

Section 4

INSPIRE • EQUIP • IMAGINE



FBISD
INSPIRE • EQUIP • IMAGINE

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

Table of Contents

TABLE OF CONTENTS	4000
GENERAL INFORMATION	4003
RULE OF CONSTRUCTION	4004
FREE APPROPRIATE PUBLIC EDUCATION (FAPE)	4006
<i>TIMELINE</i>	4007
PRIOR WRITTEN NOTICES (PWN)	4008
<i>REQUIRED CONTENTS</i>	4009
<i>TIMELINE AND MANNER</i>	4009
<i>PRIOR WRITTEN NOTICE OF ARD</i>	4010
<i>DEVELOPMENT OF THE IEP</i>	4010
<i>OVERVIEW OF ELEMENTS OF AN IEP</i>	4011
<i>ARD MEETING AT PARENT’S REQUEST</i>	4016
<i>PRIOR WRITTEN NOTICE: NOTICE OF DECISION</i>	4017
<i>PARENT’S REVOCATION OF CONSENT</i>	4018
<i>PROCEDURE</i>	4018
WRITTEN REPORT OF THE ARD MEETING	4023
INTRODUCTION AND PURPOSE.....	4024
REVIEW EVALUATION AND ESTABLISH ELIGIBILITY FOR SPECIAL EDUCATION AND RELATED SERVICES	4024
PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE.....	4024
ESTABLISH GOALS AND OBJECTIVES	4025
DETERMINE APPROPRIATE SERVICES & PLACEMENT	4025
CLOSING ARD.....	4026
PARENT RIGHTS/PARTICIPATION	4027
PARENT PARTICIPATION	4027
<i>OTHER METHODS TO ENSURE PARENT PARTICIPATION</i>	4027
<i>PARENT’S GUIDE TO THE ADMISSION, REVIEW, AND DISMISSAL (ARD) PROCESS</i>	4027
<i>INFORMATION PROVIDED TO PARENTS</i>	4028
<i>CONDUCTING AN IEP MEETING WITHOUT A PARENT IN ATTENDANCE</i>	4029
<i>USE OF INTERPRETERS OR OTHER ACTION</i>	4029
<i>PARENT COPY OF CHILD’S IEP</i>	4030
34 CFR § 300.322(f); TEC § 29.005(d); 19 TAC 89.1050(i)	4030
<i>COPY OF CHILD’S IEP WHEN PARENT IS UNABLE TO SPEAK ENGLISH</i>	4030
<i>PARENT PARTICIPATION IN MEETINGS</i>	4030
<i>PARENT INVOLVEMENT IN PLACEMENT DECISIONS</i>	4032
<i>PARENT ATTORNEY AT ARD MEETING</i>	4033
AGE OF MAJORITY	4035
<i>TRANSFER OF RIGHTS AT AGE OF MAJORITY: IEP STATEMENT</i>	4035
<i>TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY</i>	4035
<i>NOTIFICATION OF THE TRANSFER OF RIGHTS</i>	4036
<i>RIGHT TO NOTICE FOLLOWING A TRANSFER OF RIGHTS</i>	4036
MEMBERSHIP OF THE ARD COMMITTEE	4037
CONSENT TO EXCUSE MEMBER FROM ATTENDING ARD COMMITTEE MEETING.....	4039
ARD MEETINGS	4040

IV – Individualized Education Program

INITIAL ARD	4040
ANNUAL ARD	4040
RE-EVALUATION PLANNING ARD	4040
REVIEW/BRIEF ARD.....	4041
ARD VS. AMENDMENT TO ARD/IEP.....	4041
ARD VS. AMENDMENT TO ARD/IEP ANALYSIS	4043
DISMISSAL ARD	4045
GRADUATION.....	4045
GRADUATION REQUIREMENTS.....	4046
TRANSFER ARD.....	4052
SPECIFIC AREAS TO ADDRESS DURING THE ARD MEETING	4053
ACCELERATED INSTRUCTION AND INTENSIVE PROGRAM OF INSTRUCTION.....	4053
FBISD PROCEDURE.....	4053
PERSONAL GRADUATION PLAN.....	4054
ADAPTED PHYSICAL EDUCATION (ADPE).....	4054
ASSISTIVE TECHNOLOGY (AT).....	4054
PROCEDURES ALIGNED WITH FEDERAL/LEGAL REQUIREMENTS	4056
1. ASSISTIVE TECHNOLOGY MUST BE CONSIDERED FOR EVERY STUDENT WITH A DISABILITY WHO QUALIFIES FOR SPECIAL EDUCATION SERVICES WITHIN THE STUDENT’S FULL INDIVIDUAL EVALUATION AND IN ALL SUBSEQUENT RE-EVALUATIONS OR SPECIALTY EVALUATIONS (INCLUDING FUNCTIONAL AND RELATED SERVICE EVALUATIONS).	4056
2. ASSISTIVE TECHNOLOGY MUST BE CONSIDERED AT EVERY IEP/ARD MEETING. THE COMMITTEE MUST DISCUSS AT REGARDLESS OF THE STUDENT’S PRIOR NEEDS/RECOMMENDATIONS AS THE STUDENT’S GOALS AND NEEDS MAY CHANGE.....	4056
A) PRIOR TO EVERY IEP/ARD MEETING, THE CASE MANAGER MUST NOTIFY THE CCC/ARD FACILITATOR IF THERE ARE CONCERNS WITH THE STUDENT’S CURRENT ASSISTIVE TECHNOLOGY OR IF THERE IS A NEED TO CONSIDER DIFFERENT AT SUPPORTS WHICH MAY INCLUDE AN AT EVALUATION.	4056
B)IF CONCERNS OR CHANGES ARE REQUIRED, THE CCC/ARD FACILITATOR IS REQUIRED TO COMPLETE THE ASSISTIVE TECHNOLOGY CONSIDERATION PROCESS FORM WITH INPUT FROM THE CASE MANAGER, TEACHERS AND OTHER SUPPORT STAFF. AFTER COMPLETING THE FORM, THE FOLLOWING OPTIONS MAY BE CONSIDERED:.....	4056
AT LEVEL 1-NO TECH/LOW TECH TOOLS (CHOOSE THIS OPTION IF LEVEL 1 AT IS APPROPRIATE):.....	4056
• CONDUCT TRIALS WITH LEVEL 1 TOOLS/STRATEGIES IDENTIFIED IN THE AT CONSIDERATION GUIDE (FOUND IN APPENDIX).....	4056
• COLLECT DATA ON THE EFFECTIVENESS OF THE TOOLS/STRATEGIES. THIS CAN BE COMPLETED PRIOR TO THE ARD OR DURING THE ARD.....	4056
• IF THE TRIALS ARE SUCCESSFUL, AN ARD WILL NEED TO BE HELD TO DOCUMENT THE NEED FOR THE ADDITIONAL AT.....	4056
○ DURING THE ARD, THE AT SUPPLEMENT WILL BE REVISED TO REFLECT THE NEW AT AND INTEGRATE AT INTO THE GOALS AND OBJECTIVES AND/OR ACCOMMODATIONS/MODIFICATIONS FOR THE STUDENT.	4056
○ CHECK “YES” ON THE AT INDICATOR ON THE PLAAFP SECTION OF THE ARD DOCUMENT AND MONITOR EFFECTIVENESS.	4056
• IF THE TRIALS ARE NOT SUCCESSFUL, CONTACT THE PROGRAM MANAGER FOR ASSISTIVE TECHNOLOGY FOR FURTHER GUIDANCE.	4056
REQUEST AT GUIDANCE FROM THE AT DEPARTMENT BY COMPLETING THE AT GUIDANCE REQUEST FORM. THE AT.....	4057
DEPARTMENT WILL RESPOND WITH ONE OF THE FOLLOWING:	4057
• APPROVAL OF AT EQUIPMENT	4057
• RECOMMENDATION TO CONDUCT AT TRIAL WITH NEW EQUIPMENT	4057
• RECOMMENDATION FOR A LEVEL 3 AT EVALUATION AT EVALUATION (SEE SECTION 1B FOR REQUIRED INFORMATION FOR AN AT EVALUATION) 4057	
3. AT EVERY ARD THE COMMITTEE MUST REVIEW AND ADDRESS ONE OF FIVE STATEMENTS ON THE AT SUPPLEMENT:.....	4057
• 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. CHECK “NO” ON THE AT INDICATOR ON THE PLAAFP SECTION OF THE ARD DOCUMENT.	4057
• 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. CHECK “NO” ON THE AT INDICATOR ON THE PLAAFP SECTION OF THE ARD DOCUMENT.	4057
• 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.	4057
• 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	

