

# Section 6

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

# VI – Instructional Arrangements & Settings

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## GENERAL INFORMATION

**34 C.F.R §§ 300.38; 300.39(b)(3)(i-ii); 300.114; 300.115(b); 300.130-300.144; 300.146; 300.147 TEA Student Attendance Accounting Handbook 2020-21 is used for this section. 19 T.A.C §§ 89.63; 89.1065; 89.1096; TEC §§ 29.153; 42.151(k); 19 TAC §89.1065; 26 TAC §§749.42(25-26); 750.43(1-2) and Board Policy EEH (local) and EHBA**

To the maximum extent appropriate, students with disabilities must be educated with students who are nondisabled, and special classes, separate schooling, or other removal of students with disabilities from the general educational environment occurs only if the nature or severity of the disability is such that education in general education classes, with the use of supplementary aids and services, cannot be achieved satisfactorily. 34 C.F.R §300.114(a) see also *A.B. v. Clear Creek ISD*, 75 IDELR, 787 F.App'x 217 (5<sup>th</sup> Cir. 2019); *Daniel RR v. State Bd. of Ed.*, 874 F.2d 1036 (5<sup>th</sup> Cir. 1989); *J.H. v. Fort Bend Indep. Sch. Dist.*, 482 Fed. Appx. 915 (5<sup>th</sup> Cir. 2012)

### ***Determining the Instructional Arrangement***

The ARD committee's determination of the appropriate educational placement for implementing a student's IEP must be based on the individual needs of the student. If the support services are provided to the student in the general education classroom, the instructional setting code is *40 (Mainstream)*. If, however, the support services are provided outside of the general education classroom, the instructional setting code is based on the amount of time or the setting where the services are provided.

The ARD committee bases its determination of instructional arrangement/setting codes on the percentage of the instructional day that the student receives direct, regularly scheduled special education and related services, as required in a student's IEP, not on the student's disability. For the purpose of determining a student's instructional arrangement/setting code, the instructional day is defined as that portion of the school day in which instruction takes place (not to include lunch, recess, passing periods, etc.).

The instructional arrangement is determined during the ARD meeting. When making a placement decision, the ARD committee will consider a continuum of alternative placements. The instructional arrangement for each student with a disability is reported to TEA via the PEIMS system. After the ARD meeting, ARD Facilitator, or CCC must verify that the information on PEIMS 163 Record and Student Detail Report is correct. If there is an issue with the PEIMS 163 report, then that issue needs to be resolved, as soon as practicable, but no later than ten days from the date of the ARD meeting. See additional information in Section 8 on Special Education and Eligibility as it relates to the PEIMS reporting and your role in the FBISD's process called Certify PEIMS.

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

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provided in conjunction with placement in the general education setting to facilitate such placement. 34 C.F.R. § 300.115(b); 34 C.F.R. § 300.115(b); 19 TEX. ADMIN CODE §89.63 The IEP, evaluations and other relevant data guide the ARD committee in making placement decisions.

## NO INSTRUCTIONAL SETTING (SPEECH THERAPY ONLY)

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### ***Code 00***

This code indicates that although the student receives some special education services (such as speech therapy), an instructional setting is not appropriate. This instructional arrangement/setting code **always** applies to a student receiving speech therapy only.

The code 00 applies to those students who are receiving speech therapy and no other instructional service (i.e. in class support, resource). If students receive another instructional service with speech therapy, then the student is in an instructional arrangement other than 00. Code 00 is used regardless of whether the speech therapy is provided in the general education classroom or in a location other than a general education setting.

Services such as physical therapy or occupational therapy are not instructional. Therefore, students receiving OT and PT as well as speech could be coded a 00.

### ***Speech Therapy Indicator Codes***

In Texas, speech-language therapy services are considered an instructional service. This means that speech therapy can be a stand-alone service (student does not receive any other service that is provided through an instructional setting). Speech therapy can also be a related service (student receives speech therapy in addition to a service that is provided through another instructional setting).

#### Indicator Code 1 – Speech Therapy

This code indicates that a student only receives speech therapy (regardless of the environment where the speech therapy services are provided)—or receives speech therapy and another special education related service (such as occupational therapy)—and that an instructional setting (for example, resource room) is not appropriate. The indicator code 1 is used for students with an instructional arrangement of 00. Example: 00-1

#### Indicator Code 2- Speech Therapy with Other Services

This code indicates that a student receives speech therapy along with other services through another special education instructional setting (for example, resource room). The indicator code 2 is used for students with any other instructional arrangement other than 00. Example: 40-2

#### Indicator Code 0 – No Speech Therapy

This code indicates that a student does not receive speech therapy and does not have an instructional arrangement of 00. Example: 41:0

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## HOMEBOUND

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### **Code 01**

To be placed in the special education homebound instructional arrangement/setting, a student 6 years or older must have the following four criteria:

1. Be eligible for special education and related services as determined by an ARD committee,
2. Be expected to be confined at home or in a hospital bedside for a minimum of 4 weeks (*the weeks need not be consecutive if the student is chronically ill*),
3. Be confined at home or hospital for medical reasons only, and
4. Have a medical condition that is documented by a physician licensed to practice in the United States. Refer to 19 T.A.C § 89.63 (c)(2)(A) and Board Policy EEH (local).

Infants and toddlers from birth through age 2 may be placed in the homebound instructional setting if their IFSP committee determines that placement is appropriate. Students age 3 through 5 years may be placed in the homebound instructional setting if their ARD committees determine that placement is appropriate. 19 T.A.C. §89.63 (c)(2)(B).

A student's IFSP or ARD committee determines the amount of services to be provided to the student in this instructional setting.

A student aged 6 or older who meets the four criteria above does not need to meet the criteria in the federal definition for other health impairment (OHI) to be eligible for homebound services. Neither does a student under the age of 6 for whom an ARD or IFSP committee has determined that the homebound instructional setting is appropriate.

### **Homebound Notes**

In making eligibility and placement decisions, the ARD committee must consider information from the licensed physician. However, the documentation from the licensed physician should not be the sole consideration in the committee's decision-making process.

The teacher serving a student at home or hospital bedside ("homebound teacher") while the student is in the special education homebound setting must be a certified special education teacher.

A student aged 6 years or older who is served in the special education homebound instructional setting retains the same ADA eligibility code he or she had before receiving homebound services, regardless of how many hours the student will be served in the homebound instructional setting.

A student who receives special education and related services in the special education homebound instructional setting earns eligible days present (generates contact hours and thus funding) based on the number of hours the student is served at home or hospital bedside by a certified special education teacher each week. Use the following chart to calculate eligible days present.



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**Homebound Funding Chart**

<b>Amount of Time Served per Week</b>	<b>Eligible Days Present Earned per Week</b>
1 hour	1 day present
2 hours	2 days present
3 hours	3 days present
4 hours	4 days present (if the week is a 4 day week) 5 days present (if the week is a 5 day week)
More than 4 hours	4 days present (if the week is a 4 day week) 5 days present (if the week is a 5 day week)

Eligible days present are determined each week. For special education homebound purposes, a week starts Sunday and ends Saturday. Homebound service hours must not be accumulated and carried forward from one week to the next, and service hours must not be applied to a previous week.

The certified special education teachers and related service staff members providing services must keep a log of the amount of time spent serving the student.

## **Pregnancy Related Services (PRS) and Special Education Services (SPED)**

Regular education students must not be referred for special education services just because they become pregnant. Regular education students who must be confined to the home or hospital bedside for pregnancy-related issues are to be provided CEHI and other PRS components through a PRS program.

In Fort Bend ISD, the district must provide special education students who become pregnant with access to the services offered through the PRS program. A pregnant special education student's admission, review, and dismissal (ARD) committee and PRS program staff members must collaboratively address the student's service needs.

## **ARD Committee Meetings and PRS**

An ARD committee meeting should be held promptly after FBISD learns of a special education student's pregnancy to determine the appropriate services for the student. A pregnant special education student's ARD committee must meet as necessary to address any changes in the student's needs.

During the periods of confinement to the home or hospital bedside, special education services must be provided in the homebound instructional setting.

The district must serve a special education student with special education homebound services and PRS during any periods of confinement regardless of the anticipated period of confinement (that is, the student must be served even when the period of confinement is expected to be fewer than 4 consecutive weeks or fewer than 4 weeks total for the school year).

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Furthermore, the period of homebound postpartum services for a special education student may exceed 10 weeks if determined necessary by the ARD committee. However, the PRS components are limited to a maximum of 10 weeks of reimbursable service, and the PRS indicator code may no longer be used after the 10th week has ended.

In addition to the homebound instructional services provided to the student through the special education program, the PRS program must provide at least 2 hours a week of PRS support services for 2–5 days attendance credit and at least 1 hour for 1-day attendance credit. The additional hours provided through the PRS program may include any of the support services such as counseling, support to instructional services, parenting instruction, etc.

A certified teacher, nurse, counselor, or social worker must provide the additional hours of PRS support services for a special education student and must maintain logs documenting the actual amount of services each special education student receives.



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## ***Preschool Program for Children with Disabilities (now referred to as Early Childhood Special Education Services) and Homebound Services***

Students aged 3 to 5 years for whom the ARD committee has determined that homebound is the appropriate instructional setting should be reported with a grade level of EE (early education) and with the ADA code show in the following table:

**ADA Eligibility Coding for Students Receiving Early Childhood Special Education Services  
in the Homebound Instructional Setting**

<b>Amount of Time Served per Week</b>	<b>ADA Eligibility Code</b>
Fewer than 2 hours per week	0 – enrolled, not in membership
At least 2 hours but fewer than 4 hours per week	2 – eligible for half-day attendance
At least 4 hours per week	1 – eligible for full-day attendance

The certified special education teachers and related service staff providing services must keep a log of the amount of time spent serving the student. The minimum documentation required in a homebound log (the attendance record maintained by a homebound teacher or provider of related services) is as follows:

1. The name of the homebound teacher or related service provider
2. The student's name and Texas Unique Student ID
3. The date that the homebound teacher or related service provider visited the homebound student, and
4. The specific time period that the student was served (for example, 10:00 a.m. until 12:00 p.m.)

The district also requires mileage forms to be maintained and information about which subjects were taught.

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## ***Test Administration and the Homebound Instructional Setting***

A student receiving services in the special education homebound instructional setting may earn eligible days present as stated in the chart above when a certified special education teacher administers routine quizzes, daily or weekly classroom exams, etc., that are required as part of the instructional requirements of a class.

