-1 to 2 step directions
- B-Accommodated tests/assignments (fewer items on a page)
- C-Accommodated tests/ assignments (shorter without change i
- D-Allow extra time to for oral responses to allow student to for
- E-Amplification device
- F-Assignment notebook
- G-Basic transcribing (word processor)
- H-Basic transcribing (bubbling assistance-marks on materials/a

Other:

Other:

Other:

Week of	Monday	Tuesday	Wednesday	Thursday	Friday
22-Aug	E2 / B2 / F	AQ / F	E2 / F	B2 / F	E2 / F

The form was created so that the case manager can easily represent the student's accommodations and / or modifications by selecting from the pre-populated list which is coded for easy documentation on the weekly log.

Case managers will choose the accommodations from the student's ARD from the pre-populated list of accommodations on the form. Teachers of the student will then document on the table on the days they used those accommodations. The accommodations documented should reflect the subject/assignment the student is working on for that day. For example, you would not document the accommodation for oral administration of a test on a day where the class does not have a test indicated on the lesson plan.

**Name of Student:**

**Teacher Name:** Ms. Texas **Course:** 8th Grade ELA

**Case Manager Name:** Ms. Houston **Mod/Acc per ARD on:** 5/15/2016

**Does this student have an AU supplement? If yes, YOU must document an AQ (acquisition) code**

**Acquisition Code:** *AQ: None needed. Student is able to be successful in a general education setting with the same staff to student ratio as their non-disabled peers*

Please click and choose the modifications/accommodations for the student above in this field of study.

B2-Opportunity to respond orally	E2-Oral administration- Read all questions and answers throughout the test	
F-Assignment notebook		
K-Calculator		
<b>Other:</b>	<b>Other:</b>	<b>Other:</b>

Week of	Monday	Tuesday	Wednesday	Thursday	Friday
22-Aug	E2 / B2 / F	F	B2 / F	E2 / F	B2 / F

Although the form may look similar to previous logs, this form has been updated for use beginning in the 2016-17 school year. For **all** students who have an Autism Supplement as part of their IEP, documentation of the staff to student ratio for the acquisition stage of learning is required. This is not an accommodation or modification, but documentation of this is required. In an effort to streamline the daily data collection process, we have updated this form with the needed information.

<b>Name of Student:</b> J. Smith					
<b>Teacher Name:</b> Ms. Texas			<b>Course:</b> 8th Grade ELA		
<b>Case Manager Name:</b> Ms. Houston			<b>Mod/Acc per ARD on:</b> 5/15/2016		
<b>Does this student have an AU supplement? If yes, YOU must document an AQ (acquisition) code</b>					
<b>Acquisition</b>					
<b>Code:</b> AQ1: Acquisition level of learning <u>1</u> Staff: <u>10</u> Student					
Please click and choose the modifications/accommodations for the student above in this field of study.					
B2-Opportunity to respond orally		E2-Oral administration- Read all questions and answers throughout the test			
F-Assignment notebook					
K-Calculator					
<b>Other:</b>		<b>Other:</b>		<b>Other:</b>	
<b>Week of</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
22-Aug	E2 / B2 / F	AQ1 / F	E2 / F	B2 / F	E2 / F

For every student that has an Autism Supplement, the Acquisition Code must be completed identifying the staff to student ratio required for this student to learn a **new skill**. This number can be found on the student’s most recent Autism Supplement which is completed within the ARD process and will be indicated on this form by the Case Manager. The example above indicates that a new concept was introduced on Tuesday therefore the teacher (either the general education teacher or special education teacher) completing the documentation for that day will indicate the Code AQ1 only. For any questions regarding the Acquisition level of learning, the case manager will effectively communicate with the student’s team the type of instruction / activities that would be coded AQ1 on this weekly log.

Name of Student:

Teacher Name: Ms. Texas Course: 8th Grade ELA

Case Manager Name: Ms. Houston Mod/Acc per ARD on: 5/15/2016

**Does this student have an AU supplement? If yes, YOU must document an AQ (acquisition) code**

**Acquisition Code:** AQ: None needed: Student is able to be successful in a general education setting with the same staff to student ratio as their non-disabled peers

Please click and choose the modifications/accommodations for the student above in this field of study.

B2-Opportunity to respond orally	E2-Oral administration- Read all questions and answers throughout the test	
F-Assignment notebook		
K-Calculator		

Other: Other: Other:

Week of	Monday	Tuesday	Wednesday	Thursday	Friday
22-Aug	E2 / B2 / F	<del>AQ1</del>	B2 / F	E2 / F	B2 / F

If the student does not have an Autism Supplement, the drop-down choice would be “none needed” as the student is able to successfully navigate learning in the general education setting with the same staff to student ratio as their non-disabled peers. Consequently, you would **NOT** indicate the staff to student ratio as an accommodation for this student on the weekly log.

As stated in the Special Education Handbook, Accommodation Logs should be turned in to a specified location determined by the Special Education Department Head or ARD Facilitator every nine weeks. Keep the log updated daily and in one location for easy accessibility.