IV – Individualized Education Program

AREA/S IN WHICH AT SHOULD BE CONSIDERED AND IDENTIFY THE SPECIFIC TASKS THE STUDENT IS HAVING DIFFICULTY WITH.) CHECK “YES” ON THE AT INDICATOR ON THE PLAAFP SECTION OF THE ARD DOCUMENT.	4057
• 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.) CHECK “YES” ON THE AT INDICATOR ON THE PLAAFP SECTION OF THE ARD DOCUMENT.	4057
• 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) AND DISCLAIMERS FOR BRINGING YOUR OWN DEVICE (BYOD) (STUDENT HANDBOOK).	4057
ASSISTIVE TECHNOLOGY EQUIPMENT CHECK-OUT PROCEDURES	4058
AUTISM (AU) SUPPLEMENT	4062
EXTENDED SCHOOL YEAR SERVICES (ESYS)	4064
ESYS ARD MEETING	4066
ESYS GUIDANCE	4066
EXTRACURRICULAR/ NON-ACADEMIC ACTIVITIES	4067
FUNCTIONAL BEHAVIOR ASSESSMENT (FBA)	4067
IMPLEMENTATION OF THE IEP	4070
ANNUAL OR REVIEW ARD MEETINGS	4071
ADDITIONAL INFORMATION	4072
GRADING AND REPORTING	4072
DOCUMENTATION OF CONFERENCE TO REVIEW LACK OF EXPECTED PROGRESS	4073
LIMITED ENGLISH PROFICIENT (LEP)	4074
LEAST RESTRICTIVE ENVIRONMENT (LRE)	4079
ACCESS TO FACILITIES	4079
COMPLIANCE	4079
PLACEMENT	4079
LRE QUESTIONS APPROPRIATE FOR THE ARDC	4081
STATE ASSESSMENT DECISION-MAKING PROCEDURES FOR STUDENTS WITH DISABILITIES	4083
FBISD PROCEDURE	4084
DETERMINING STATE ASSESSMENT FOR TRANSFER STUDENTS	4087
SUPPLEMENTARY AIDS AND SERVICES – ACCOMMODATIONS	4088
STUDENT-SPECIFIC/1:1 AIDE OR PARAPROFESSIONAL	4089
AUDIO RECORDING	4091
SERVICE ANIMALS	4091
TRANSITION PLANNING	4097
TRANSITION PROCESS	4097
VISUAL IMPAIRMENT INCLUDING BLINDNESS (VI)	4099
GENERAL EDUCATION TEACHER INPUT	4101
OPPORTUNITY FOR GENERAL EDUCATION TEACHERS TO REQUEST ASSISTANCE	4101
SPECIAL EDUCATION TEACHER / SERVICE PROVIDER RESPONSIBILITIES	4103
PRIOR TO THE ARD	4103
AFTER THE ARD	4104
UPDATE IEP GOALS & OBJECTIVES	4104
SPECIAL EDUCATION CASE MANAGER ROLE IN CASE MANAGEMENT	4105
FAQS RELATED TO DOCUMENTING PROGRESS TOWARDS IEPs	4110
ADDRESSING CONCERNS RELATING TO THE IEP/ARD NOT BEING IMPLEMENTED	4111
COMPENSATORY SERVICES	4112
LIMITATIONS ON THE RIGHT TO FAPE	4114
DISTRICT’S OBLIGATIONS TO CHILDREN TRANSITIONING FROM IDEA PART C EARLY INTERVENTION SERVICES (EIS) TO IDEA PART B EARLY CHILDHOOD SPECIAL EDUCATION (ECSE)	4116
FAPE VIA VIRTUAL OR REMOTE INSTRUCTION	4117

IV – Individualized Education Program

GENERAL INFORMATION

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

IV – Individualized Education Program

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

IV – Individualized Education Program

REQUIRED ARD

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).

**SB89, passed in the 87th legislative session requires the following for the school years 2019-20 and 2020-21: (this subsection expires September 1, 2023)*

For each child receiving special education services during these years, the District must prepare a written IEP supplement. This supplement must include the following information:

- If applicable, whether the written report of the FIEE was completed during the 2019-20 or 2020-21 school year and, if so, whether the report was completed by the date required by law*
- If applicable, whether the child's initial IEP was developed during the 2019-20 or 2020-21 school year and, if so, whether the IEP was developed by the date required by law*
- Whether the provision of special education services to a child during the 2019-20 or 2020-21 school year were interrupted, delayed, reduced, suspended, or discontinued, and*
- Whether compensatory educational services are appropriate for the child based on the above factors.*

IV – Individualized Education Program

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

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 considering 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:

1. **The student’s IEP is individualized and based on the student’s assessment and performance.** For example, goals and objectives are appropriately ambitious considering 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.

IV – Individualized Education Program

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.¹

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 15th school day of the following school year to review the evaluation.

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

IV – Individualized Education Program

PRIOR WRITTEN NOTICES (PWN)

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

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

IV – Individualized Education Program

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,
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 **15th** 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.² 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.³

²34 C.F.R. 300.505

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

IV – Individualized Education Program

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 packet and filed in the State Audit Folder. The notice must also clearly identify the purpose of the ARD (Annual or Review).

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.

IV – Individualized Education Program

OVERVIEW OF ELEMENTS OF AN IEP

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 child. This may be reflected in a concise statement in the deliberations 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.

IV – Individualized Education Program

4. **Measurable Annual Goals.** The student’s IEP, as developed by the ARD committee shall include:
- a statement of measurable annual goals, including academic and functional goals.
 - 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.
 - 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 general education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable the student to be educated with non-disabled students to the maximum extent appropriate.⁴
- 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.**⁵ 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.⁶ 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.⁷ 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 or service provider.⁸ 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.

⁴ 34 C.F.R. § 300.42; 34 C.F.R. § 300.320

⁵ 34 C.F.R. § 300.324(a)(2)(i)

⁶ 34 C.F.R. § 300.324(a)(2)(i)

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

⁸ Tex. Ed. Code § 29.005(g)

IV – Individualized Education Program

7. **Specially Designed Instruction.**⁹ 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.”¹⁰ 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
 - 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.*”¹¹
 - 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)**.¹² 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 specially designed instruction, the student’s ARD committee shall consider—
 - i. How content, methodology and delivery of instruction will be modified from the general curriculum.
 - ii. 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.¹³; to be educated and participate with other students with disabilities and non-disabled students.¹⁴

⁹ 34 CFR § 300.320; 34 C.F.R. § 300.38(b)(3)

¹⁰ 34 C.F.R. §300.39(a)(1)

¹¹ 34 C.F.R. §300.39(b)(3)(emphasis added)

¹² 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.

