

Eustace I.S.D.
Special Education Handbook
And Operating Guidelines*

*Approved by Eustace ISD School Board
02/18/2014

EUSTACE I.S.D. SPECIAL EDUCATION

Statement of Purpose

Staff

The Eustace I.S.D. special education staff work with school personnel, parents and community resources to provide children with special needs a free appropriate public education.

The Child

We believe:

Each child has dignity and worth.

Every child is unique.

Every child must have the opportunity for physical, emotional, social, intellectual and academic Well being and growth.

Every child needs to be challenged at his or her level.

Every child needs to be provided with the opportunity to experience success.

Every child has the right to strive toward his/her maximum potential.

Inclusion

Every child has the right to be educated in the least restrictive environment; this could be the child's home school and regular classroom. However, some exceptional children will not experience success within regular programs, or may require additional support to function within the regular classroom. Therefore, special class settings will be maintained.

Role of the Department of Special Education:

It is the role of the special education department to provide support services on behalf of the school.

This support includes but is not limited to:

Diagnostic services

Consultation with school personnel, parents, and outside agencies

Assistance in IEP development

Counseling services
Homebound Programs
Orientation and Mobility Services
Vocational Work Programs
Speech Therapy
Transition Services
Other Related Services (Occupational Therapy, Physical Therapy)
Assistive Technology
In-Service Training

ACRONYMS

AE	Age Equivalent
ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactivity Disorder
AEP	Alternative Education Program
AI	Auditorally Impaired
APE	Adapted PE
ARD	Admission, Review and Dismissal
ARDC	Admission, Review and Dismissal Committee
ASL	American Sign Language
AT	Assistive Technology
ATD	Assistive Technology Device
AU	Autism
BIP	Behavior Intervention Plan
CA	Chronological Age
CAP	Corrective Action Plan
CAPD	Central Auditory Processing Deficit
CLD	Culturally and Linguistically Diverse
CM	Content Mastery
DAEP	District Alternative Education Placement
DB	Deaf Blind
DNQ	Does Not Qualify
ECI	Early Childhood Intervention

ED	Emotional Disturbance
EOC	End of Course
ESL	English as a Second Language
ESY	Extended School Year
FAPE	Free Appropriate Public Education
FBA	Functional Behavior Assessment
FIE	Full and Individual Evaluation
GE	Grade Equivalent
ICFMR	Intermediate Care Facility/Mentally Retarded
ID	Intellectual Disability
IDEA 04	Individuals with Disabilities Education Act 2004
IEE	Independent Educational Evaluation
IEP	Individual Education Plan
ITP	Individual Transition Plan
LD	Learning Disability
LEA	Local Education Agency
LEP	Limited English Proficient
LPAC	Language Proficiency Assessment Committee
LPC	Licensed Professional Counselor
LRE	Least Restrictive Environment
LSSP	Licensed Specialist in School Psychology
MA	Mental Age
MD	Multiple Disabilities
MDR	Manifestation Determination Review
MOU	Memorandum of Understanding
NCEC	Non-Categorical Early Childhood
O&M	Orientation and Mobility
OCEP	Office of Special Education Programs
OCR	Office for Civil Rights
OI	Orthopedic Impairment
OHI	Other Health Impaired
OT	Occupational Therapy
PLAAFP	Present Level of Academic and Functional Performance

PPCD	Preschool Program for Children with Disabilities
PT	Physical Therapy
REED	Review of Existing Evaluation Data
RDSPD	Regional Day School Program for the Deaf
SBOE	State Board of Education
SLP	Speech and Language Pathologist
SI	Speech Impairment
SOP	Summary of Performance
STAAR	State of Texas Assessment of Academic Readiness
TEA	Texas Education Agency
VI	Visually Impaired
TBI	Traumatic Brain Injury
TSBVI	Texas School for the Blind and Visually Impaired
TSD	Texas School for the Deaf
TEC	Texas Education Code

Glossary of Terms and Definitions

Admission Review and Dismissal (ARD) Committee

A committee is composed of a child's parent(s) and school personnel who are involved with the child. The ARD committee determines a child's eligibility to receive special education services and develops the individualized education program (IEP) of the child. The ARD committee is the IEP team defined in federal law.

Adult Student

Unless, by court order, a student who is 18 years of age or older has been determined to be incompetent or the student's rights have been otherwise restricted, parental rights under the Individuals with Disabilities Act (IDEA) transfer to a student with a disability when the student reaches 18 years of age, except that the local educational agency (LEA) must continue to provide any required notice to both the parents and the student.