A student being administered standardized, 6 weeks, semester, or final exams or required state assessments is limited to earning 1-day present for a minimum of 1 hour or more of testing in one calendar day. When it takes the student more than one hour to complete the exam, the additional contact hours must not be credited as attendance.

If the routine, standardized, 6 weeks, semester, or final exam administration or required state assessment testing requires less than one hour, then the certified special education teacher must complete the hour with homebound instruction for the student to earn one-day present. For example, say a student is administered a final exam, and it takes her 30 minutes to complete the exam. The student must receive an additional 30 minutes of homebound instruction to earn one-day present.

A student receiving services in the special education homebound instructional setting who returns to his or her campus to take required state assessments must have a medical release from a licensed physician to do so. The time spent on campus taking the required state assessments must not count as any part of the number of hours of homebound service for eligible days present.

## ***Transition from Homebound to the Classroom***

A student transitioning back to a school-based placement may continue to be coded homebound during the transition period subject to the requirements shown in the homebound funding chart.

The ARD committee must determine the length of the transition period based on current medical information. The ARD Committee must document in the comment section on the Schedule of Services page which services are provided at campus or on Homebound.

During the transition period, students are to be served in the homebound instructional setting for the period of time each week specified by the ARD committee. Any student attendance in the classroom that is generated during the transition period will not be reported for funding purposes because funding will be based on instruction in the homebound setting.

Once the student has completed the transition period as determined by the ARD committee, the student no longer generates eligible days present according to the homebound funding chart, but instead, generates attendance based on whether the student is present at the official attendance-taking time.

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## ***Transitioning Students with Chronic Illness between Homebound and the Classroom***

A student with a chronic illness or acute health problem that is a long-term condition that requires the student to be in the homebound instructional setting for at least 4 weeks will generate contact hours based on the following:

1. Students transitioning back to a school-based placement may continue to be coded homebound during the transition period subject to the Homebound Funding Chart.
2. The length of the transition period must be determined by the ARD committee based on current medical information.

During the transition period, students are to be served in the homebound instructional setting for the period of time each week as specified by the ARD committee. Any student attendance in the classroom that is generated during the transition period will not be reported for funding purposes because funding will be based on instruction in the homebound setting.

Once the student has completed the transition period as determined by the ARD committee, the student no longer generates eligible days present according to the homebound funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

## ***Students with a Recurring Chronic or Acute Health Condition***

A student with a chronic illness or acute health problem **that is a recurring condition** that requires the student to be in the homebound instructional setting for a period of time (which should be in weekly increments) totaling at least 4 weeks throughout the school year will generate contact hours based on the following:

1. Students moving back and forth between the homebound instructional setting and a school-based placement must be coded homebound for those days they are in the homebound instructional setting subject to the Homebound Funding Chart.
2. Students with recurring conditions generally do not require a transition period.
3. Use the following chart to determine how to record attendance and instructional arrangement/setting code information for students with a recurring condition.

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## Attendance Accounting Information Related to Students with Recurring Chronic or Acute Health Condition

For any week in which the student with the recurring condition...	The student earns contact hours and/or attendance...	The student's instructional arrangement/setting code should be...
...is served solely in the homebound instructional setting,	...according to the requirements of the Homebound Funding Chart.	...01, homebound.
...is served for at least 4 hours in the homebound instructional setting <b>and</b> attends school at his or her campus,	...according to the requirements of the Homebound Funding Chart.	...01, homebound, regardless of the fact that the student attended school at his or her campus in addition to receiving homebound instruction.
...is served from 1 to 3 hours in the homebound instructional setting <b>and</b> attends school at his or her campus,	...according to the requirements of the Homebound Funding Chart for those days the student is provided instruction in the homebound setting <b>and</b> according to whether the student is present during the official attendance-taking time for those days the student attends school at his or her campus.	...01, homebound, for those days the student is provided homebound instruction  <b>and</b> the code for the applicable non-homebound special education instructional arrangement setting* the student is served in while at school (for example, 40, special education mainstream) for those days the student attends school.

\* The instructional arrangement/setting in which the student is to be served while at school should be specified in the student's IEP.

The ARD Committee must document in the comment section on the Schedule of Services page which services are provided at campus or on Homebound.

Regardless of how many hours of homebound instruction a student is provided or how many days that student attends his or her campus, the student may not generate more than the equivalent of one ADA.

If the student fully transitions to classroom placement, the student no longer generates eligible days present according to the homebound funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

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## ***Attendance Accounting and Documentation***

To document the changing instructional arrangements/settings for students with a recurring condition for attendance reporting and auditing purposes, district personnel must keep a log of the student's attendance information.

The eligible days present should be recorded in the district's student attendance accounting system. Any time not accounted for should be reported as absences.

## ***Homebound: Career and Technical Education (CTE) Funding Requirements***

For a student to earn CTE contact hours while also being provided CEHI, the student must continue to receive the same amount and type of CTE service that he or she was receiving before she began receiving CEHI. The CTE instruction that the student receives at home or hospital bedside must be **in addition** to the 4 hours necessary for CEHI. The CEHI teacher providing the additional hours for the CTE courses must maintain a log to verify all contact hours with students.

See Section 5 of the Special Education Handbook for additional procedures for Homebound Services.

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## HOSPITAL CLASS

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### ***Code 02***

This instructional arrangement/setting code should be used when a student is provided special education instruction in a classroom in a hospital facility or a residential care and treatment facility not operated by Fort Bend ISD. A student with a disability who is served in but not residing in the facility is considered to be in an *off home campus* instructional setting. If the student residing in the facility is provided special education services on a school campus, the student is not considered to be in a hospital class. 19 T.A.C. §89.63 (c)(3).

### ***Hospital Class - Career and Technical Education Funding Requirements***

For a hospital class student to earn career and technical contact hours, the student must continue to receive the same amount and type of career and technical service that he or she was receiving before being placed in the hospital class instructional setting. Career and technical education teachers must maintain a log to verify all contact hours with hospital class students.

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## VOCATIONAL ADJUSTMENT CLASS/PROGRAM

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### ***Code 08***

This instructional arrangement/setting code is used for a student who is participating in a special education work-based learning program and employed in a paid or unpaid full-or part-time job with regularly scheduled, direct involvement by special education personnel in the implementation of the student's IEP. 19 T.A.C. §89.63 (c)(9)

This instructional arrangement/setting code must be used in conjunction with the student's individual transition plan and only after Fort Bend ISD's career and technical education classes have been considered and determined inappropriate for the student by the student's ARD Committee.

This code applies to a student in paid full-time or part-time **employment**, as documented in the IEP. This instructional setting code should not be confused with general career and technical education classes that are offered by Fort Bend ISD.

A student with a disability may participate in other occupational preparation programs (which do not generate special education contact hours), including general career and technical education. However, the student must be employed or receiving vocational training through internship or volunteer experience while receiving special education services as required in the IEP and coded VAC (08) to claim special education contact hours.



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## STATE SUPPORTED LIVING CENTERS

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### ***Code 30***

This instructional arrangement/setting code is used for a student who is provided special education and related services and who currently resides at a state supported living center when the services are provided at a state supported living center. If services are provided on a local district campus, the student is coded residential care and treatment facility. 19 T.A.C. §89.63 (c)(11)

A student for whom this code is used may also generate special education contact hours in speech therapy.

The thirteen state supported living centers in Texas currently serving students through 21 years of age are the following:

- Abilene State Supported Living Center
- Austin State Supported Living Center
- Brenham State Supported Living Center
- Corpus Christi State Supported Living Center
- Denton State Supported Living Center
- El Paso State Supported Living Center
- Lubbock State Supported Living Center
- Lufkin State Supported Living Center
- Mexia State Supported Living Center
- Richmond State Supported Living Center
- Rio Grande State Supported Living Center
- San Angelo State Supported Living Center
- San Antonio State Supported Living Center

### ***CTE Contact Hours for Students in State Supported Living Centers***

For a student in a state supported living center to earn CTE contact hours, the student must continue to receive the same amount and type of CTE service that he or she was receiving before being placed in the state supported living center instructional setting. CTE teachers must maintain a log to verify all contact hours with students in a state supported living center.

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## Infants (Birth through 2 years of Age)

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### ***Code 31 – Home Based Instruction***

Important: Only a district that operates an ECI program through a contract with the Texas Department of Assistive and Rehabilitative Services may code an infant with this instructional setting code.

An instructional setting code of 31, home-based instruction, is used for an infant (birth through age 2) to whom early intervention services are provided in the client's home. It is used when both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider also receives training. This instructional setting does not generate contact hours or ADA.

### ***Code 32 – Center Based Instruction***

An instructional setting code of 32, center-based instruction, is used for an infant (birth through age 2) when the infant and his or her family are provided early intervention services through an ECI program operated through the Texas Department of Assistive and Rehabilitative Services and in a facility such as a school, rehabilitation center, clinic, or day care center. This instructional setting code does not generate contact hours or ADA.

### ***Code 34 – Other Environment***

Important: Only a district that operates an ECI program through a contract with the Texas Department of Assistive and Rehabilitative Services may code an infant with this instructional setting code.

Infants receiving early intervention services in an environment other than a home or a center should be coded with an instructional setting code of 34, other environment. It is used when both parent training and infant instruction are provided. When direct care of the infant is given by someone other than the natural parent, the direct care provider also receives training. This instructional setting does not generate contact hours or ADA.

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## MAINSTREAM

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### **Code 40**

This instructional arrangement/setting code is used for a student who is provided special education and related services in the general classroom in accordance with the student's IEP. The term *special education* means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability. *Specially designed instruction* means content, methodology, or delivery of instruction that has been adapted, as appropriate to the needs of an eligible child, to:

1. address the unique needs that result from the child's disability, and
2. ensure access of the child to the general curriculum. 34 C.F.R. §300.39(b)(3)(i-ii)

***Examples of special education and related services, provided to a student in the general education instructional setting include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, education aides, curricular or instructional modifications or accommodations, special materials or equipment, consultation with the student and his or her general classroom teacher(s) or other general or special education service providers, staff development, and reduction of ration of students to instructional staff members.***

### **Mainstream Requirements**

For a student to be coded with an instructional setting code of 40 (Special Education Mainstream), the student must have:

1. Special education and related services provided in a general education classroom on a regularly scheduled basis,
2. An IEP specifying the special education and related services that enable the student to access the general curriculum and to make progress toward individual goals and objectives, and
3. Certified special education personnel involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services
  - a. to the student in the general education classroom, and/or
  - b. in collaboration with the student's general education classroom teachers(s).