¹³ 34 CFR § 300.320(a)(4)(iii).

¹⁴ 34 CFR § 300.320

IV – Individualized Education Program

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; medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.¹⁵ 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.¹⁶
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.¹⁷ 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.¹⁸
- 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.

¹⁵ 34 C.F.R. § 300.34(a)

¹⁶ U.S. Department of Education, 71 Fed. Reg. 46667(2006)

¹⁷ 19 TEX. ADMIN. CODE § 89.1055(h)

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

IV – Individualized Education Program

- 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 districtwide 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 districtwide assessment of student achievement, the student’s IEP as developed by the ARD 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 Services (ESYS).** 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 ESYS 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 ESYS services.¹⁹ It is important to remember that ARD committee determinations regarding ESYS services are prospective in nature and not intended to make up for past denials of FAPE, if any.²⁰
- 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.²¹ The District will provide notice of an ARD committee meeting in collaboration with the campus administrator.

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

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

²¹ Tex. Ed. Code § 37.001(b-1)

IV – Individualized Education Program

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.

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, the 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 TAC § 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 TAC § 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 the Prior Written Notice will be sent to the parent.

IV – Individualized Education Program

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, Instructional Programming or the Director of Special Education, Special Education Specialized Programming and Evaluation Services immediately following the ARD meeting so that plans can be made to send the parent the required Notice of Refusal. The Prior Written Notice must be reviewed at the Director level before the final copy is provided to the parent.

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. The PWN of Decision must be completed to clarify changes to services, document concerns and outcomes, and give a brief review of the ARD decisions. The PWN of Decision is sent to parents along with the copy of the ARD, 5 school days in advance of implementation of the ARD committee decisions.

IV – Individualized Education Program

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. The campus CCC/ARD Facilitator will notify the Program Manager of Compliance and the program Manager over the program in which the student is served.
2. The Program Manager of Compliance will notify the appropriate Assistant Director who will complete the revocation process.
3. The Assistant Director will complete the revocation process with the parent, and notify the CCC/AF, Program Manager of Compliance and Principal.
4. CCC/AF will upload the revocation supplement in Success Ed and complete PWN within 5 days. CCC/AF will notify all related service providers of revocation.

*All revocation requests will be processed within 10 days of request. If Assistant Director is unable to reach parent or obtain signatures, an email will be sent to the campus to attempt to reach the parent/secure signature.

IV – Individualized Education Program

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 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.

IV – Individualized Education Program

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?*

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.

IV – Individualized Education Program

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,
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 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 it documents that 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.

IV – Individualized Education Program

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.

IV – Individualized Education Program

WRITTEN REPORT OF THE ARD MEETING

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. They 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:

IV – Individualized Education Program

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

IV – Individualized Education Program

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/Unique assessment information
- 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 (HB4545 supplemental tutoring needs based on STAAR)
- 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

IV – Individualized Education Program

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
-

IV – Individualized Education Program

PARENT RIGHTS/PARTICIPATION

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 evaluator 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/Evaluator 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

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.

IV – Individualized Education Program

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,
 - 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.

IV – Individualized Education Program

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,
- 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/Evaluator 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.

IV – Individualized Education Program

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
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 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)].

IV – Individualized Education Program

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.
 - Following any disciplinary action requiring a manifestation determination review.²²
 - 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.)

IV – Individualized Education Program

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 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.

IV – Individualized Education Program

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.²³

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.

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

- Campus evaluator/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.
- The Program Manager will notify the appropriate Director of Special Education regarding the situation including any concerns the parent has provided to the school, along with the name of the parent attorney and contact information if possible.

²³ *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)

IV – Individualized Education Program

- The Director will contact the Executive Director to discuss the need for the District's legal representation to attend the ARD meeting.
- A staffing should be scheduled prior to the ARD to include identified special education central office staff (Program Mangers, Assistant Directors, etc.), campus staff who will attend the ARD along with the District's legal representation as appropriate. Parent Advocate at 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 that they will bring an advocate to the ARD:

- Campus evaluator/CCC//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.
- 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.

IV – Individualized Education Program

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 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.

IV – Individualized Education Program

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:

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.

IV – Individualized Education Program

MEMBERSHIP OF THE ARD COMMITTEE

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 general 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 LEA's 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 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 (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 or paying for transition services, and

IV – Individualized Education Program

- b. A teacher who is certified in the education of children who are deaf/hard of hearing for the child with a suspected or documented hearing loss, 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 continued placement of the child in Career and Technical Education (CTE), a representative from CTE preferably the teacher.

IV – Individualized Education Program

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:

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 committee member submits input into the development of the IEP in writing to the parent and the ARD committee 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 the ARD at the discretion of the parent or the LEA.

The District prefers that the excusal process does 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.

IV – Individualized Education Program

ARD MEETINGS

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 15th 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.

Consent for Initial Placement form must be signed by the parent prior to Special Education services being implemented. It is important to remember that 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. *Please note: if the parent is unresponsive to the 3 attempts to schedule, with documentation to support the attempts, the ARD is to be held prior to the Annual ARD date. The CCC/ARD Facilitator should send a copy of the locked ARD home and include a note that should the parent have concerns or questions, a Review/Brief ARD can be held to further discuss.*

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.*

IV – Individualized Education Program

Review/Brief ARD

A Review/Brief ARD meeting is an ARD meeting held throughout the year to make changes to the Annual ARD. The following are some examples of when Review/Brief ARD meetings should be held:

- A member of the ARD/IEP team requests an ARD meeting to discuss concerns (this includes the parent/adult student).
- The student is not making progress and/or is not on track to master the Annual IEP goals.
- The student has mastered Annual IEP goals.
- Academic/Behavior IEP goal(s) 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 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.²⁴

The following process should be followed for any Amendment to the ARD that is completed:

- Complete the Amendment to the ARD within Success Ed
 - The District may use alternative methods for documenting an amendment to the ARD/IEP as long as parent is in agreement
- Document within the amendment (deliberations) that the parent is in agreement with the changes to the IEP
- Document all parent contact related to the amendment in the contact log in SE and upload any documentation received into the history tab in SE
- Send PWN of Change along with a copy of the Amendment to the ARD to parent within 5 days of the completion of the ARD

Fort Bend ISD will utilize Amendments to the ARD for certain situations. The 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 a Review/Brief 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.

²⁴ 34 C.F.R. § 300.324(a)(6)

IV – Individualized Education Program

IV – Individualized Education Program

ARD vs. Amendment to ARD/IEP Analysis

ISSUE/ITEM	ARD	Amendment
IEP/MODIFICATIONS/SERVICE		
<ul style="list-style-type: none"> 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). 		√
<ul style="list-style-type: none"> Add/Edit/Delete measurable short-term objectives which will not result in a change in service delivery hours and/or placement (general education/special education and/or related services) 		√
<ul style="list-style-type: none"> Add/Edit/Delete measurable annual goals and/or short-term objectives which will result in a change in service delivery hours and/or placement (general education/special education and/or related services.) 	√	
<ul style="list-style-type: none"> Add/Edit/Delete instructional accommodations and/or supplementary aids and services which will not result in a change in service delivery hours and/or placement). 		√

IV – Individualized Education Program

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

IV – Individualized Education Program

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 8th grade as the ARD committee determines appropriate IEP goals and objectives and courses for the 9th 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. Additional requirements are specified below.