Annual Goals

An individualized education plan (IEP) must include a statement of measurable annual goals, including academic and functional goals, designed to meet the child's needs that result from the child's

disability; to enable the child to be involved in and make progress in the general education curriculum; and to meet each of the child's other educational needs that result from the child's disability. The goals reflect what the ARD committee believes the child can reasonably accomplish in a year.

Assistive Technology Device (ATD)

Any item, piece of equipment, or product system that is used to maintain or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted or the replacement of such device.

Assistive Technology Services (ATS)

Any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.

Behavior Intervention Plan (BIP)

A written plan to address behavioral concerns impeding the child's learning or that of others. It includes behavioral interventions and supports, and other strategies, to address the behavior. The BIP serves as a supplement to and, unless specifically stated, does not replace the regular student code of conduct.

Child Find

Child Find refers to state-developed policies and procedures which ensure that all children with disabilities residing in Texas, regardless of the severity of their disabilities, who are in need of special education and related services are identified, located, and evaluated.

Child with a Disability

A child with an intellectual disability, hearing impairment (including deafness), speech or language impairment, visual impairment (including blindness), serious emotional disturbance, (referred to in this title as "emotional disturbance"), orthopedic impairment, autism, traumatic brain injury, other health impairment, or specific learning disability; and who, by reason thereof, needs special education and related services.

Complaint Investigations

Any organization or individual may file a complaint with the Texas Education Agency (TEA) if the complainant believes the local educational agency (LEA) has violated federal or state laws that apply to children with disabilities. The complainant must send a written and signed complaint to the TEA. The written complaint should state the violation(s) and at least two facts on which the complaint is based. For more information about filing a complaint call the TEA toll-free parent information line at 1-800-252-9668.

Consent

Written informed parental consent is required before the local educational agency (LEA) evaluates a child for special education services for the first time, provides special education services for the first

time, or reevaluates the child to determine the continued eligibility for special education services. Informed parental consent need not be obtained prior to reevaluation if the LEA can demonstrate it has taken reasonable measures to obtain such consent and the child's parent have failed to respond. Written consent is also needed before the LEA can release personally identifiable information from a child's educational records, with certain exceptions as provided in federal law including when releasing to other school officials with a legitimate educational interest and to another LEA because the child intends to or has enrolled in the LEA. Consent is voluntary and may be withdrawn at any time.

Due Process Hearing

A formal legal process that is similar to a civil court hearing used to solve disagreements concerning the identification, evaluation, educational placement or the provision of a free appropriate public education (FAPE) to a child with a disability. An impartial hearing officer (similar to a judge) provided by the Texas Education Agency (TEA) conducts the hearing, hears evidence from all parties, and makes a legally binding decision.

Early Childhood Intervention (ECI)

Programs and services provided to infants and toddlers with developmental delays from birth through age two administered under Part C of the Individuals with Disabilities Education Act (IDEA)

Evaluation

An evaluation involves the collection of information to determine the presence of a qualifying disability. The team that collects or reviews evaluation data, referred to as the multidisciplinary team (MDT), must utilize a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent. An evaluation may include administering individual tests, observing the student, examining educational records and talking with the student and his/her teachers and parents.

Extended School Year Services (ESY)

An individualized educational program (IEP) for children with disabilities that is provided beyond the regular school year. The need for ESY services must be determined on an individual basis by the child's ARD committee from formal and/or informal evaluations provided by the LEA and/ or the parents. A child is eligible for ESY services when the child has exhibited, or reasonably may be expected to exhibit, severe or substantial regression in critical skill area(s) that cannot be recouped within a reasonable period of time.

Facilitated IEP

A process where a person serves as a facilitator to help an ARD committee improve how it identifies, discusses and solves problems. The process of ARD facilitation is designed to result in improved decision making.

Free Appropriate Public Education (FAPE)

Special education and related services that have been provided at public expense, under public supervision and direction and without charge; meet the standards of the Texas Education Agency (TEA); include an appropriate preschool, elementary school or secondary school education in the State involved; and are provided in conformance with the individualized education program (IEP).

General Education Curriculum

In Texas the general education curriculum is the Texas Essential Knowledge and Skills (TEKS).