**Monitoring student progress in and of itself does not constitute a special education service. If certified special education personnel are only monitoring student progress, Special Education Mainstream funding must not be generated. In order to report this instructional arrangement, document the details for the specially designed instruction that is being provided in the student's IEP. This documentation should describe the direct, indirect, consultive, or other support services that constitute special education services being provided to the student by certified special education personnel.**

# VI – Instructional Arrangements & Settings

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**Requirements Related to Teachers Providing Instruction in Mainstream Settings:** One teacher, even if dually certified, must not serve in both a general education and a special education role simultaneously when serving students in grades K–12. A student with a disability receives specially designed instruction. The specially designed instruction documented in the IEP is provided by special education personnel or other specified staff (i.e., reading specialist implementing a basic reading/fluency goal providing dyslexia instruction. Students with disabilities who are aged 3 or 4 years may have an instructional setting code of 40, mainstream, if special education services are provided in classroom settings with nondisabled peers. The only context in which a dually certified teacher may serve in both a general education and a special education role is in an early childhood program for students aged 3 or 4 years.

# VI – Instructional Arrangements & Settings

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## RESOURCE ROOM/SERVICES

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### ***Codes 41 or 42***

This instructional arrangement/setting code is used for a student who is provided special education and related services in a setting other than general education for **less than 50% of the student's school day**. 19 T.A.C. §89.63 (c)(5).

Code 41 indicates a student is provided special education and related services in a setting other than general education for less than 21% of the student's instructional day.

Code 42 indicates a student is provided special education and related services in a setting other than general education for at least 21% but less than 50% of the student's instructional day.

Code 41 or 42 is used for a student who is receiving related services in a special education setting. Related services include but are not limited to physical therapy, occupational therapy, and counseling by a certified or licensed counselor on a regularly scheduled basis. These related services must be documented in the IEP, and they must be required to assist a child with a disability to benefit from special education.

Note that if a student receives special education services and speech therapy, the appropriate resource room code is used, and the speech therapy indicator code is reported as 2.

If the student is a 3- or 4-year-old student in a PK classroom and is ineligible for PK services, code 42 is used even if the student is not pulled out of the classroom to receive special education and related services.

Codes 41 and 42 should **not** be used for a student receiving special education services solely in a general education class, with the exception of 3- and 4-year-old students described above related to code 42.

# VI – Instructional Arrangements & Settings

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## SELF-CONTAINED, MILD/MODERATE/SEVERE, REGULAR CAMPUS

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### ***Codes 43 or 44***

This instructional setting code is used for a student who is provided special education and related services and is in a self-contained class or classes for 50% or more of the student's instructional day, on a regular school campus. 19 TAC §89.63(c)(6)

Code 43 indicates a student is provided special education and related services and is in a self-contained class or classes at least 50% but no more than 60% of the student's instructional day, on a regular school campus.

Code 44 indicates a student is provided special education and related services and is in a self-contained class or classes more than 60% of the student's instructional day, on a regular school campus.

# VI – Instructional Arrangements & Settings

## Additional Guidelines for Instructional Setting Codes 41-44

Base a student's resource room/services or self-contained, mild/moderate/severe, regular campus instructional setting code on the percentage of the instructional day that the student receives direct, regularly scheduled special education and related services, as required in the student's IEP, not on the student's disability.

For the purpose of determining a student's instructional setting code, the instructional day is defined as that portion of the school day in which instruction takes place (not to include lunch, recess, passing periods, etc.).

For example, if a student is provided:

- special education and related services for less than 50% of his or her instructional day in a setting other than general education, the student's instructional setting code would be 41 or 42.
- special education and related services for 50% or more of the student's instructional day in a self-contained program on a regular education campus, the student's instructional setting code would be 43 or 44.
- full-time early childhood (preschool program for children with disabilities) special education and related services in educational programs designed primarily for children with disabilities located on regular school campuses and the student is 3 through 5 years of age, the instructional setting code would be 45.

When determining a student's instructional setting code (other than mainstream), include the percentage of time allocated for speech therapy services (outside of the general education setting) when calculating the percentage of time in the special education setting.

When determining the instructional setting code for a student who attends school less than a full day, (i.e., homebound) use the number of instructional hours he or she attends as determined by the ARD committee as the student's instructional day. Then, review the number of hours in the instructional day that the student receives special education services to determine the student's instructional setting code.

The following chart shows the instructional setting codes for departmentalized classrooms. This chart is based on fixed instructional periods (all periods are the same length of time each day). For example, an eight-period instructional day consists of eight periods, each equal in length.

<b>Number of Periods of Special Education Instruction per Day*</b>	<b>8-Period Instructional Day</b>	<b>7-Period Instructional Day</b>	<b>6-Period Instructional Day</b>	<b>5-Period Instructional Day</b>
One Spec Ed Period	Resource (41)	Resource (41)	Resource (41)	Resource (41)



## VI – Instructional Arrangements & Settings

<b>Number of Periods of Special Education Instruction per Day*</b>	<b>8-Period Instructional Day</b>	<b>7-Period Instructional Day</b>	<b>6-Period Instructional Day</b>	<b>5-Period Instructional Day</b>
Two Spec Ed Periods	Resource (42)	Resource (42)	Resource (42)	Resource (42)
Three Spec Ed Periods	Resource (42)	Resource (42)	Mild/Mod/Sev (43)	Mild/Mod/Sev (43)
Four Spec Ed Periods	Mild/Mod/Sev (43)	Mild/Mod/Sev (43)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)
Five Spec Ed Periods	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)
Six Spec Ed Periods	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)	
Seven Spec Ed Periods	Mild/Mod/Sev (44)	Mild/Mod/Sev (44)		
Eight Spec Ed Periods	Mild/Mod/Sev (44)			

\*If a student receives special education and related services outside of the general education classroom on less than a daily basis, determine the percentage to be used in determining the appropriate instructional setting code by dividing the total minutes of instruction outside the general education classroom for the week by the total instructional minutes for the week.

### Semester Block Scheduling

If the district operates semester block scheduling, use the chart above to convert a four-period instructional day to an eight-period instructional day, and code students accordingly (assuming periods are equal in length). Coding for students on a semester block schedule must be determined each semester. The district must consider the individual needs of students with disabilities when scheduling courses in a semester block.

For example, say that in the first semester a student attends two general education classes and two special education classes. Convert the student's four-period instructional day to an eight-period instructional day. The student's converted schedule is four general education classes and four special education classes. According to the chart, the student's instructional setting code would be 43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%. Apply this type of conversion to each semester class schedule.

### AB Block Scheduling

Students in AB block scheduling should be coded based on a review of the entire instructional block. For example, if a child attends four instructional periods on Monday and four different instructional periods on Tuesday, and these eight classes structure the instructional configuration, then coding determinations are based on the eight-period instructional day (see previous chart).

# VI – Instructional Arrangements & Settings

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## **Schedules in Which Instructional Periods Are Not Equal in Length**

If instructional periods are not equal in length, make a coding determination for a student after first calculating the percentage of his or her instructional day that the student spends receiving special education and related services. Calculate this percentage by dividing the student's number of special education and related services instruction minutes by the student's total number of instructional minutes.

$$\frac{\text{\# of special education and related services instructional minutes}}{\text{total \# of instructional minutes}}$$

# VI – Instructional Arrangements & Settings

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## Full Time Early Childhood Special Education Setting (ECSE), formerly PPCD

Eligible children with disabilities aged 3 through 21 years are entitled to receive a FAPE under the Individuals with Disabilities Education Act (IDEA). In Texas, special education and related services for eligible children with disabilities, aged three through five years, have historically been referred to as preschool programs for children with disabilities (PPCD). In effort to clarify and promote understanding that any child aged three through five years who is eligible for and receiving special education and related services through a school district must be served in the least restrictive environment specified in the child's IEP, references to PPCD are being phased out and will instead be considered as receiving ECSE services.

ECSE refers to the services by the school district, not the place where they are provided. Eligible children may receive ECSE services in a variety of settings, including district settings, such as PK, resource, and self-contained classrooms, and community settings, such as community-based Head Start programs and preschools. Students three and four years old who receive speech therapy only are also categorized as receiving ECSE services.

**A student receiving services may have a grade level of EE, pre-K, or K (kindergarten), depending on the student's age, the location where services are provided, and whether the student is eligible for pre-K.**

ECSE services are special education services provided to children aged 3 through 5 years. To receive ECSE services, a child aged 3 through 5 years must meet the same eligibility requirements as other special education students. An ARD committee must meet and document in the student's record that the student is eligible to receive services through this program.

### **Code 45**

This instructional arrangement/setting code is used for children ages 3 through 5 who receive full-time special education and related services in educational programs designed primarily for children with disabilities located on regular school campuses. **A student for whom this code is used does not receive any special education and related services in a regular early childhood setting or spend any part of the instructional day in a regular early childhood setting.** If a student receives any amount of special education and related services in a regular early childhood setting or spends any part of the instructional day in a regular early childhood setting, this instructional setting code is not applicable.

# VI – Instructional Arrangements & Settings

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## ***ECSE Services and Pre-K Programs***

A student who is eligible for ECSE services may or may not be eligible for free public pre-K enrollment. Eligibility for free public PK programs is limited by statute. For the eligibility criteria for free pre-K, see Texas Education Code 29.153, Free Prekindergarten.

When a student is eligible for both special education and pre-K is served in a pre-K classroom, the student should be assigned the appropriate instructional setting code based on the location, amount, and type of special education services provided to the student. The student is eligible for a full-day attendance (ADA eligibility code 1) if the student is scheduled for and receives at least 4 hours instruction and services (that is, receives at least 2 hours of pre-K program instruction). The student is eligible for half-day attendance (ADA eligibility code of 2) if the student is scheduled for and receives at least 2 hours but fewer than 4 hours of instruction or services.

When a student who is eligible for special education **but is not eligible for pre-K** is served in a pre-K classroom, the student's instructional setting code should be determined based on the amount of special education services, located in the chart on the next page. The student's ADA eligibility is determined by the amount of time that the student is provided **special education** services each day. The student is eligible for full-day attendance (ADA eligibility code 1) if the student is scheduled for and receives at least 4 hours of instruction and services. The student is eligible for half-day attendance (ADA eligibility code 2) if the student is scheduled for and receives at least 2 hours but fewer than 4 hours of instruction or services each day.