IV – Individualized Education Program

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.

(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.

IV – Individualized Education Program

(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,
- (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 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 110-117, 126-128, and 130 of this title and satisfactorily completed credit requirements for graduation (under the recommended or distinguished achievement high 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.

IV – Individualized Education Program

(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 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 110-117, 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 110-117, 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. Questions for the ARD committee to consider if a student is graduating under this subsection:

- *What is the student's postsecondary goal in the areas of employment, education/training, and independent living (if applicable)?*
- *What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?*
- *What courses, if any, has the student completed that have prepared him/her with the employment skills and/or self-help skills necessary to obtain or retain a job?*
- *What jobs (paid or unpaid) has the student held during high school?*
- *Is the student currently employed? If so, where and for how long?*

IV – Individualized Education Program

- *Is the student successful in this job(s)? How do you know?*
- *Did the student require any support from special education in order to obtain or retain the job?*
- *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?*
- *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 the ARD committee to consider if a student is graduating under this subsection:

- *What is the student's postsecondary goal in the areas of: employment, education/training, and independent living (if applicable)?*
- *What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?*
- *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?*
- *What jobs (paid or unpaid) has the student held during high school?*
- *Is the student currently employed? If so, where and for how long?*
- *Is the student successful in this job(s)? How do you know?*
- *Did the student require any support from special education in order to obtain or retain the job?*
- *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?*
- *If so, is the student already in contact with this person/agency?*
- *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)?*
- *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 the ARD committee to consider if a student is graduating under this subsection:

IV – Individualized Education Program

- *What is the student’s postsecondary goal in the areas of: employment, education/training, and independent living (if applicable)?*
- *What are the disability related needs of the student relative to their transition plan and their postsecondary goals for transition?*
- *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?*
- *What jobs (paid or unpaid) has the student held during high school?*
- *Is the student currently employed? If so, where and for how long?*
- *Is the student successful in this job(s)? How do you know?*
- *Did the student require any support from special education in order to obtain or retain the job?*
- *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?*
- *If so, is the student already in contact and receiving services with this person/agency?*
- *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 the ARD committee to consider if a student is graduating under this subsection:

- *Is this student currently 22? If so, they will not be eligible for services through special education during the next school year.*
- *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.*

(g) All students graduating under this section must be provided with a summary 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 as part of the summary for a student graduating under subsections (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C) 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

IV – Individualized Education Program

(i) Employability and self-help skills referenced under subsections (b)(3) and (f)(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.

(j) For students who receive a diploma according to subsections (b)(2); (b)(3) (A), (B), or (C); or (f)(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.

(k) 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 110-117, 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. graduation ceremony.

IV – Individualized Education Program

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 should 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.
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). This 30-day ARD will become the student's Annual ARD date.

IV – Individualized Education Program

SPECIFIC AREAS TO ADDRESS DURING THE ARD MEETING

Accelerated Instruction and Intensive Program of Instruction

TEC §§ 28.0211, 28.0213

HB4545, passed in the 87th Regular Legislative Session, established new requirements for accelerated instruction for students who did not pass the STAAR test. This legislation includes the following:

- ***Elimination of grade retention and retesting requirements in grades 5 and 8 (effective June 16, 2021)***
- ***For any student who does not pass the STAAR test in grade 3,5, or 8 in math or reading, the LEA must establish an accelerated learning committee to develop an individual educational plan for the student and monitor progress. (For students receiving special education services, this committee is the ARD committee.)***
- ***For any student who does not pass the STAAR test in grades 3-8 or STAAR (EOC) end-of-course assessment, accelerated instruction must include either:***
 - ***being assigned a classroom teacher who is a certified master, exemplary, or recognized teacher, or***
 - ***receiving supplemental instruction (tutoring) before or after school or embedded in the school day.***

Fort Bend ISD special education services will document “Accelerated 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.

**As of this revision, more information is still to come for guidance regarding the ARD process and supplement to complete. As this information becomes available, this section will be updated.*

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 Assessment results, attendance, and other district data
- Review of Current IEP goals and objectives, accommodations/modifications, supplementary aides, special education services
- Develop plan to address the concerns

The Accelerated Instruction Plan 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, other interventions to assist the student in attaining growth, along with one of the options listed above.

The Accelerated Instruction Plan **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.).

IV – Individualized Education Program

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.
5. ADPE is not designed to replace regular PE, but to provide access to students whose physical limitations undermine their ability to participate in Physical Education.

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 requires assistive technology devices and/or services.

Legal/Federal Definitions

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

IV – Individualized Education Program

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 for 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.

IV – Individualized Education Program

Procedures Aligned with Federal/Legal Requirements

1. Assistive Technology must be considered for every student with a disability who qualifies for special education services within the student’s Full Individual Evaluation and in all subsequent re-evaluations or specialty evaluations (including functional and related service evaluations).

2. Assistive Technology must be considered at every IEP/ARD meeting. The committee must discuss AT regardless of the student’s prior needs/recommendations as the student’s goals and needs may change.

a) Prior to every IEP/ARD meeting, the case manager must notify the CCC/ARD Facilitator if there are concerns with the student’s current Assistive Technology or if there is a need to consider different AT supports which may include an AT Evaluation.

b) If concerns or changes are required, the CCC/ARD Facilitator is required to complete the Assistive Technology Consideration Process Form with input from the case manager, teachers and other support staff. After completing the form, the following options may be considered:

AT Level 1-No Tech/Low Tech tools (Choose this option if Level 1 AT is appropriate):

- Conduct trials with level 1 tools/strategies identified in the AT Consideration Guide (found in Appendix).
- Collect data on the effectiveness of the tools/strategies. This can be completed prior to the ARD or during the ARD.
- If the trials are successful, an ARD will need to be held to document the need for the additional AT.
 - During the ARD, the AT Supplement will be revised to reflect the new AT and integrate AT into the goals and objectives and/or accommodations/modifications for the student.
 - Check “yes” on the AT indicator on the PLAAFP section of the ARD document and monitor effectiveness.
- If the trials are not successful, contact the Program Manager for Assistive Technology for further guidance.

AT Level 2-Mid- Tech tools (Choose this option if Level 2 AT needs to be considered):

IV – Individualized Education Program

Request AT guidance from the AT Department by completing the AT guidance request form.

The AT

Department will respond with one of the following:

- Approval of AT equipment
- Recommendation to conduct AT trial with new equipment
- Recommendation for a Level 3 AT Evaluation AT evaluation (See Section 1B for required information for an AT Evaluation)

3 . AT every ARD the committee must review and address one of five statements on the AT Supplement:

- 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. Check “no” on the AT indicator on the PLAAFP section of the ARD document.
- 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. Check “no” on the AT indicator on the PLAAFP section of the ARD document.
- 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.
- 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.) Check “yes” on the AT indicator on the PLAAFP section of the ARD document.
- 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.) Check “yes” on the AT indicator on the PLAAFP section of the ARD document.
- 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) and Disclaimers for Bringing Your Own Device (BYOD) (Student Handbook).

IV – Individualized Education Program

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.

IV – Individualized Education Program

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:

- a. 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 who 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 (see the *Support Packet for Teachers Working with the Deaf and Hard of Hearing Students* in the Appendix).