Graduation

For a special education student this takes place upon the successful completion of all curriculum requirements and satisfactory performance on the secondary exit-level assessment instruments, or upon successful completion of an individualized education program (IEP) and the criteria for graduating pursuant to an IEP. A child with disabilities may graduate by completing the same program required of non-disabled children or by completing the requirements of his/her IEP and meeting the criteria set forth by the Commissioner in 19 T.A.C. §89.1070.

Hearing Officer

An impartial person appointed by the Texas Education Agency (TEA) to conduct a due process hearing. The hearing officer cannot be an employee of any agency involved in the education or care of the child who is the subject of the hearing and cannot have any personal or professional interest that would conflict with his or her objectivity in the hearing. The hearing officer must possess the knowledge and skills necessary to serve as a hearing officer. The hearing officer issues a written decision based upon the evidence and witnesses presented at the hearing.

Independent Educational Evaluation (IEE)

An evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of the child being evaluated. A parent has the right to request an IEE at public expense when the parent disagrees with an evaluation conducted or obtained by the LEA. When the parent asks for an IEE, the LEA must give the parent its evaluation criteria and sources to obtain an IEE. The criteria must include the qualifications of the examiner and the location of the evaluation.

The IEE must meet the same criteria the LEA uses for its own evaluations. The LEA does not have to pay for the IEE if it can show at a due process hearing that the LEA's evaluation is appropriate or if it can show that the IEE does not meet the LEA's criteria. The parent always has the right to get an IEE at the parent's expense. Regardless of who pays for it, the ARD committee must consider any IEE that meets its criteria.

Individualized Education Program (IEP)

A written statement for each child with a disability that is developed reviewed and revised by the ARD committee, of which parents are active members. The IEP includes the student's present levels of academic achievement and functional performance, participation in state and district-wide assessments,

transition services, annual goals, special factors, special education, related services, supplementary aids and services, extended school year services, and least restrictive environment.

Least Restrictive Environment (LRE)

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Local Educational Agency (LEA)

A public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a state, or for such combination of school districts or counties as are recognized in a state as an administrative agency for its public elementary schools or secondary schools.

Mediation

One of the available options used for resolving disagreements about a child's identification, evaluation, educational placement, and the provision of a free appropriate public education (FAPE). Mediation is voluntary. If both the parent and LEA agree to participate, the Texas Education Agency (TEA) provides a trained mediator to conduct the mediation. Mediation may not be used to delay or deny a parent a due process hearing or any other procedural safeguards. The TEA will automatically offer mediation services to the parent and LEA when a due process hearing is requested.

Native Language

When used with respect to an individual who is limited English proficient, this means the language normally used by the individual or, in the case of a child, the language normally used by the parents of the child.

Notice of Procedural Safeguards

A written document containing a full explanation of the procedural safeguards, written in the native language of the parents (unless it clearly is not feasible to do so) and written in an easily understandable manner, available under the Individuals with Disabilities Education Act (IDEA) and under regulations promulgated by the Secretary of Education. A copy of the procedural safeguards available to a parent of a child with a disability must be given to the parents only one time a year, except that a copy must be given to the parents upon initial referral or parental request for evaluation; upon the first occurrence of the filing of a due process hearing; and upon request by a parent.

Parent

This term includes a biological or adoptive parent, a foster parent who meets state requirements for serving as parent, a legal guardian (but not the state if the child is ward of the state), an individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent or other

relative with whom the child lives, an individual who is legally responsible for the child's welfare, or an individual assigned to be a surrogate parent.

Placement

The educational program, and not the particular institution or location, where the program is being implemented. Instructional arrangements/settings must be based on the individual needs and individualized education program (IEP) of an eligible child receiving special education services. Decisions on placement should not be based on administrative convenience.

Present Levels

A statement in the individualized education program (IEP) of the child's present levels of academic achievement and functional performance (PLAAFP), including how the child's disability affects the child's involvement and progress in the general education curriculum; for preschool children, as appropriate, how the disability affect the child's participation in appropriate activities; and for children with disabilities who take alternative assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives. The statement must include the strengths of the child; the concerns of the parents for enhancing the education of their child; the results of the initial evaluation or most recent evaluation of the child; and the academic, developmental, and functional needs of the child.

Procedural Safeguards

A document that explains a parent's legal rights under state law and the IDEA to be involved in and make decisions about their child's education. The document is often referred to as the "Notice of Procedural Safeguards" or "Procedural Safeguards Notice", because its purpose is to notify parents of their legal rights. The Procedural Safeguards must be provided to parents one time a year. It will also be provided at initial referral, prior to an evaluation, upon the filing of a due process hearing and upon parent request.