Date: \_\_\_\_\_  
Re-Evaluation Due Date: \_\_\_\_\_

## SCORE MEETING PLANNING FORM

Student Name/ID:  
Campus:

Grade:  
Current Eligibility:

**LANGUAGE: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

**PHYSICAL: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

**SOCIOLOGICAL: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

**EMOTIONAL/BEHAVIORAL: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]



Date: \_\_\_\_\_  
Re-Evaluation Due Date: \_\_\_\_\_

**COGNITIVE/INTELLECTUAL: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

**ADAPTIVE BEHAVIOR: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

**EDUCATIONAL/DEVELOPMENTAL: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

**ASSISTIVE TECHNOLOGY: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

**VOCATIONAL (if applicable) : Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

Date: \_\_\_\_\_

Re-Evaluation Due Date: \_\_\_\_\_

**Staffing Members:**

<b>Name</b>	<b>Role</b>	<b>Signature</b>

Date: \_\_\_\_\_  
Re-Evaluation Due Date: \_\_\_\_\_

## SCORE MEETING PLANNING FORM

Student Name/ID:  
Campus:

Grade:  
Current Eligibility:

**LANGUAGE: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

**PHYSICAL: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

**SOCIOLOGICAL: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

**EMOTIONAL/BEHAVIORAL: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

Date: \_\_\_\_\_  
Re-Evaluation Due Date: \_\_\_\_\_

**COGNITIVE/INTELLECTUAL: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

**ADAPTIVE BEHAVIOR: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

**EDUCATIONAL/DEVELOPMENTAL: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

**ASSISTIVE TECHNOLOGY: Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

**VOCATIONAL (if applicable) : Additional Assessment Needed**  Yes  No

[Use text boxes to determine which assessment instruments may be used to assess student.]

Date: \_\_\_\_\_  
Re-Evaluation Due Date: \_\_\_\_\_

**Staffing Members:**

<b>Name</b>	<b>Role</b>	<b>Signature</b>

**Attachment 1**

**SERVICE ANIMAL DOCUMENTATION FORM**

Student handler of animal: \_\_\_\_\_

Name of School/Facility: \_\_\_\_\_

Type of Service Animal: \_\_\_ Dog \_\_\_ Miniature Horse: \_\_\_\_\_

Name of Animal: \_\_\_\_\_

Documentation attached that the Service Animal is:

- Properly and currently vaccinated
- Properly trained and licensed, if applicable (**NOT REQUIRED**)
- Current certifications of training, if applicable (**NOT REQUIRED**)
- Letter from physician is attached, if available (**NOT REQUIRED**)
- Consent to speak to physician, if available (**NOT REQUIRED**)

Please respond to the following questions:

Is the service animal required because of a disability?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What work or tasks has the animal been trained to perform?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please attach additional sheets if necessary.

\_\_\_\_\_  
Signature: Parent/Adult Student

\_\_\_\_\_  
Date

**Attachment 2**

**CONSENT FOR RELEASE OF MEDICAL INFORMATION**

I, \_\_\_\_\_ **do** / **do not** (Please circle selection)  
consent to the exchange of written and verbal information between the following medical  
providers and Fort Bend ISD regarding my child, \_\_\_\_\_.

Provider Name: \_\_\_\_\_

Provider Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please initial next to each statement below to indicate your understanding and agreement with  
the following statements:

\_\_\_\_\_ I give consent for the provider(s) named above to exchange written and/or verbal  
information regarding my child with Fort Bend Independent School District.

\_\_\_\_\_ I understand that my consent is voluntary and may be revoked at any time by providing  
written notice to all of the parties listed above, including Fort Bend ISD. However, my  
revocation is not retroactive (i.e., it does not negate an action that has occurred after the  
consent was given and before the consent was revoked).

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

**Attachment 1**

**SERVICE ANIMAL DOCUMENTATION FORM**

Student handler of animal: \_\_\_\_\_

Name of School/Facility: \_\_\_\_\_

Type of Service Animal: \_\_\_ Dog \_\_\_ Miniature Horse: \_\_\_\_\_

Name of Animal: \_\_\_\_\_

Documentation attached that the Service Animal is:

- Properly and currently vaccinated
- Properly trained and licensed, if applicable (**NOT REQUIRED**)
- Current certifications of training, if applicable (**NOT REQUIRED**)
- Letter from physician is attached, if available (**NOT REQUIRED**)
- Consent to speak to physician, if available (**NOT REQUIRED**)

Please respond to the following questions:

Is the service animal required because of a disability?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What work or tasks has the animal been trained to perform?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please attach additional sheets if necessary.

\_\_\_\_\_  
Signature: Parent/Adult Student

\_\_\_\_\_  
Date



**Attachment 2**

**CONSENT FOR RELEASE OF MEDICAL INFORMATION**

I, \_\_\_\_\_ **do** / **do not** (Please circle selection)  
consent to the exchange of written and verbal information between the following medical  
providers and Fort Bend ISD regarding my child, \_\_\_\_\_.

Provider Name: \_\_\_\_\_

Provider Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please initial next to each statement below to indicate your understanding and agreement with  
the following statements:

\_\_\_\_\_ I give consent for the provider(s) named above to exchange written and/or verbal  
information regarding my child with Fort Bend Independent School District.

\_\_\_\_\_ I understand that my consent is voluntary and may be revoked at any time by providing  
written notice to all of the parties listed above, including Fort Bend ISD. However, my  
revocation is not retroactive (i.e., it does not negate an action that has occurred after the  
consent was given and before the consent was revoked).

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date