IV – Individualized Education Program

1. Additional consultation may be requested at any time by direct contact with the RDSPD teacher or RDSPD office at 281-634-1497.
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, or “DHH monitor only.” In addition, if an itinerant DHH student has an Assistive Listening Device (ALD), such as an FM system, the ALD is provided by the RDSPD. Personal amplification or listening devices, including 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: Settlers Way Elementary, First Colony Middle School, or Dulles High School. 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 Evaluator/CCC/ARD Facilitator with RDSPD representatives in attendance.

The criteria for placement into the Brazoria-Fort Bend RDSPD are for a student to meet DHH eligibility, have language and/or academic delays due to hearing loss, and have a 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 to 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-
 - b. Monitor/Consult students: These 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 services should be provided to the ARD facilitator by the RDSPD teacher or representative and recorded in the “Deliberations” section of the ARD paperwork.

IV – Individualized Education Program

- c. Itinerant students: These 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 they are 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).
 - d. Cluster Site-Based (Direct service): These 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 SuccessEd and should be presented by the special education case manager, evaluator, 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 SuccessEd. 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 SuccessEd and can be presented by the special education case manager, evaluator, CCC or ARD Facilitator, or by the RDSPD representative who attends the ARD meeting. The RDSPD representative who 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.

IV – Individualized Education Program

Autism (AU) Supplement

19 TAC § 89.1055(e)(6)

An Autism Supplement must be completed for any student in Fort Bend ISD who receives services under eligibility category of Autism. The Autism Supplement has several strategies that must be considered by the ARD committee. The AU supplement must be completed at each Annual ARD at a 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 outlined on the Autism 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
6. 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
7. **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
 - 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)

IV – Individualized Education Program

8. 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
9. **Communication interventions**, including language forms and functions that enhance effective communication across settings (for example: augmentative, incidental, and naturalistic teaching)
10. **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)
11. **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
12. **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 outlined areas, the IEP and Autism Supplement 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.

IV – Individualized Education Program

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. 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 ESYS, Fort Bend ISD does not limit ESYS to specific categories of disabilities or unilaterally limit the type, amount, or duration of ESYS. The Assessment Team and/or the Special Education Staff establishes a general timeframe for ESYS each year. However, the ARD Committee determines the ESYS timeframe to meet the individual needs of the student. It is important to remember that ARD committee determinations regarding ESYS 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 ESYS 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 ESYS must be documented on the ESYS 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 ESYS.
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, ESYS 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.

IV – Individualized Education Program

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
 - 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.

IV – Individualized Education Program

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 ESYS IEP goals and objectives must be indicated in the dropdown 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 ESYS IEPs must be indicated in the dropdown text box located within the ESYS 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.

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

ESYS Guidance

The ESYS services to include the time and duration should be noted on the ESYS Supplement and documented clearly in the deliberations. For example - “The ARD committee has determined that the student needs, and ESYS 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 the current level of academic and/or functional performance of critical skill areas as described on the ESYS goals/objectives approved by the ARD committee.”

IV – Individualized Education Program

Extracurricular/ Non-academic Activities

TEC § 33.081; 34 CFR §§ 300.107, 300.117

- 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. In addition, at the Annual ARD, the committee should discuss the student's interest in participating in extracurricular/nonacademic activities, discuss the requirements for participation (try outs, etc.), and determine if there are barriers that are prohibiting the student from having the opportunity to participate.
- 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.
- All students receiving special education services must be afforded the same opportunities to participate in extracurricular/non-academic activities as their non-disabled peers. Accommodations must be reasonably provided to the student to remove the barrier(s) of their disability. This includes providing communication to parents of students served with special education services information regarding extracurricular/non-academic activities in the same/similar manner and timeframe as their non-disabled peers.

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
 - 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.

IV – Individualized Education Program

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 meeting 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 goal(s).

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
 - 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
 - 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.

IV – Individualized Education Program

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 goal(s) and BIP need to be changed based on the data or if a new FBA should be recommended.
9. If a FBA is not required at this time, proposed changes to the behavior goal(s) 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 new FBA.

IV – Individualized Education Program

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.²⁵ 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.²⁶

Additionally, the CCC/ARD Facilitator/Department Head shall inform each general education 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.²⁷

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 IEP goals and objectives.²⁸

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.²⁹

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.

²⁵ 34 CFR § 300.323(c)

²⁶ 34 CFR § 300.323(d)

²⁷ *Id.*

²⁸ 34 CFR § 300.323 (a)

²⁹ 19 TEX. ADMIN. CODE § 89.1075(c)

IV – Individualized Education Program

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.³⁰

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 the 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 goal but increase the mastery criteria, or
- Discontinue the BIP/Behavior IEP altogether.

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

Beginning with the 2021-22 school year, per the passing of HB785, if a BIP is included as part of a student's IEP, the BIP must be reviewed by the ARD committee annually, and more frequently if appropriate to address the following:

- Changes in a student's circumstances that may impact behavior
 - Placement of student in a different educational setting
 - Increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents
 - Pattern of unexcused absences
 - Unauthorized unsupervised departure from an educational setting (elopement)
- Safety of the student or others

**Note, FBISD has established these expectations regarding the annual review of a BIP. However, closer scrutiny and attention to the changes mentioned above should be addressed timely within the annual ARD period if necessary.*

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.

³⁰ 19 TEX. ADMIN. CODE § 89.1075(d)

IV – Individualized Education Program

Additional Information

What if an ARD meeting is held and a Behavior IEP/BIP is requested, but 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 student who receives special education services must receive a progress report and report card in the same timeframe as their non-disabled peers. In addition, each student shall receive a progress report/report card in the Fort Bend ISD format. 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 or standardized grading indicators (as appropriate) will be recorded for each subject area in Skyward.
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 and/or modifications 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 and ensure that the IEP was implemented with fidelity. 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. Regular progress monitoring must be conducted by the student's case manager during each 9-week grading period. If the student continues to exhibit a lack of progress, a staffing should be held to discuss the lack of progress and determine appropriate next steps for the student (see section below for further information).
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.
7. The grading of a special education student in a general education classroom is based upon the ARD committee recommendations for, if any, modification of TEKS and other accommodations of pacing, methods, and materials needed. When accommodations and/or modifications have been recommended by the ARD committee, the special education teacher is responsible for:

IV – Individualized Education Program

- 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 week period, the case manager will schedule a staffing with the following personnel to review the student’s progress.
 - a. Parent (This is optional for staffing. However, communication with the parent is necessary to inform of the lack of progress and should occur when student is underperforming in class. The teacher of record should contact parent.)

Student (This is optional for staffing. However, communication with the student is necessary to inform of the lack of progress and should occur when student is underperforming in class by the teacher of record.)

- b. General Education teacher(s) who have indicated the student is not being successful in class
 - c. Speech pathologist, if applicable
 - d. 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.
 5. The Case Manager must notify the CCC, Department Head or ARD Facilitator to schedule an ARD as soon as possible.

IV – Individualized Education Program

Limited English Proficient (LEP)

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

Texas passed Senate Bill 2066 replacing the term “Limited English Proficient” with “Emergent Bilingual” in Texas Education Code (TEC) effective September 1, 2021. USDE continues to use the term “English learner” in federal guidance, so either term could be used depending on the context of the guidance or resource.

When a student with a disability is, or might be identified as an emergent bilingual (EB/English learner (EL), the student's admission, review, and dismissal (ARD) committee must work in conjunction with the language proficiency assessment committee (LPAC) to determine appropriate identification and reclassification criteria for a bilingual education or English as a Second Language (ESL) program.