When a student who is eligible for special education but not eligible for pre-K is served in a pre-K classroom, *a special education teacher must be in the classroom for the student's entire instructional day for ADA and weighted funding to be generated.*

**Coding Chart 1: ECSE Services and Pre-K**

	Student Age <sup>1</sup>	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind	Child Count	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind	Child Count
		Coding Information for Student Who Is Eligible for Both Special Education AND Pre-K						Coding Information for Student Who Is Eligible for Special Education BUT Ineligible for Pre-K <sup>2</sup>					
served in the pre-K classroom by pre-K and special education teachers for ½ day (at least 2 but fewer than 4 hours) <sup>3</sup>	3 or 4	2 half-day	40	pre-K	1	0	3	2 half-day	40	EE	1	0	3
served in the pre-K classroom by pre-K and special education teachers for full day (at least 4 hours) <sup>3</sup>	3 or 4	1 full-day	40	pre-K	1	0	3	1 full-day	40	EE	1	0	3
served in the pre-K classroom by pre-K teacher for ½ day (at least 2 but fewer than 4 hours) with indirect and/or consultative services by special education teacher less than 2	3 or 4	2 half-day	40	pre-K	1	0	3	5 ineligible half-day	40	EE	1	0	3
served in the pre-K classroom by pre-K teacher for full day (at least 4 hours) with indirect and/or consultative services by special education teacher less than 2 hrs/day	3 or 4	1 full-day	40	pre-K	1	0	3	4 ineligible full-day	40	EE	1	0	3
served in the ½ day pre-K classroom but leaves for special education and related services in a self-contained (S-C) environment less than 21% of the instructional day	3 or 4	2 half-day	41	pre-K	1	0	3	5 ineligible half-day	41	EE	1	0	3
served in the ½ day pre-K classroom but leaves for special education and related services in a S-C environment at least 21% but less than 50% of the instructional day	3 or 4	2 half-day	42	pre-K	1	0	3	5 ineligible half-day	42	EE	1	0	3
served in the ½ day pre-K classroom but leaves for special education and related services in a S-C environment at least 50% but less than 60% of the instructional day	3 or 4	2 half-day	43	pre-K	1	0	3	5 ineligible half-day	43	EE	1	0	3
served in the pre-K classroom for ½ day and in a S-C classroom for the other ½ day	3 or 4	1 full-day	43	pre-K	1	0	3	2 half-day	43	EE	1	0	3
served in the pre-K classroom by pre-K and special education teachers for ½ day and in a S-C classroom for the other ½ day	3 or 4	1 full-day	43	pre-K	1	0	3	1 full-day <sup>3</sup>	43	EE	1	0	3
served in the ½ day pre-K classroom but leaves for special education and related services in a S-C environment more than 60% of the instructional day	3 or 4	2 half-day	44	pre-K	1	0	3	5 ineligible half-day	44	EE	1	0	3
served in a S-C classroom by a special education teacher for at least 2 hours but fewer than 4 hours each day (Students in this setting receive only special education and related services.) <sup>4</sup>	3 or 4	2 half-day	45	EE	1	0	3	2 half-day	45	EE	1	0	3
served in a S-C classroom by a special education teacher for at least 4 hours each day (Students in this setting receive only special education and related services.) <sup>4</sup>	3 or 4	1 full-day	45	EE	1	0	3	1 full-day	45	EE	1	0	3
served in the ½ day pre-K classroom and the only sp. ed. svc. the student receives is 1 hour speech therapy/wk	3 or 4	2 half-day	00	pre-K	1	0	3	5 ineligible half-day	00	EE	1	0	3

**Note:** The examples in this chart related to pre-K programs assume that your district provides both a 3-year-old pre-K program and a 4-year-old pre-K program. For pre-K eligibility requirements, see [7.2 Eligibility](#). ADA eligibility code rules:

General: 0 = enrolled fewer than 2 hours per day, 2 = enrolled 2+ but fewer than 4 hours per day, 1 = enrolled at least 4 hours per day

Homebound: 0 = enrolled fewer than 2 hours per week, 2 = enrolled 2+ but fewer than 4 hours per week, 1 = enrolled at least 4 hours per week

Students whose only special education service is speech therapy and who are served fewer than 2 hours each day are coded with an ADA eligibility code of 0.

<sup>1</sup> An eligible special education student must be provided special education services beginning on his or her third birthday, even if his or her birthday falls after September 1.

<sup>2</sup> Ineligible pre-K students may be served in the pre-K classroom if the ARD committee deems it appropriate and space is available. However, eligible pre-K students should not be denied enrollment due to an ineligible pre-K student's enrollment.

<sup>3</sup> The pre-K and special education teachers must be teaching concurrently for the entire half day if student is to be eligible for half-day attendance or for the entire day if student is to be eligible for full-day attendance. See 4.7.10.1.1 Requirements Related to Teachers Providing Special Education Instruction in General Education Settings.

<sup>4</sup> Refer to [4.7.14 Code 45 - Full-Time Early Childhood Special Education Setting](#)

### ***ECSE Services and Kindergarten Programs***

An eligible student who receives special education services and attends full-day kindergarten program is eligible for a full day of attendance (ADA code 1). The student should be assigned the appropriate instructional setting code based on the location, amount, and type of special education services provided to the student.

An eligible student who receives special education services in addition to attending a half-day kindergarten program is also eligible for a full day attendance (ADA eligibility code 1) if the student is scheduled for and receives at least 4 hours of instruction and services (that is, receives at least 2 hours of special education services in addition to the 2 hours of kindergarten program instruction). The student should be assigned the appropriate instructional setting code based on location, amount, and type of special education services provided to the student.

If a kindergarten student who receives special education services turns 6 years old during the school year, the ECSE indicator code for that student should be changed from 1 to 0 on the date that the student turns 6. Also, note that a 6-year-old student must not have an instructional setting code of 45, full –time early childhood special education setting.



# VI – Instructional Arrangements & Settings

Coding Chart 2: Kindergarten and Special Education Services								
	Age 09/01	Current Age	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind.	Child Count
<b>A kindergarten student eligible for special education services who is:</b>								
attending a kindergarten classroom for his or her entire instructional day and receives special education services in the kindergarten classroom	5	5	1 full-day or 2 half-day	40	K	1	0	3
attending a kindergarten classroom for his or her entire instructional day and receives special education services in the kindergarten classroom	5	6	1 full-day or 2 half-day	40	K	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for less than 21% of the day	5	5	1 full-day or 2 half-day	41	K	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for less than 21% of the day	5	6	1 full-day or 2 half-day	41	K	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 21% but less than 50% of the day	5	5	1 full-day or 2 half-day	42	K	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 21% but less than 50% of the day	5	6	1 full-day or 2 half-day	42	K	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 50% but less than 60% of the day	5	5	1 full-day or 2 half-day	43	K	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for at least 50% but less than 60% of the day	5	6	1 full-day or 2 half-day	43	K	0	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for more than 60% of the day	5	5	1 full-day or 2 half-day	44	K	1	0	3
attending a kindergarten classroom and receives special education and related services in a special education setting for more than 60% of the day	5	6	1 full-day or 2 half-day	44	K	0	0	3
served in a self-contained classroom for a full or half day (Students in this setting receive only special education and related services.) <sup>1</sup>	5	5	1 full-day or 2 half-day	45	K	1	0	3
served in a self-contained classroom for a full or half day (Students in this setting receive only special education and related services.)	5	6	1 full-day or 2 half-day	44	K	0	0	3

ADA eligibility code rules:

General: 0 = enrolled fewer than 2 hours per day, 2 = enrolled 2+ but fewer than 4 hours per day, 1 = enrolled at least 4 hours per day

Homebound: 0 = enrolled fewer than 2 hours per week, 2 = enrolled 2+ but fewer than 4 hours per week, 1 = enrolled at least 4 hours per week

Students whose only special education service is speech therapy and who are served fewer than 2 hours each day are coded with an ADA eligibility code of 0.

<sup>1</sup> Refer to [4.7.14 Code 45 - Full-Time Early Childhood Special Education Setting](#).

ADA eligibility code rules:



# VI – Instructional Arrangements & Settings

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## ***ECSE Services and Head Start***

The district and a Head Start program should provide collaborative services as documented in a memorandum of understanding between the two entities. For students with disabilities served in a district-operated or community-based Head Start program, refer to the chart below to make coding determinations for grade level, instructional setting code, and PPCD/ECSE indicator.

ADA eligibility and weighted funding for these arrangements depend on the amount of time served directly by special education staff members, since Head Start attendance does not generate ADA or weighted funding.

## ***ECSE Services and Students Served in a District-Operated Preschool or Child Care Facility***

For students with disabilities served in a district-operated preschool or childcare facility, refer to the chart below to make coding determinations for grade level, instructional setting code, and PPCD/ECSE indicator. ADA eligibility and weighted funding for these arrangements depend on the amount of time served directly by special education staff members, since preschool and childcare services do not generate ADA or weighted funding.

If the district establishes an early childhood education program to serve all 3- and/or 4-year-olds regardless of eligibility or other criteria, the district may use the mainstream code (40) for a student in the program who receives special education services other than speech therapy in the general classroom. However, for the mainstream code to be used for the student, the majority of students in his or her class must be students who are not receiving special education services.

District-operated preschool and child care settings include, but are not limited to, a staff child day care facility, a staff child care center open to the community, and a district therapy setting not primarily designed for children with disabilities and in which the majority of the children are nondisabled.

# VI – Instructional Arrangements & Settings

Coding Chart 3: ECSE Services Provided to a Student in a Head Start Program, Preschool, or Child Care Facility							
	Student Age <sup>1</sup>	ADA Elig. Code	Instructional Setting Code	Grade Level	PPCD Ind.	ECI Ind.	Child Count
<b>Community-based:</b> A student who is eligible for special education services, is receiving services in a community-based Head Start program, community-based preschool, or community-based child care facility, and is:							
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	91	EE	1	0	3
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for 4 or more hours a day	3 or 4	1 full-day	91	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	97	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for more than 4 hours each day	3 or 4	1 full-day	97	EE	1	0	3
<b>District-operated:</b> A student who is eligible for special education services, is receiving services in a district-operated Head Start program, district-operated preschool, or district-operated child care facility, and is:							
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	40	EE	1	0	3
served (in a collaborative effort with Head Start, preschool, or child care personnel) by a special education teacher for 4 or more hours a day	3 or 4	1 full-day	40	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for at least 2 hours but fewer than 4 hours each day	3 or 4	2 half-day	45	EE	1	0	3
served in a self-contained classroom within the Head Start program location, preschool, or child care facility by a special education teacher for more than 4 hours each day	3 or 4	1 full-day	45	EE	1	0	3

## ADA eligibility code rules:

General: 0 = enrolled fewer than 2 hours per day, 2 = enrolled 2+ but fewer than 4 hours per day, 1 = enrolled at least 4 hours per day

Homebound: 0 = enrolled fewer than 2 hours per week, 2 = enrolled 2+ but fewer than 4 hours per week, 1 = enrolled at least 4 hours per week

Students whose only special education service is speech therapy and who are served fewer than 2 hours each day are coded with an ADA eligibility code of 0.