Prior Written Notice

Must be given to the parents of a child whenever the local educational agency (LEA) proposes to initiate or change; or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education (FAPE) to the child. Texas defines a reasonable time for providing such notice as five (5) school days.

Reevaluation

Must be conducted if the local educational agency (LEA) determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or if the child's parents or teacher requests a reevaluation. It must occur not more frequently than once a year, unless the parent and the LEA agree otherwise, and at least once every three years, unless the parent and the local educational agency (LEA) agree that a reevaluation is unnecessary.

Referral

Referral of children for a full and individual initial evaluation for possible special education services must be a part of the local education agency's (LEA's) overall, general education referral or screening system. Prior to referral, children experiencing difficulty in the general classroom should be considered for all support services, available to all students, such as tutorial, remedial, compensatory, and other services. If the child continues to experience difficulty in the general classroom after the provision of interventions, LEA personnel must refer the child for a full and individual initial evaluation. This referral for a full and individual initial evaluation may be initiated by school personnel, the child's parents or legal guardian, or another person involved in the education or care of the student.

Related Services

Transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a free appropriate public education as describe in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children. The term does not include a medical device that is surgically implanted, or the replacement of such device.

Short-Term Objectives/Benchmarks

A statement in the individualized education program (IEP) of the child's present levels of academic achievement and functional performance, including for children with disabilities who take alternative assessments aligned to alternate achievement standards , a description of benchmarks or short-term objectives.

Special Education

Specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education.

Supplementary Aids and Services

Aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate.

Surrogate Parent

The LEA must assign an individual to act as a surrogate for the parents, to ensure the rights of a child with a disability are protected, whenever the parents are not known; the local educational agency (LEA) cannot, after reasonable efforts, locate the parents; or the child is a ward of the State. The surrogate parent must not be an employee of the State educational agency (SEA, the LEA, or any other agency that is involved in the education or care of the child. In the case of an unaccompanied homeless youth as defined in Section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6)), the LEA must appoint a surrogate parent. The LEA must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after there is a determination that the child needs a surrogate parents. An individual assigned to act as a surrogate must complete a training program within 90 calendar days after being initially assigned as a surrogate.

Texas Education Agency (TEA)

The state department of education or state educational agency (SEA), which is responsible for the public education of all students in Texas. The Texas Education Agency works with local school districts to ensure that all public education laws, rules, and regulations are followed.

Transition Services

A coordinated set of activities for a child with a disability that is designed within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and a functional vocational evaluation.

Ward of the State

A child who, as determined by the state where the child resides, is a foster child, is a ward of the state, or is in the custody of a public child welfare agency. The term does not include a foster child who has a foster parent who meets the definition of a parent.

Policies, Procedures and Operating Guidelines

Policies and procedures for the Eustace ISD special education program are available through Region 18. (Legal Framework). A link to this site is available on the EISD Special Education Department website. The county district number for the EISD is 107-905. For any further questions, please contact the Eustace ISD, Director of Special Education, Dr. Mack Saxon, at 903-425-5340.

Local operating guidelines are not all inclusive. For further information on the policies and procedures of the Eustace ISD related to special education, please refer to the Legal Framework or to the Board policies and procedures for the Eustace ISD (available on the Eustace ISD website).

REFERRAL

Process

Each Eustace ISD campus will use the PUP (Pumping Up Performance) or RTI (Response to Intervention) Team to consider all early intervening services provided, all scientifically based reading or other programs used, and/or any support services available to all students prior to referral to special education. Membership of each campus team will be determined by local campus administration.

Special Education Involvement

Special education personnel may be involved in collecting referral information only for:

1. Students ages 3-5 not currently enrolled in a school program
2. Students who are hospitalized or institutionalized
3. Students with multiple disabilities

Speech

Students receiving speech therapy are special education students and do not need to be referred to receive additional special education services.

Provision of Special Education

Provision of special education services, including related services, will be based on the individual needs of the student. Services may not be awarded in such a manner as to constitute a “pattern of services”. Services are provided for students ages 3-21 and beginning at birth for children who are visually and/or auditorially impaired.

Public Awareness

Public awareness may include but not be limited to the dissemination of information to local community newspapers, radio stations, medical offices, public agencies, private/parochial schools, housing developments, nursing homes, residential care facilities, and any other public/private agency or organization as deemed appropriate by the director of special education.