The following information outlines the processes or identification and reclassification of two groups of English Learners:

- English learners served through special education, and
- English learners with a significant cognitive disability served through special education

Student Population	Identification	Reclassification
Students served through special education	Follow standard process in 19 TAC §89.1226 as described in <i>Section 1</i>	Follow standard process as described in <i>Section 2</i>
Students served through special education with a significant cognitive disability*		Follow individualized process described in <i>Section 3</i>

*See the TEA STAAR Alternate 2 Resources webpage for a definition of a significant cognitive disability

Section 1: Identification of English Learners also Served through Special Education

The ARD committee in conjunction with the LPAC will identify a student as an EB student/EL if the student's ability in English is so limited or the student's disabilities are so severe that the English language proficiency assessments cannot be administered.

Fort Bend ISD shall implement assessment procedures that differentiate between language proficiency and disabling conditions and shall establish placement procedures that ensure that placement in a bilingual education or ESL program is not refused solely because the student has a disability.

Access to special education and bilingual or ESL services may not be restricted or denied due to limited staffing, scheduling, or other reasons of administrative convenience.

IV – Individualized Education Program

Section 2: Reclassification of English Learners Served through Special Education

Fort Bend ISD is required to use the current year's Emergent Bilingual/English Learner Reclassification Criteria Chart located on the [TEA Bilingual/ESL Programs webpage](#) to reclassify emergent bilingual students as English proficient at the end of the school year.

- The reclassification criteria applies to the vast majority of EB student/EL who are also served through special education.
- The standard reclassification criteria include three components:
 - English Language Proficiency Assessment
 - State Standardized Reading Assessment
- Subjective Teacher Evaluation, using the [Emergent Bilingual/English Learner Reclassification rubric](#)
- The annual review of student progress and decision to reclassify must be conducted through coordination of the LPAC and ARD committee.

Section 3: Individualized Reclassification of EB student/ELs with a Significant Cognitive Disability and Served through Special Education

For an EB student/EL with a significant cognitive disability, the LPAC in conjunction with the ARD committee may determine that the state's English language proficiency assessment for reclassification is not appropriate because of the nature of the student's disabling condition.

In these *rare cases*, an EB student/EL with a significant cognitive disability (determined by the ARD committee) who is receiving special education services may qualify to be reclassified using permitted criteria under 19 TAC §89.1226(m).

Only students meeting the definition of a student with a significant cognitive disability, [defined in the STAAR Alternate 2 eligibility and participation requirements](#), shall be considered for reclassification.

The LPAC in conjunction with the ARD committee may recommend that the student take the state's alternate English language proficiency assessment and shall determine an appropriate performance standard requirement for exit by language domain under subsection (i)(1).

It is important to note that this process is to be used to address the needs of an individual student, not groups of students. Typically, very few students will qualify for reclassification using these criteria. The individualized reclassification process shall be conducted as described in the three steps below.

IV – Individualized Education Program

Steps to the Individualized Reclassification Process for a Student with a Significant Cognitive Disability

Step 1: Evaluate Whether Student Potentially Qualifies Using this Process

During the student’s annual ARD meeting, the LPAC in conjunction with the ARD committee evaluates whether the state’s English language proficiency assessment for reclassification is appropriate because of the nature of the student’s disabling condition. The ARD committee with the LPAC representative discuss whether the student is eligible for the individualized reclassification process.

Reminders:

- The LPAC representative in the ARD committee should be one who is familiar with the student’s current progress and needs, such as a bilingual or ESL teacher with in-depth knowledge of the student’s second language acquisition and academic achievement.
- The student must be identified as having a significant cognitive disability in order to be considered for the individualized reclassification process.
- Caution should be exercised when considering reclassification of students in grades 1-2. It may be premature in these grades to consider reclassification due to developmental factors related to emergent language and literacy. Additionally, in early grades, it is often difficult to know the effect of the student’s disability on long-term prospects for second language acquisition.

Step 2: Specify Assessments and Individualized Criteria for Reclassification in Formal LPAC in Conjunction with ARD Committee Meeting

If, after Step 1, the LPAC in conjunction with the ARD committee determines the student qualifies for the individualized reclassification process, the LPAC in conjunction with the ARD committee, meet to specify assessments and individualized criteria for reclassification.

- The ARDC meeting shall take place as early in the current school year as possible or at the end of the year to be applied the next school year. The meeting must occur prior to the student’s participation in the identified assessments.
- The LPAC in conjunction with the ARD committee reviews the assessment information in the IEP and makes reclassification criteria recommendations based on the information below:
 - Grade 1 -2:
 - English Language Proficiency Assessment
 - Determine, by language domain and TELPAS Proficiency Level, individualized criteria for reclassification, based on the student’s language proficiency and disability.
 - TELPAS exemptions by language domain are permitted if the student is unable to participate appropriately due to the disabling condition.
 - State Standardized Reading Assessment
For students eligible for individualized reclassification criteria, the state’s norm-referenced standardized achievement test used in the standardized reclassification criteria is not required for this grade level.
 - Subjective Teacher Evaluation
The student’s teacher will complete the [Emergent Bilingual/English Learner Alternate Reclassification Rubric](#).

IV – Individualized Education Program

- Grades 3-10:
 - English Language Proficiency Assessment -TELPAS Alternate
 - Determine, by language domain and TELPAS Alternate Proficiency Label, individualized criteria for reclassification, based on student’s language proficiency and disability.
 - Exemptions by language domain *are NOT permitted for students taking TELPAS Alternate.*
 - State Standardized Reading Assessment – STAAR Alternate 2
 - STAAR Alternate 2 is an assessment based on alternate academic achievement standards. State assessment standards must be used for all academic assessment requirements.
 - Further modification of performance standards on academic content assessment is *NOT permitted.*
 - Subjective Teacher Evaluation
 - The student’s teacher will complete the [Emergent Bilingual/English Learner Alternate Reclassification Rubric.](#)
- Grades 11-12:
 - English Language Proficiency Assessment – TELPAS Alternate
 - Determine, by language domain and TELPAS Proficiency Level, individualized criteria for reclassification, based on the student’s language proficiency and disability.
 - Exemptions by language domain *are NOT permitted* for students taking TELPAS Alternate.
 - State Standardized Reading Assessment
 - For students eligible for individualized reclassification criteria, the state’s norm-referenced standardized achievement test used in the standardized reclassification criteria is not required for this grade level.
 - Subjective Teacher Evaluation
 - The student’s teacher will complete the [Emergent Bilingual/English Learner Alternate Reclassification Rubric.](#)

Reminders:

- Individualized reclassification criteria must consider and include documented evidence in the student’s IEP that, because of the nature of the student’s significant cognitive disability, the student is not expected to be able to attain English language proficiency in one or more domains and no longer appears to benefit from second language acquisition support to address the student’s cognitive, linguistic, and affective needs (or is expected to reach that point during the school year).

IV – Individualized Education Program

- Evidence must include both historical formal and informal assessment data and direct teacher input. Ongoing informal assessment data may come from checklists, inventories, and other formative evaluations designed to identify the levels of academic functioning and English language proficiency of the student. The input of appropriate certified or licensed evaluation personnel may be requested, as necessary, to help determine whether individualized reclassification criteria are warranted. Direct teacher input should provide further insight into the student’s classroom performance and needs, and include, if applicable, documentation of response to intervention, anecdotal notes, and other evidence drawn from sources such as classroom-based observations and classroom activities.