<sup>1</sup> An eligible special education student must be provided special education services beginning on his or her third birthday, even if his or her birthday falls after September 1.

## ***ECSE Services and Private or Home School Student Aged 3 or 4 Years and in Need of Special Education***

Under 19 TAC §89.1096, Provision of Services for Students Placed by Their Parents in Private Schools or Facilities, the amount and type, if any, of special education and related services made available by the district to students with disabilities placed in private schools or facilities are determined based on ongoing consultation with representatives of the private school and representatives of parentally placed private school students with disabilities and a proportionate share calculation. See also 34 CFR §§ 300.130-300.144

# VI – Instructional Arrangements & Settings

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## ***Dual Enrollment of Private and Home School Student***

If an ARD committee determines that a private or home student aged 3 or 4 years is eligible for and in need of special education instruction and/or related services, the parent may enroll the student only in the public school, “dual enroll” the student, or decline to enroll the student in the public school.

“Dual enrollment” means the enrollment of a 3 or 4-year-old student who is eligible for special education services in both a public school district, through which the student receives special education services, and a private or home school.

Parents of an eligible student have the right to “dual enroll” the student beginning on the student’s third birthday and continuing until the end of the school year in which the student turns 5, or until the student is eligible to attend the district’s public school kindergarten program, whichever comes first.

When parents choose to enroll a child under the dual enrollment provision, the school district should the following steps to enroll the student, based on services and amount of time needed to provide those services as set forth in the student’s IEP:

1.
  - Enroll the student for at least 4 hours per day,
  - Count the student as eligible for full-day attendance (ADA eligibility code 1),
  - Record an instructional setting code for contact hours based on the student’s special education service, and
  - Count the student on the annual federal child count indicator through the PEIMS; or
2.
  - Enroll the student for at least 2 hours but fewer than 4 hours per day
  - Count the student as eligible for half-day attendance (ADA eligibility code 2),
  - Record an instructional setting code for contract hours based on the student’s special education service, and
  - Count the student on the annual federal child count indicator through PEIMS; or
3.
  - Enroll the student for fewer than 2 hours per day,
  - Count the student as enrolled but not in membership (ADA eligibility code 0), and
  - Count the student on the annual federal child count indicator through the PEIMS but not for ADA or contact hours.

# VI – Instructional Arrangements & Settings

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## RESIDENTIAL NON-PUBLIC SCHOOL

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### ***Code 50***

This instructional arrangement/setting code is used for a student who is provided special education and related services through a contractual agreement with an approved residential nonpublic school. A student is placed in a residential nonpublic school through the ARD process. 19 T.A.C. §89.63 (c)(8); 34 C.F.R. §§300.146 and 300.147. This instructional arrangement/setting code does not generate ADA or contact hours. A residential nonpublic school student should be reported with an ADA eligibility code of 0 - Enrolled, Not in Membership and an instructional setting code of 50. At this time, Fort Bend ISD may contract with Bayes Achievement Center, Avondale House, The Texas Hill Country School, Shiloh Treatment Center, and Whispering Hills Achievement Center as appropriate.

# VI – Instructional Arrangements & Settings

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## NON-PUBLIC DAY SCHOOL

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### ***Code 60***

This instructional arrangement/setting code is used for a student who is provided special education and related services through a contractual agreement with a nonpublic school approved for special education. 19 T.A.C. §89.63 (c)(8); 34 C.F.R. §§300.146 and 300.147. This instructional arrangement/setting code does not generate ADA or contact hours. A nonpublic day school student should be reported with an ADA eligibility code of 0 - Enrolled, Not in Membership and an instructional arrangement/setting code of 60. At this time, Fort Bend ISD may contract with Avondale House, Providence Treatment Center, River Oaks Academy, Monarch, and Shiloh Treatment Center when appropriate. See codes 87 and 97 for students attending ABS West.

# VI – Instructional Arrangements & Settings

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## TEXAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED

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### ***Code 70***

This instructional arrangement/setting code is used for a student who is provided special education and related services at the Texas School for the Blind and Visually Impaired (TSBVI). This instructional arrangement/setting code does not generate ADA or contact hours. The TSBVI should report a student it serves with an ADA eligibility code of 0 - Enrolled, Not in Membership and an instructional arrangement/setting code of 70.

A local school district does not report a student who is served by the TSBVI. The district should follow the student enrollment and withdrawal procedures as applicable in the Student Attendance Accounting Handbook.

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## TEXAS SCHOOL FOR THE DEAF

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### ***Code 71***

This instructional arrangement/setting code is used for a student who is provided special education and related services at the Texas School for the Deaf (TSD). This instructional arrangement/setting code does not generate ADA or contact hours. The TSD should report a student it serves with an ADA eligibility code of 0 - Enrolled, Not in Membership and an instructional arrangement/setting code of 71. The TSD should report a student who is referred to the school by his or her parents/guardians with the student attribution code of 10 (on the PEIMS 101 Student Data – Demographic record).

A local school district does not report a student who is served by the TSD. The district should follow the student enrollment and withdrawal procedures as applicable in Student Attendance Accounting Handbook.



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## RESIDENTIAL CARE AND TREATMENT FACILITY

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### ***Codes 81, 82, 83, 84, 85, 86, 87, 88, or 89***

This instructional arrangement/setting code is used for a student who is provided special education and related services, who has a disability and resides in a care and treatment facility, and whose parents do not reside within the boundaries of the school district providing educational services to the student. A residential care and treatment facility includes a licensed or verified foster group home but does not include a licensed or verified foster family home. “Foster group home” and “foster family home” are defined in 26T.A.C. §749.43(25-26) and §750.43(1-2). For this code to be used for a student, the services must be provided on a local district campus. If the instruction is provided at the facility rather than on a school district campus, the instructional arrangement/setting code used should be *hospital class* (code 02). 19 T.A.C. §89.63 (c)(10)

### **Residential Care and Treatment Facility Categories**

The categories for this instructional arrangement/setting are:

1. 81, residential care and treatment facility - mainstream;
2. 82, residential care and treatment facility - resource room/services - less than 21%;
3. 83, residential care and treatment facility - resource room/services - at least 21% but less than 50%;
4. 84, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - at least 50% but no more than 60%;
5. 85, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - more than 60%;
6. 86, residential care and treatment facility - separate campus;
7. 87, residential care and treatment facility - community class;
8. 88, residential care and treatment facility - vocational adjustment class; and
9. 89, residential care and treatment facility - full-time early childhood special education setting.

- Code 81 indicates a student resides in a facility and receives mainstream services on a local school district campus.
- Code 82 indicates a student resides in a facility and receives resource room/services for less than 21% of the student's total instructional day on a local school district campus.
- Code 83 indicates a student resides in a facility and receives resource room/services for at least 21% but less than 50% of the student's total instructional day on a local school district campus.
- Code 84 indicates a student resides in a facility and receives self-contained services for at least 50% but no more than 60% of the student's total instructional day on a local school district campus.
- Code 85 indicates a student resides in a facility and receives self-contained services for more than 60% of the student's total instructional day on a local school district campus.

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- Code 86 indicates a student resides in a facility and receives special education and related services on a local school district campus in a self-contained program at a separate campus operated by Fort Bend ISD.
- Code 87 indicates a student resides in a facility and receives special education and related services by school district personnel in a facility (other than a nonpublic day school) not operated by a school district. This setting includes sheltered workshops. **This code is used for students who are in residential care and attend ABS West.**
- Code 88 indicates a student resides in a facility and receives VAC services.
- Code 89 indicates a student is 3 to 5 years of age, resides in a facility, and receives full-time special education and related services in educational programs designed primarily for children with disabilities on a local school district campus (other than a separate campus).

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## OFF-HOME CAMPUS

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### ***Codes 91, 92, 93, 94, 95, 96, 97, or 98***

This instructional setting code is used only for a student who is provided special education and related services and meets one of the following criteria:

1. The student is one of a group of students from more than one school district (such as Harris County Department of Education) served at a single location in another school district when a FAPE is not available in the sending district. 19 T.A.C. §89.63 (c)(7)(A);
2. The student is provided instruction by school district personnel in a facility (other than a nonpublic day school) not operated by a school district. 19 T.A.C. §89.63 (c)(7)(B); **or**
3. The student is in a self-contained program at a separate campus operated by the school district that provides only special education and related services. (e.g. ATP) 19 T.A.C. §89.63 (c)(7)(C).

### ***Off-Home Campus Categories***

The categories for this instructional arrangement/setting are:

1. 91, off home campus - mainstream;
  2. 92, off home campus - resource room/services - less than 21%;
  3. 93, off home campus - resource room/services - at least 21% and less than 50%;
  4. 94, off home campus - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%;
  5. 95, off home campus - self-contained, mild/moderate/severe, regular campus - more than 60%;
  6. 96, off home campus - separate campus;
  7. 97, off home campus - community class (e.g. Project SEARCH at UnitedHealthcare) and
  8. 98, off home campus - full-time early childhood special education setting.
- Code 91 indicates a student is receiving mainstream services in an off-home-campus setting.
  - A student three through five years of age who is receiving special education services in a licensed community child care facility or preschool that is working in a collaborative partnership with your school district may be coded 91, provided that the majority of students in his or her class are students who are not receiving special education services. For the student to generate ADA and contact hours, a certified special education teacher must provide services under the two-through-four-hour rule as applicable to meet the individual needs of the student.
  - Code 92 indicates a student is receiving resource room/services for less than 21% of the student's total instructional day in an off-home-campus setting.
  - Code 93 indicates a student is receiving resource room/services for at least 21% and less than 50% of the student's total instructional day in an off-home-campus setting.