Child Find and Referrals

Training in child find will be conducted annually for district staff. Emphasis will be given to training campus secretaries, central office secretaries and other personnel who are frequently the initial contacts for inquiries regarding the identification of children who may need special education services.

Each campus will place, in a visible location, a Child Find Poster which includes referral information. The notice will include general eligibility requirements and the name and phone number of the director of special education.

The director of special education will maintain documentation of “Child Find” communications. For children not enrolled in the district, the special education director, or designee, will assist parents with a referral to the appropriate individual/agency. After a referral for child find is received by the special education department, a follow-up will be documented by the special education department.

The special education department will make available community resources and contacts to parents/legal guardians and adult students.

The PUP or RTI team is responsible for contacting the parents regarding the intent to refer, and informing the parents of parent/student rights and procedural safeguards throughout the child-centered educational process.

If the PUP or RTI team decides that a student does not need a full and individual evaluation and the parent initiated the referral, the school will give the parent written notice of refusal to evaluate (PWN).

The special education director will receive the referral, review the documentation, and assign the folder to the appropriate evaluation personnel. Evaluation personnel will assure informed consent for evaluation is received.

The Eustace ISD special education department will maintain a referral log which may contain but not be limited to the following: name of student, date of birth, date of referral initiation, name of person initiating referral, date of evaluation, date of evaluation report, date of initial ARD, initial ARD eligibility decision and status. This will assist in tracking timelines, including services initiated on a child’s third birthday.

This information will be reported in Schedule 5B of the Standard Application System (SAS).

The director of special education is the custodian of special education records and is responsible for maintaining the confidentiality of student special education records.

The director will have on file the written role and responsibilities for each individual involved in the referral process.

The district annual summary from Schedule 5B of the Standard Application System and district composite summary will be reviewed by the special education director and used as management tools to identify areas of need in the child-find process.

Timelines

The date of initiation of referral is the date on which the child’s parent or legal guardian or another appropriate person signs the consent for evaluation.

The date of the written report of the full and individual evaluation is the date on which the evaluation person compiles all data necessary to document eligibility for special education and related services.

Primary Referral Requirements

When a child under age three is referred for possible special education services, the special education department will document the referral and will give the parent/legal guardian the name and telephone number of the ECI program. The special education department will then contact within two (2) working days the ECI program director and make him/her aware of the referral. The special education department will follow up to track completion of the evaluation within 45 calendar days.

Services to students with auditory or visual impairments ages birth-2 years will be coordinated with ECI in the development of an IFSP by:

ECI will be responsible for inviting VI/AI staff to IFSP meetings.

AI/VI staff will evaluate 0-2 year olds with auditory or visual impairments as requested by ECI and provide a report within three weeks of evaluation.

Teachers of AI/VI will attend IFSP meetings and collaboratively develop the IFSP.

The special education department will provide VI and/or AI services identified in the IFSP as evidenced in monthly progress reports to ECI providers.

Services will be provided throughout the calendar years, including summer months, if included in the IFSP.

Guidelines for Collaboration with ECI

IFSP Meetings and Procedures:

At least 120 days prior to the child's 3rd birthday, a face-to-face conference will be convened with ECI, the family and the school district to review program options.

At least 90 days prior to the child's 3rd birthday, ECI will refer the child to public school for special education evaluation and enrollment.

ECI will identify for the school, children who will be transitioning in the next school year. All evaluations and ARD timelines will be adhered to for ECI students.

The special education director or designee will coordinate the transition from ECI to public school and ensure that an IEP has been developed and is implemented beginning on the child's third birthday.

The special education director or designee will coordinate all referrals for any child who has not been previously enrolled in an ECI program and is referred for services before his/her third birthday.

If sufficient information exists to determine eligibility for special education services, an ARD committee will meet to temporarily place the student pending collection of new evaluation data by the district. A second ARD committee meeting will be held within 30 school days from the date of the first ARD committee meeting to finalize an IEP based on current information.

If sufficient information does not exist to determine eligibility for special education services, the district evaluation staff will expedite the evaluation process to ensure that services for an eligible child will begin on his/her 3rd birthday.

ARD/IEP

Administrators

The administrative representative in an ARD meeting shall be the campus principal or a designee approved by the director of special education. The campus principal must make a written request for the approval of a designee to the director of special education. The administrative representative or designee must have the authority to commit the resources of the EISD.