Step 3: Determine and Document Whether Student Has Met Individualized Reclassification Criteria

At the end of the year, key member of the LPAC and ARD committee meet to review the assessment results and subjective teacher evaluation to determine whether the student has met the individualized reclassification criteria set earlier in the school year or at the end of the previous school year.

Reminders:

- These reclassification determination decisions must be made at the end of the school year, as required by 19 TAC §89.1220 (g).
- If the decision is made to reclassify the student based on the assessment results and subjective teacher evaluation using the Emergent Bilingual/English Learner Alternate Reclassification Rubric, the ARD committee with LPAC representation documents in the IEP and the student’s permanent record file the reclassification of the student from emergent bilingual to English proficient, entering the student into two years of monitoring.
- Along with the decision to reclassify, the LPAC in conjunction with the ARD committee also makes the recommendation to exit the student from bilingual or ESL program services or to continue participation if participating in a dual language immersion program. As required under 19 TAC §89.1220 (l)(1)(H), notification of reclassification is sent to the student’s parents/guardians and program exit or continuation may occur when parental approval is received.
- *Due to the requirements of the Family Educational Rights and Privacy Act (FERPA), schools must take care to ensure that staff members protect student confidentiality when discussing special education issues. Each member of the LPAC shall sign an oath of confidentiality because of testing results and other information that is shared and analyzed. This is a requirement due to each student and his or her family’s right to confidentiality. When reviewing progress of an emergent bilingual student with a significant cognitive disability during an LPAC meeting (which may include a parent other than the parent of the child), the LPAC shall share only limited information regarding student assessments results, namely did or did not meet reclassification criteria based on the ARD committee with LPAC representation decisions.*

IV – Individualized Education Program

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 cannot be achieved satisfactorily.³¹ 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.

³¹ 34 CFR § 300.114 (a)

IV – Individualized Education Program

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.³² 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.³³ 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.^{34 35}

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

³³ 34 C.F.R. § 300.115

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

³⁵ 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)

IV – Individualized Education Program

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?
 - 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.

IV – Individualized Education Program

- 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.

Accelerated Instruction Plan (AIP)

Effective as of the 2021-22 school year and as a result of the passing of HB4545 in the 87th Texas Legislature, the program formerly known as the Student Success Initiative will no longer be in place. The bill removes the multiple attempts at passing the state assessment (STAAR), and there will only be one attempt at any grade level, including 5th and 8th grade.

An Accelerated Learning Committee will be formed if a student does not pass the STAAR test. These committees will be formed in grades 3, 5, and 8 for any student who does not perform satisfactorily in reading and/or math. For students receiving special education services, the ARD committee must meet to determine the manner in which the student will participate in an accelerated instruction program. The ARD committee must convene no later than the start of the subsequent school year and develop an educational plan for the student that provides the necessary accelerated instruction to enable the student to show demonstrated growth in grade level skills by the end of the school year.

The District must provide supplemental instruction as part of the AIP. This instruction may occur during normal school hours, but cannot remove a student, except under circumstances in which a nondisabled student in the same grade level not receiving accelerated instruction would be removed, from instruction in the foundation and enrichment curriculum or recess or other physical activity that is available to students enrolled in the same grade level.

Students in high school who don't perform satisfactorily on EOCs must also receive accelerated instruction in the same way as stated above.

Once the ARD is held and the plan is developed, the supplement is to be completed and locked with the ARD document. This plan should be reviewed at each annual ARD meeting and if a staffing for lack of progress is held, this plan should also be included in the discussion to determine if adjustments need to be made.

IV – Individualized Education Program

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.

IV – Individualized Education Program

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. Each subject area in which accommodations are required must be addressed.
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.

IV – Individualized Education Program

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.

IV – Individualized Education Program

Types of STAAR Assessments

STAAR (Grades 3-8 and EOC)

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

STAAR Online

Online embedded supports (i.e., content and language supports, oral administration via text-to-speech, speech-to-text, and spelling assistance) are available on STAAR for eligible students.

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 *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.

IV – Individualized Education Program

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 the previous district. Both STAAR 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:

IV – Individualized Education Program

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 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.

IV – Individualized Education Program

Student-Specific/1:1 Aide or Paraprofessional

Prior to 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.

Decisions regarding the use of a student-specific aide, as with any other service, should be made on an individual basis and addressed by the ARD Committee.

In an effort to ensure LRE, the following steps should be taken prior to making a recommendation to the ARD Committee:

1. The CCC, ARD Facilitator, or Department Head gathers data to support the need for additional support.
2. The CCC, ARD Facilitator, or Department Head contacts the appropriate Program Manager that supervises the student's program and services to schedule a staffing.
3. The Special Education Program Manager will attend the staffing, review all data, and conduct an observation of the student.
4. After the data gathering process is completed, the Special Education Program Manager will make a recommendation to be considered by the ARD Committee.
5. If the ARD Committee determines that a student-specific aide is needed, data supporting this decision and its effect on the Least Restrictive Environment should be documented in the ARD meeting minutes as well as the Determination of Services page of the IEP Meeting.

****Note: a student-specific aide should be required for the entirety of the time the student is at school and not only for a period of time. This should only be considered when there are personal care services that are required that cannot be provided by staff already assigned to the program/campus. The need for the student-specific aide should be reviewed and considered at each annual ARD meeting.***

IV – Individualized Education Program

Documenting Student Specific Aides in Success Ed

If the ARD committee determines the need for a student-specific aide, the campus will need to hold an ARD meeting to document the decision on the Determination of Services page of the IEP Meeting.

On the Determination of Services Page:

1. Enter Student Specific Aide on Schedule of Services Page in the Instructional Schedule as an entry. Subject- 1:1 Student Specific Aide; Service Provider- Special Education Aide; Total Minutes (Weekly Minutes calculated); Frequency- 1/day; Service Type- In- Class Support. In the Comments section, detail which classes this service will be provided. Example: “The student will receive in-class support from a student-specific aide 370 minutes per day for _____ (list classes, and any other time the student will have the aide).”
2. If Student Specific Aid is provided during General Education Class, do not indicate on the instructional schedule, list general education classes in the comments section of the 1:1 Student Specific Aide Entry.
3. If the class is serviced in a resource or more restrictive environment, enter the instructional schedule as special education, the minutes will be indicated in the Special Education Column. The Comments section must provide a detailed statement of student-specific aide services.
4. The comments should include a statement to specify the frequency, duration and that support is provided by a student-specific aide. Example: “The student will receive in-class support from a student-specific aide 60 minutes per day.”
5. If the meeting is an Annual and the ARD committee determines the support is needed, add the support on the Determination of Services page for the next school year.

On the Consideration of Least Restrictive Environment:

- Include the data and documentation used to support the need for a student-specific aide in the Benefits and/or Harmful Effects sections.

In the ARD Deliberations:

- Include the discussion about the need for a student-specific aide.
- Discuss and report on the data to support the decision for the support for the student.
- Document the effect on the LRE.
- Record the amount of time needed for the student-specific aide. This should mirror the documentation listed on the Determination of Services Page.

Documentation of student-specific aides is needed for various reasons, such as:

- Reports from Success Ed
- Determining campus staff needed to cover all services
- Medicaid billing
- Student need of support

IV – Individualized Education Program

Audio Recording³⁶

- 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.
- 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.
- If an interpreter is used in the ARD meeting, two CDs/recordings should be made. One is given to the parent, and one is uploaded into Success Ed.