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- Code 94 indicates a student is receiving self-contained services for at least 50% and no more than 60% of the student's total instructional day in an off-home-campus setting.
- Code 95 indicates a student is receiving self-contained services for more than 60% of the student's total instructional day in an off-home-campus setting.
- Code 96 indicates a student is receiving special education and related services in a self-contained program at a separate campus operated by Fort Bend ISD. This code also applies to students' **aged 3 to 5** who receive special education and related services in a self-contained classroom on a separate campus.
- Code 97 indicates a student is receiving special education and related services by school district personnel in a facility (other than a nonpublic day school) not operated by a school district (including sheltered workshops). This code also applies to students' ages 3 to 5 who receive special education and related services in a community setting. **This setting is used for students attending ABS-West and who are not in residential care. .**
- Code 98 indicates a student who is 3 to 5 years of age is receiving full-time special education and related services in educational programs designed primarily for children with disabilities in a multidistrict classroom located on a regular campus.

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## Extended School Year (ESY) Services

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The district will be funded for any ESY services it provides for special education students beyond the regular school year during a period such as winter, spring, or summer break. The ARD committee determines the need for ESY services based on documented evidence that the student may be expected to exhibit severe or substantial regression that cannot be recouped within a reasonable period of time. TEC §42.151(k); 19 TAC §89.1065

The procedures for providing ESY services are as follows:

1. At the review of the student's IEP, the ARD committee members must consider whether a student will benefit from ESY services based on regression and recoupment information from the service providers, the student's parents, and evaluations (formal, informal, or both) provided by the LEA or the student's parents.

A student who receives ESY services must be reported with the same instructional setting code with which the student was reported during the school year, if he or she had an instructional setting code for the school year.

If a student is turning 3 years old during the summer, the ARD committee may begin to implement the IEP at the start of the school year. Or, if necessary for the student to receive a FAPE, the ARD committee may decide to begin to implement the IEP through ESY services.

2. Each special education teacher and related service provider who provides ESY services is responsible for maintaining an ESY services record or register of the actual instructional eye-to-eye contact hours that each student receives. The ESY services record or register must contain the following data:
  - a. The name of the district and the campus
  - b. The county-district-campus number
  - c. The beginning and ending dates of each week of ESY services
  - d. The grade level of each student as shown in the attendance system for the regular school year
  - e. The student's name as shown in the attendance system for the regular school year
  - f. The instructional setting code of the student as shown in the attendance system for the regular school year
  - g. The total actual contact hours served. Each teacher or special education service provider must record in 30-minute increments the actual number of contact hours the student was served in class each day. Increments of fewer than 30 minutes are not counted.
  - h. The total contact hours by instructional setting code, in order to sum the total ESY services contact hours for each instructional setting.

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3. After the period for the provision of ESY services ends, the teachers and related service providers must sign ESY services records or registers and forward them to the superintendent (or the superintendent's designee) for safekeeping. The district retains the ESY services records or registers locally for audit purposes. The district must report ESY services data to the TEA using **42408 Student ESY Program Association Extension according to TSDS TEDS**.

**Note: A student coded with an instructional setting code of 40, mainstream, is ineligible for state funding through ESY services.** This prohibition does not mean that the district should not or cannot administer mainstream services as an ESY service. If a student who received mainstream services during the regular school year requires mainstream services through the summer, then the school district should serve the student accordingly. However, funding for the mainstream service must come from sources other than those for ESY services.

### ***Special Education Contact Hours***

The Student Detail Report should reflect eligible special education days present for each eligible student receiving special education services. Campus Summary Reports and District Summary Reports should document **total** eligible special education days and total special education contact hours by instructional setting code by 6-week reporting period. (In FBISD this process occurs at the end of each 6-week period via the CertifyPEIMS.)

Total Special Education Contact Hours = Eligible Special Education Days × Contact-Hour Multiplier

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## ***Special Education Documentation***

For the district to claim special education contact hours and receive weighted funding, documentation must be complete. All documentation supporting student eligibility must be on file for every student accumulating special education eligible days present and for every student with a speech therapy indicator code on the Student Detail Report.

The district must maintain the following:

- documentation to support the amount of time teachers served students in the homebound instructional setting each week
- documentation to support the IFSP or ARD committee decisions regarding a student and a copy of the student's IFSP or IEP, as applicable, in the student's eligibility folder
- the following statements, if applicable, in the student's eligibility folder:
  - **homebound**—for a student aged 6 years or older, a licensed physician's statement confirming the need for the student to be placed in the homebound instructional setting for a minimum of 4 weeks
  - **hospital class**—documentation from a proper authority confirming the need for the student to reside in the facility
  - **residential care and treatment facility**—documentation from a proper authority confirming the placement for the student to reside in the facility

## ***Teacher Requirements***

Since the beginning of the 2016-2017 school year, schools and teachers will only need to meet state requirements for certification. The federal term of "highly qualified teacher status" will no longer apply. It is important to note that all state certification requirements adopted in State Board for Educator Certification rule remain in place.

A special education teacher who delivers direct instruction to students with disabilities in core academic subject areas must meet the appropriate state special education certification requirements for the grade level that he or she is teaching.

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## Examples

This subsection provides examples of the codes to use for various situations involving students who receive special education services.

### **Code 01 - Homebound Examples**

**Example 1:** An 8-year-old special education student (instructional setting code **41, resource room/services - less than 21%**) develops a medical condition, and the school obtains a licensed physician's statement affirming that the medical condition will prevent him from attending school for at least 4 weeks.

1. *The ARD committee should convene to review all of the student information (including the physician's statement) to determine if homebound services are appropriate. If the ARD committee determines homebound services are appropriate, the committee should document the following in the student's records:*
  - a) *Licensed physician's statement and ARD committee documentation, which must be on file before a student may be coded homebound*
  - b) *The date that homebound services will begin*
  - c) *The change of placement from resource room to a homebound setting, which will result in a change in the instructional setting code from **41** to **01, homebound***
  - d) *The type, frequency, and duration of services that will be provided in the homebound setting*
  - e) *The certified special education and related service providers who will be serving the student in the homebound setting*
2. *At the end of the week, special education staff members should inform the attendance clerk of the amount of time the student received service from the certified special education teacher and the number of absences to be recorded in the attendance accounting system.*

*Example A: If the student is served 4 or more hours that week, the student is recorded present every day that week.*

*Example B: If the student is served 2 hours that week, the student is recorded present for 2 days and absent for 3 days of that week.*

*Example C: If the student does not receive any service during the week, absences must be recorded for every day of that week, resulting in 0 eligible days present.*

3. *The ARD committee should convene to review current student information (including the physician's statement) to determine if a transition period is necessary and the date homebound services are no longer appropriate. If the student requires a transition period when returning to the classroom setting, the ARD committee should document the following in the student's IEP:*



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- a) The length of time for the transition period*
- b) The amount of time the student will be served in both settings (homebound and classroom) during the transition period*
- c) The effective date that the student's instructional setting code will change back to **41***

*During the transition period, the student's instructional setting code remains **01, homebound**, based on the homebound funding chart (see **4.7.2.7 Transition from Homebound to the Classroom in SAAH**). The date the transition period is completed and the student returns to the classroom full time, the student's instructional setting code changes back to **41**.*

**Example 2:** A student with a chronic illness or acute health problem (recurring condition) will be absent from school for at least 4 weeks over the entire school year, as documented by a licensed<sup>152</sup> physician. The ARD committee determines and documents in the IEP that during the time of absence, the student will be served through the homebound instructional setting.

You can access the Texas Medical Board's searchable database of licensed physicians at [http://reg.tmb.state.tx.us/OnLineVerif/Phys\\_NoticeVerif.asp](http://reg.tmb.state.tx.us/OnLineVerif/Phys_NoticeVerif.asp).

During the first week of the second 6-week reporting period, the student is present on Monday and receives services following the requirements of the 2-through-4-hour rule. The student is then absent on Tuesday, Wednesday, and Thursday but receives 3 hours of homebound instruction from a certified special education teacher on Thursday following the requirements of the homebound funding chart. The student returns to school on Friday and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present. The student's instructional setting code is **42, resource room/services - at least 21% and less than 50%**, for 2 days and **01, homebound**, for 3 days.

During the second week of the second 6-week reporting period, the student is present all 5 days and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present in instructional setting code **42**.

During the third week of the second 6-week reporting period, the student is present all 5 days and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present in instructional setting code **42**.

During the fourth week of the second 6-week reporting period, the student is present on Monday, Tuesday, and Wednesday and receives services following the requirements of the 2-through-4-hour rule. The student is then absent on Thursday and Friday but does not receive any homebound instruction because the student is too ill to receive services. The student generates 3 eligible days present in instructional setting code **42**. The student is counted absent for 2 days.

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During the fifth week of the second 6-week reporting period, the student is absent all 5 days and is served 4 hours at home by a certified special education teacher following the requirements of the homebound funding chart. The student generates 5 eligible days present in instructional setting code **01**.

During the sixth week of the second 6-week reporting period, the student is present all 5 days and receives services following the requirements of the 2-through-4-hour rule. The student generates 5 eligible days present in instructional setting code **42**.

*To document for attendance reporting purposes the changing instructional settings for this student who has a recurring condition, the attendance clerk accumulates the attendance information for the entire second 6-week reporting period and summarizes the information for the eligible days of attendance and contact hours served. The eligible days present and absent are recorded in the attendance accounting system at the end of the second 6-week reporting period.*

**Example 3:** A certified special education teacher administers the required state math assessment to a student confined to the home on a Tuesday. It takes the student 2 hours to complete the math assessment. The teacher returns on Wednesday and administers the required state reading assessment. It takes the student 2 hours to complete the reading assessment.

*The student earns only 1 eligible day present for Tuesday and only 1 eligible day present for Wednesday. The certified special education teacher must schedule 2 more hours of homebound instruction during the week so the student can earn an entire week of attendance credit. The additional homebound instruction may be any day of the same week, Sunday to Saturday, including the same calendar day that the test is administered. In all cases, the homebound instruction must be in addition to the time the student is tested.*

**Example 4:** A certified special education teacher administers a final exam to a student confined to the home, and it takes the student 30 minutes to complete the exam.

*The student must receive an additional 30 minutes of homebound instruction to earn 1 day present.*

**Example 5:** A student with a chronic, recurring illness normally receives special education and related services in the special education homebound instructional setting. The student's doctor has provided documentation stating that the student may attend school when able. The student's ARD committee has specified that the student is to receive special education and related services in a general education setting when the students is well enough to attend school.

On Tuesday, the student is served at home by a certified special education teacher for 3 hours. On Friday of the same week, the student feels well enough to attend 5 hours of school at the student's campus. The student **is present when attendance is taken and is recorded present**.

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*The student earns 3 eligible days present for the time the student was served on Tuesday, per the Homebound Funding Chart. The student's instructional setting code for that day is 01, homebound. The student also earns 1 additional day present for attending school on Friday, per the 2-through-4-hour rule and the student's being present at the time attendance was taken. The student's instructional setting code for Friday is **40, mainstream**.*

### **Code 02 - Hospital Class Examples**

**Example 1:** A student in special education has been confined to a hospital. While at the hospital, the student attends class at the hospital taught by a teacher from the district's high school campus.

*The instructional setting code for this student is **02, hospital class**.*

*Standard attendance accounting rules apply for recording student absences for students in the hospital class instructional setting.*

**Example 2:** A special education student who resides in a residential care and treatment facility within your district's boundaries receives special education instruction and related services at the residential care and treatment facility.

*The instructional setting code for this student is **02, hospital class**.*

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## **Code 08 - Vocational Adjustment Class (VAC) Example**

**Example 1:** A student works half of the school day and attends classes the other half of the day. During the instructional half of the day, the student attends one special education class related to job training and two CTED classes. After 3 weeks, the student loses his job but remains in the special education job training class he has been enrolled in from the beginning of the school year.

*For the time the student is gainfully employed, the instructional setting code for the student is 08, and the CTE code is V2 (see **Section 5 Career and Technical Education (CTE) in the SAAH**). As soon as the student loses his job, the student's instructional setting code changes to reflect the appropriate code for the interim placement determined by the ARD committee, but the CTE code remains V2 if the student remains enrolled in two vocational classes. Note that CTED classes are CTE classes and not special education classes.*

*A student who loses a job must be provided with a full instructional day during the time he or she is without a job. A student must not stay at home during the time in which he or she was previously on the job.*

**Example 2:** A student works (paid or unpaid) in a job or job training program (assisted or unassisted) and receives regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP. The student may or may not attend special education classes in the district in accordance with the IEP. For the time the student is employed (paid or unpaid, assisted or unassisted), the instructional setting code for the student is 08. The IEP determines the extent of regularly scheduled direct involvement of special education personnel.

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## **Code 40 - Mainstream Examples**

**Example 1:** A student attends all general education classes. Certified special education personnel are involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services to the student. The student's IEP specifies the services that will be provided by certified special education staff members to enable the student to appropriately progress in the general education curriculum, appropriately advance in achieving the goals set out in the student's IEP, or both.

*The instructional setting code for this student is **40, mainstream**.*

**Example 2:** A student attends six general education classes a day. In five of the six general education classes the student receives special education services by certified special education personnel.

*The instructional setting code for this student is **40, mainstream**, because the student receives special education services in the general education class.*

**Example 3:** A student attends all general education classes and receives special education services in the general education setting. For 1 hour a week, as documented in the IEP, this student receives physical therapy in the general education classroom.

*The instructional setting code for this student is **40, mainstream**, because the student receives all special education and related services in the general education class. (If this student received physical therapy in a location other than a general education setting, then the instructional setting code would be **41, resource room/services - less than 21%**.) The student's physical therapy indicator code is **1**.*

**Example 4:** A student attends all general education classes with an interpreter from the RDSPD.

*The instructional setting code for this student is **40, mainstream**, because the student receives special education services in the general education class. Regardless of the amount of time the interpreter spends with the student, the instructional setting code is **40**.*

**Example 5:** A 4-year-old student with a disability who is eligible for the PK program and the special education program receives special education and related services (including speech therapy) in the PK classroom for 3 hours 5 days a week. The certified special education teacher teaches collaboratively in the PK classroom with the PK teacher for the full 3 hours and the full 5 days. The occupational therapist provides services for 20 minutes twice a week in the PK classroom. The speech therapist provides speech instruction for 30 minutes a week in a location other than a general education setting.

*The student generates half-day ADA eligibility.*

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:  
*The instructional setting code for this student is **40, mainstream**; the speech therapy indicator code is **2**; and the occupational therapy indicator code is **1**.*

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TSDS PEIMS 42401 Special Education Program Association Extension:

*One instructional setting code is recorded for this student: **00, no instructional setting**. (The 4241 Special Education Program Association Extension does not permit reporting of the mainstream instructional setting code. If a student is in a mainstream instructional setting and also receives speech therapy services, the 42401 Special Education Program Association Extension should have only one instructional setting code reported: 00. The student's mainstream eligible days present are reported on the 42400 Basic Reporting Period Attendance Extension.)*

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## **Codes 41 and 42 - Resource Room/Services Examples**

**Example 1:** A student attends four general education classes and three special education classes a day. The student attends the three special education classes in the resource room.

*The instructional setting code for this student is **42, resource room/services - at least 21% and less than 50%**, because the student is in a location other than a general education setting of the general education class to receive special education services in the resource room and the student receives special education services for at least 21% and less than 50% ( $3/7 = 43\%$ ) of the student's total instructional day.*

*If this student attended six general education classes and one special education class a day, then the student would have an instructional setting code of **41, resource room/services - less than 21%**, because the student would be in a location other than a general education setting of the general education class to receive special education services and would receive special education services for less than 21% ( $1/7 = 14\%$ ) of the student's total instructional day.*

**Example 2:** A student attends all general classes and receives special education services in the general education setting, except for 1 hour a week, as documented in the IEP, when the student is pulled out to receive physical therapy in a special education setting.

*The instructional setting code for this student is **41, resource room/services - less than 21%**, because the student receives regularly scheduled related services in a special education setting but is otherwise served in general education. The physical therapy indicator code is **1**.*

**Example 3:** A student attends all general classes, except for 1 hour a week, as documented in the IEP, when the student receives support services in a resource room from a certified special education teacher, or from an itinerant teacher from the RDSPD.

*The instructional setting code for this student is **41, resource room/services - less than 21%**, because the student receives direct, regularly scheduled special education support services in a special education setting.*

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## **Codes 43 and 44 - Self-Contained, Mild/Moderate/Severe, Regular Campus Examples**

**Example 1:** A student on a departmentalized campus attends four special education classes and three general education classes each day.

*The instructional setting code for this student is **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**, because the student receives special education services for at least 50% and no more than 60% ( $4/7 = 57\%$ ) of the student's total instructional day.*

**Example 2:** A student on an elementary campus spends 3 out of 6 instructional hours in the special education classroom.

*The instructional setting code for this student is **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%** ( $180 \text{ minutes}/360 \text{ minutes} = 50\%$ ).*

**Example 3:** A student on an elementary campus spends 200 minutes out of 300 instructional minutes in the special education classroom. The student spends the other 100 minutes in a general education classroom.

*The instructional setting code for this student is **44, self-contained, mild/moderate/severe, regular campus - more than 60%**, because 67% ( $200/300 = 67\%$ ) of the student's instructional day is spent in special education.*

**Example 4:** A student on an elementary campus spends 145 minutes out of 300 instructional minutes in the special education classroom and receives 30 minutes (an average of 6 minutes/day) of speech (or any related service) \*. The student spends the other 149 minutes in a general education classroom.

\*The following coding information assumes the student receives speech therapy.

TSDS PEIMS 41163 Student Special Education Program Association Extension and Record and Student Detail Report:

*The instructional setting code for this student is **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**, because 50% ( $151/300 = 50\%$ ) of the student's instructional day is spent in special education. The speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Record Special Programs Reporting Period Attendance Extension:

*Two instructional setting codes are recorded for this student: **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**, and **00, no instructional setting**.*

**Example 5:** A student legally transferred into the serving district attends classes for the entire instructional day, in the special education classroom that serves students from other districts.



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*The instructional setting code for this student is **44, self-contained, mild/moderate/severe, regular campus - more than 60%**, because the student is in the special education classroom for more than 60% of the student's instructional day. All absences and eligible days present are recorded in the serving district's attendance accounting system. For students 3 through 5 years of age with disabilities, the instructional setting code is **45, full-time early childhood special education setting**.*

*The student's ADA eligibility code is 3 - Eligible Transfer Student Full-Day (see **3.2.1.4 Code 3 Eligible Transfer Student Full-Day in the SAAH**).*

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### ***Code 45 - Full-Time Early Childhood Special Education Setting (FT PPCD/ECSE) Example***

A 4-year-old student with a disability receives full-time special education and related services in educational programs designed primarily for children with disabilities located on local school district campuses. **No education or related services are provided in the mainstream early childhood settings.**

*The instructional setting code for this student is **45, full-time early childhood special education setting**, because no education or related services are provided in mainstream early childhood settings.*

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## **Codes 81–89 - Residential Care and Treatment Facility (Nonresident) Examples**

**Example 1:** A residential care and treatment facility is within the boundaries of your school district. Several special education students who reside in the facility attend school and receive special education services at a school campus in your district. These students' parents do not reside within the boundaries of your district.

*For a special education student who resides in the residential care and treatment facility and receives all special education and related services in **mainstream** classes at a local school district campus, the instructional setting code is **81, residential care and treatment facility - mainstream**.*

*For a special education student who resides in the residential care and treatment facility and attends **one special education class and six general education classes** at a local school district campus, the instructional setting code is **82, residential care and treatment facility - resource room/services - less than 21%** ( $1/7 = 14\%$ ).*

*For a special education student who resides in the residential care and treatment facility and attends **three special education classes and four general education classes** at a local school district campus, the instructional setting code is **83, residential care and treatment facility - resource room/services - at least 21% and less than 50%** ( $3/7 = 43\%$ ).*

*For a special education student who resides in the residential care and treatment facility and attends **three special education classes and three general education classes** at a local school district campus, the instructional setting code is **84, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%** ( $3/6 = 50\%$ ).*

*For a special education student who resides in the residential care and treatment facility and attends **five special education classes and one general education class** at a local school district campus, the instructional setting code is **85, residential care and treatment facility - self-contained, mild/moderate/severe, regular campus - more than 60%** ( $5/6 = 83\%$ ).*

*For a special education student who resides in the residential care and treatment facility and receives **speech therapy services only**, the instructional setting code is **00, no instructional setting**.*

**Example 2:** A special education student who resides in a residential care and treatment facility within your district's boundaries attends special education classes on a local school district campus that serves only special education students.

*The instructional setting code for this student is **86, residential care and treatment facility - separate campus**.*

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**Example 3:** A 3-year-old special education student who resides in a residential care and treatment facility within your district's boundaries receives special education and related services in a self-contained special education classroom within a child care facility.