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. 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).

³⁶ *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.

IV – Individualized Education Program

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 a 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.

IV – Individualized Education Program

Procedures 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. Fort Bend ISD requests,

IV – Individualized Education Program

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
- 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.
 - 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.
 - 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.
- 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.

IV – Individualized Education Program

- 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 Deena Hill, Executive Director for Student Support Services who also serves as the Section 504 Coordinator for the district at 281-634-1143. , 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.

IV – Individualized Education Program

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
 - Executive Director, Student Support Services
- Campus Admin will create a plan for the integration of approved service animal

IV – Individualized Education Program

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 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 7th 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,
5. an appropriate functional vocational evaluation,
6. appropriate employment goals and objectives,

IV – Individualized Education Program

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 case manager works with the student to ensure 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).

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.

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.

IV – Individualized Education Program

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,
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.

IV – Individualized Education Program

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.

IV – Individualized Education Program

GENERAL EDUCATION TEACHER INPUT

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.

General Education Teacher Opportunity to Provide Input to the ARD Committee

General education and special education teachers should collaborate on progress and areas of concern in preparation for the ARD meeting. 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,
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 the 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:

IV – Individualized Education Program

- 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, program manager, or special education assistant director, or 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.

IV – Individualized Education Program

SPECIAL EDUCATION TEACHER / SERVICE PROVIDER RESPONSIBILITIES

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.

IV – Individualized Education Program

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/other service providers that they have received relevant sections of the student’s IEP, such as goals and objectives, and of needed 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/other service providers 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 a copy of the Accommodation Log, In-Class Support 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.

IV – Individualized Education Program

Special Education Case Manager Role in 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 principal to ensure each student served with special education services is assigned a case manager. 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. Where/whenever possible, special education teachers should have access and opportunity to collaborate with their general education colleagues in PLC meetings.

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

Special Education Case Manager Duties:

- Monitor student progress: for students who are failing or in danger of failing, schedule staffing to discuss lack of progress and if necessary, request ARD meeting to adjust supports/services
 - Monitor regularly – avoid waiting until the class has been failed or has dropped too far behind
- Assist with the implementation of the students' Individual Education Plan (IEP) – discuss plan with teachers to check for understanding of accommodations and/or modifications and follow up to ensure implementation is occurring
- Ensure documentation is maintained through Onward Caseload Management electronic logs and/or Paper Logs (for personal care services/accommodations) for students on caseload
- Upload into Success Ed all logs pertaining to the students on their caseload
- Update in Success Ed and send home Progress Reports each nine weeks
- Communicate and collaborate 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.

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

IV – Individualized Education Program

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 students 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.

Prior to the first day of school, 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. This bundle includes the following information:

- Schedule of Services
- Classroom and State Assessment Accommodations
- Behavioral Intervention Plan (when appropriate)
- Goals and Objectives pages
- Autism Supplement (when appropriate)
- Personal Care Services Supplement (when appropriate)

****Note: Not only should case managers provide the teachers and other service providers (related services, paraprofessionals, bus drivers, etc.) with pertinent IEP information (accommodations, BIPs), but they must also ensure the staff understands how to provide the services and supports.***

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.

IV – Individualized Education Program

- 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) and make every attempt/effort to attend PLC meetings for content area/grade level.
- 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
- IEP Progress updates should be sent home (at the end of each reporting period with report card)
- Upload documentation of supports and services into the OnWard Caseload Management system
- Upload all logs at the end of each nine weeks into Success Ed if not documented in OnWard
- 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 (and check for understanding) 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.

IV – Individualized Education Program

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) 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 if necessary), 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.

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. Additionally, case managers should take the time to review the changes and ensure that the provider understands how to implement the new IEP. 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 and results in a change of services, schedule, etc., an ARD should be held. If a student experiences a lack of expected progress, the case manager is required to request a staffing, which may result in the need for a brief ARD.

IV – Individualized Education Program

Documentation

Case Managers are responsible for keeping the following documentation:

- Communication log (parents, teachers, students)
- Accommodation 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.

IV – Individualized Education Program

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).

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.

IV – Individualized Education Program

Addressing Concerns Relating to the IEP/ARD not being implemented

If a special education case manager (or other service provider/staff member) discovers that ARD/IEP services have not been provided or receives an allegation from a parent that a student's ARD/IEP is not being implemented, the following steps should be taken:

1. Contact the parent and gain an understanding of the full scope of the concern (what services the parent alleges are not being provided, identification of service provider(s) involved, how long services have allegedly not been provided, etc.)
2. Contact the service provider(s) involved to share the allegations and check for understanding of services implemented
3. Notify the campus principal and the Special Education Program Manager over student's program about the parent allegations and/or information regarding the IEP/ARD not being implemented. ***This notification must occur within 5 school days of the concerns being reported to the case manager or other service provider/staff member.***
4. Program Manager to notify the appropriate Assistant Director regarding the allegations.
5. Assistant Director and campus principal will investigate the allegations. The following data will be reviewed during the investigation:
 - a. Review ARD/ IEP and documentation logs
 - b. Determine if services/supports were provided
6. If investigation determines services were not provided according to the ARD/IEP, refer to Compensatory Services procedures.

IV – Individualized Education Program

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 22nd 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.”

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 ARD/IEP, or if there is a delay in an Initial Evaluation (SPP 11 compliance requirement), the District **must** consider providing compensatory services.

Prior to the ARD to Determine Compensatory Services

1. Review 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 Assistant Director 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.

IV – Individualized Education Program

- 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. Document the plan in the Deliberations of the ARD meeting and complete the Success Ed Compensatory Services Supplement.
6. If compensatory services are determined, the following information must be sent to the appropriate Special Education Director 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

IV – Individualized Education Program

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.³⁷

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 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.³⁸

³⁷ 34 C.F.R. § 300.300(a)(3)

³⁸ 34 C.F.R. § 300.300(b)(3)

IV – Individualized Education Program

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.³⁹

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.⁴⁰ 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*.⁴¹

³⁹ 34 C.F.R. § 300.300(b)(4)

⁴⁰ 19 TEX. ADMIN. CODE § 89.1096

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

IV – Individualized Education Program

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 \(THHSC\)](#)⁴² 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.⁴³ Additionally, at least 90 days before the 3rd 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.⁴⁴ 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 3rd 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 3rd 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 3rd birthday will reach the age of eligibility for the District’s ECSE program.⁴⁵ 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 3rd birthday while complying with the procedures in **EVALUATIONS: Section 2.0** above. If a child's 3rd birthday occurs during the summer, the student's ARD committee shall determine the date when services will begin.⁴⁶

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

⁴² 34 CFR § 303.22

⁴³ Tex. Ed. Code § 29.009

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

⁴⁵ 34 CFR § 303.209 (b)(1)(ii).

⁴⁶ 34 CFR § 300.101

⁴⁷ [Early Childhood Transition FAQs](#) (OSEP 2009)

IV – Individualized Education Program

When the Early Intervention Agency provides notification to FBISD of a potentially eligible child fewer than 90 days before the student's 3rd 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 3rd 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.⁴⁸

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.⁴⁹

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](#).

⁴⁸ 34 CFR § 300.323 (b)(1); 20 USC § 1414 (d)(2)

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

IV – Individualized Education Program

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.”⁵⁰

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.⁵¹

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.⁵²

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

⁵¹ *Id.*

⁵² 34 C.F.R. § 300.304(c)(1)(iii)-(v)