*The instructional setting code for this student is **87, residential care and treatment facility - community class**.*

*If the services were provided in a self-contained special education class within an agency in the community (such as a community-based Head Start program), then the instructional setting code for this student still would be **87**.*

**Example 4:** A special education student who resides in a residential care and treatment facility within your district's boundaries works half of the school day and attends classes at the high school campus the other half of the day. During the instructional half of the day, the student attends one special education class related to job training and two CTED classes.

*The instructional setting code for this student is **88, residential care and treatment facility - vocational adjustment class**. The student's CTE code is V2 (see **Section 5 Career and Technical Education (CTE) in the SAAH**). Note that CTED classes are CTE classes and not special education classes.*

**Example 5:** A 4-year-old special education student who resides in a residential care and treatment facility within your district's boundaries receives full-time special education and related services on a local school district elementary campus.

*The instructional setting code for this student is **89, residential care and treatment facility - full-time early childhood special education setting**.*

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## **Codes 91–98 - Off Home Campus Examples**

**Example 1:** A student attends special education classes on a local school district campus that serves only special education students.

*The instructional setting code for this student is **96, off home campus - separate campus**.*

**Example 2:** A student attends the entire instructional day in another school district because the home district does not offer the special education services the ARD committee determined are required for the student to have an appropriate education.

There should be an agreement between the home district and the receiving district regarding the reporting of PEIMS and attendance data for this student. If the home district reports these data, it may report this student as being enrolled in the home district, even though the student attends the entire instructional day in the receiving district. However, it is also permissible for the receiving district to report this student in the PEIMS, instead of the home district. Only one district may report PEIMS data for an individual student. The receiving district is responsible for recording student absences and attendance. The receiving district must either submit this information to the home district (if the home district is responsible for reporting PEIMS data) or enter the information (if the receiving district is responsible for reporting PEIMS data for the student).

*If the student attends three general education classes and three special education classes, the instructional setting is determined according to which entity reports PEIMS attendance data for the student. If reported by the home district, the instructional setting code for this student is **94, off home campus - self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%** ( $3/6 = 50\%$ ). If reported by the receiving district, the instructional setting code for this student is **43, self-contained, mild/moderate/severe, regular campus - at least 50% and no more than 60%**.*

*If the student attends five special education classes and one general education class in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district reports PEIMS data for the student, then the instructional setting code for this student is **95, off home campus - self-contained, mild/moderate/severe, regular campus - more than 60%** ( $5/6 = 83\%$ ). If the receiving district reports PEIMS data for the student, the instructional setting code is **44, self-contained, mild/moderate/severe, regular campus - more than 60%**.*

*If the student receives special education services and support in mainstream classes in another district because the home district does not offer the special education services the ARD committee prescribed, and if the home district enters PEIMS data for this student, then the instructional setting code for this student is **91, off home campus - mainstream**. If the receiving district reports PEIMS data for this student, the instructional setting code is **40, mainstream**.*

*If the student attends three special education classes and four general education classes in another district because the home district does not offer the special education services the ARD committee*

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*prescribed, and if the home district reports PEIMS data for this student, then the instructional setting code for this student is **93, off home campus - resource room/services - at least 21% and less than 50%** (3/7 = 43%). If the receiving district reports PEIMS data for this student, the instructional setting code is **42, resource room/services - at least 21% and less than 50%**.*

**Example 3:** A 5-year-old special education student receives full-time special education and related services in a self-contained multidistrict preschool classroom designed for children with disabilities.

*The instructional setting code for this student is **98, off home campus - full-time early childhood special education setting**.*

**Example 4:** A preschool-age student with a disability who is eligible for special education and related services is provided special education services in a self-contained special education classroom within a childcare facility.

*The instructional setting code for this student is **97, off home campus - community class**.*

*If the services were provided in a self-contained special education class within an agency in the community, then the instructional setting code for the student still would be **97, off home campus - community class**.*

**Example 5:** A 3-year-old student with a disability receives special education services (including speech therapy) in a community-based child care center for 4 hours 5 days a week and is in a class in which the majority of students are not receiving special education services. The certified special education teacher teaches collaboratively in the community-based childcare classroom with the childcare provider for the full 4 hours and the full 5 days. The speech therapist provides speech instruction to the child for 30 minutes a week in the community-based childcare classroom and provides consultation to the teachers for 15 minutes a week.

*The student generates full-day ADA eligibility because the student meets the requirements of the 2-through-4-hour rule.*

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:  
*The instructional setting code for this student is **91, off home campus - mainstream**, and the speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:

*Two instructional setting codes are recorded for this student: **91, off home campus - mainstream**, and **00, no instructional setting**.*

**Example 6:** A 4-year-old student with a disability receives special education services and related services in a community-based childcare center and is in a class in which the majority of students are

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not receiving special education services. The certified special education teacher provides services 30 minutes twice a week and consults with the childcare provider for 30 minutes once a week. The speech therapist provides speech instruction to the child for 30 minutes a week in the community-based childcare classroom and provides consultation to the teachers for 15 minutes a week. An aide is in the classroom 4 hours a day for 5 days a week to provide support services to the student.

*The student's ADA eligibility code is 0 - Enrolled, Not in Membership, because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility.*

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:  
*The instructional setting code for this student is **91, off home campus - mainstream**, and the speech therapy indicator code is **2**.*

PEIMS 4240105 Special Programs Reporting Period Attendance Extension:

*Two instructional setting codes are recorded for this student: **91, off home campus - mainstream**, and **00, no instructional setting**.*

**Example 7:** A 4-year-old student with a disability receives special education services in a community-based child care center and is in a class in which the majority of students are not receiving special education services. The certified special education teacher provides services 60 minutes once a week and consults with the child care provider for 60 minutes once a week.

*The student's ADA eligibility code is 0 - Enrolled, Not in Membership, because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility. The instructional setting code for this student is **91, off home campus - mainstream**.*

**Example 8:** A student with a disability attends and receives special education services in a community setting or environment (not operated by a school district) that prepares the student for postsecondary education/training, integrated employment, and/or independent living skills (including 18 plus programs/services and work-based learning programs). The student may also receive direct involvement or instruction provided by school district personnel.

*The instructional setting code for this student is **97 - Off Home Campus - Community Class**.*

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## ***Speech Therapy Indicator Code 1 Examples***

**Example 1:** A student receives services from the speech therapist 30 minutes a week and attends all general education classes. The services from the speech therapist are the only special education services the student receives.

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:  
*The instructional setting code for this student is **00, no instructional setting**, and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:  
*The instructional setting code for this student is **00, no instructional setting**.*

**Example 2:** A student receives direct speech therapy services **and** indirect support from the speech therapy program through services provided by a speech therapist. These are the only special education services the student receives.

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:  
*Regardless of whether these services and supports are provided in a general education or in a location other than a general education setting the instructional setting code for this student is **00, no instructional setting**, and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:  
*The instructional setting code for this student is **00, no instructional setting**.*

**Example 3:** A 4-year-old student with a disability is eligible for and attends the pre-K program. The only special education services the student receives are speech therapy and support services, which are provided by the speech therapist. The speech therapist provides services 30 minutes twice a week in a location other than a general education setting and goes into the pre-K classroom to provide services, consult with the pre-K teacher, or both 30 minutes a week.

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:  
*The instructional setting code for this student is **00, no instructional setting**, and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:  
*The instructional setting code for this student is **00, no instructional setting**.*

**Example 4:** A 4-year-old student with a disability attends a community-based childcare center. The only special education services the student receives are speech therapy and support services, which are provided by the speech therapist. The speech therapist provides services 30 minutes twice a week and consults with the childcare provider for 30 minutes once a week. An aide is in the classroom 2 hours a day 5 days a week to provide support services to the student.



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*The student will **not** generate contact hours because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility.*

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:  
*The instructional setting code for this student is **00, no instructional setting**, and the speech therapy indicator code is **1**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:  
*The instructional setting code for this student is **00, no instructional setting**.*

**Example 5:** A 4-year-old student receives only speech therapy and physical therapy services. The speech therapist provides services 30 minutes twice a week, and the physical therapist provides services 30 minutes twice a week. **The student does not receive any other services.** The student is ineligible for PK but is eligible for the special education services the student receives.

*The student will **not** generate contact hours because the student does not meet the requirements of the 2-through-4-hour rule for ADA eligibility.*

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report:  
*The instructional setting code for this student is **00, no instructional setting**; the speech therapy indicator code is **1**; and the physical therapy indicator code is **1**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension:  
*The instructional setting code for this student is **00, no instructional setting**.*

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## **Speech Therapy Indicator Code 2 Examples**

**Example 1:** A student attends one 55-minute special education class and five 55-minute general education classes a day. In addition, the student is pulled out of the general education setting to work with a speech therapist once a week for 30 minutes in a location other than a general education setting.

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report: *The instructional setting code for this student is **41, resource room/services - less than 21%** (305 minutes/1,650 minutes = 18%), and the speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension: *Two instructional setting codes are recorded for this student: **41, resource room/services - less than 21%**, and **00, no instructional setting**.*

**Example 2:** A student attends one 55-minute special education class and four 55-minute general education classes a day. In addition, the student is pulled out of the general education setting to work with a speech therapist once a week for 30 minutes in a location other than a general education setting.

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report: *The instructional setting code for this student is **42, resource room/services - at least 21% and less than 50%** (305 minutes/1,375 minutes = 22%), and the speech therapy indicator code is **2**.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension: *Two instructional setting codes are recorded for this student: **42, resource room/services - at least 21% and less than 50%**, and **00, no instructional setting**.*

**Example 3:** A student with a speech impairment and another type of disability receives special education services and support from a special education teacher in the general education classroom. The student also receives direct speech therapy services.

TSDS PEIMS 41163 Student Special Education Program Association Extension and Student Detail Report: *The instructional setting code for this student is **40, mainstream**, and the speech therapy indicator code is **2**. The instructional setting code of 40 may be used regardless of whether the direct speech therapy services are provided in the general education classroom or a location other than a general education setting.*

TSDS PEIMS 42401 Special Programs Reporting Period Attendance Extension: *One instructional setting code is recorded for this student: **00, no instructional setting**. (The 405 record does not permit reporting of the mainstream instructional setting code. If a student is in a mainstream instructional setting and receives speech therapy services, the 405 record should have only one instructional setting code reported: 00. The student's mainstream eligible days present are reported on the 400 record.)*