Recording

The Eustace ISD, the parent or the adult student may audio record the ARD/IEP Committee meeting. All participants in the meeting will be notified that a recording is being made. If a parent chooses to record a meeting, the district should also record the meeting. The audio tape will be kept confidential and located with the eligibility folder. Video recording will not be allowed.

ARD Committee Membership

ARDC meetings will not be conducted without the required membership in attendance. Parents/adult students are not required members, except in the case of initial placements. However, they must be invited and attempts must be made to involve them.

The principal or administrative designee of each campus will be responsible for establishing the admission, review and dismissal (ARD) committee. The principal (or the appropriate designee) will chair the ARD committee.

Eligibility

Final decisions regarding eligibility for special education services are made by the ARD committee. The ARD committee eligibility decision must be based on formal evaluation results and recommendations provided by personnel that meet TEA criteria for conducting relevant evaluations. Placement decisions cannot be made based on parent or professional opinions, no matter how informed, that are not supported by formal evaluation results.

Temporary Placements

Under local operating guidelines, the ARD committee should meet when the student registers if the student was receiving special education services in his or her previous district. The diagnostician or speech therapist assigned to the campus will have responsibility for conducting the temporary ARD at the time of enrollment. If the relevant assessment personnel cannot be located or are unavailable, the special education office will be contacted for assistance if needed. A student previously enrolled in special education classes is improperly serviced if the school does not conduct the temporary at the time of enrollment and chooses to:

- a. Place the student in special education classes without conducting a temporary ARD
- b. Place the student in regular classes until a temporary can be arranged, or
- c. Does not allow the student to enroll pending an ARD being arranged

Due to these factors, it is required that the local campus be prepared to conduct the temporary ARD at the time of enrollment, if special education staff is unavailable.

Teacher Involvement

Prior to each annual ARD, each teacher will be given a form to record current competencies, behavioral concerns, and/or instructional concerns. Relevant sections of the current IEP, such as goals and objectives, accommodations, and adaptations will be given to each teacher responsible for providing instruction in an identified area prior to the first day of the school year.

If the student transfers into the district or is an initial placement, the relevant sections of the current IEP will be given to the teacher as soon as possible after the ARD committee meeting.

Implementation

The school principal or campus designee will be responsible for monitoring the grades and IEPs of special education students on their campus, including those in mainstream settings, to assure implementation. The child's teacher is responsible for implementing the IEP as received and providing required services. Failure to do so may be reflected on an employees' evaluation.

During the school year, the principal or other administrator will periodically review accommodations folders for compliance. At the end of each school year, accommodations folders will be collected by the campus and forwarded to the director of special education.

The director of special education is responsible for assuring implementation of required services by speech and related services personnel. Failure to provide required services may be reflected on an employee's evaluation. Speech and related service personnel will turn in copies of their service logs to the director of special education at the end of each six weeks.

Least Restrictive Environment

Supplementary aids and services needed by the student with disabilities are specified in the student's IEP and are based on student need. The IEP Team will determine where these services will best be provided for the student with consideration made for placement in the least restrictive setting. The campus will make every possible attempt to involve students, teachers, parents and peers in collaborative planning and implementation of supplementary aids and services.

Extended School Year Services (ESY)

The Notice of ARD Meeting for an annual review will designate to the parent/adult student that ESY will be considered at the ARD meeting. ESY will be addressed at every annual review and at other appropriate times. Students recommended for ESY services must have formal regression or recoupment data provided by the teacher or other service providers.

Procedures on ARD Meetings:

1. An ARD meeting must be held before a change in placement is made for a special education student.
2. Proper (5 school day) notice must be given for all ARDs or notice must be waived by the parent or adult student.
3. ARDs cannot be held without the required members. This includes a representative from regular education when required.

4. The diagnostician, speech therapist or case manager is responsible for assuring that the ARD does not proceed without proper membership. The local campus is responsible for assuring attendance of their staff once proper notice of the ARD has been sent.
5. Once the ARD is complete, it is the responsibility of the local campus to assure that all of the child's regular education teachers receive a copy of any accommodations, modifications and/or behavior plans.
6. If the parent or adult student declines to sign the signature page or signs and refuses to check agree or disagree, the failure to do so will be treated as a disagreement and a recess ARD will be offered.

Amendments:

Amendments may not be used to change the placement of a special education student, develop a new IEP or BIP, or to conduct an FBA or MDR. A parent's signature must be obtained on all amendments.

Failures:

Under local operating guidelines, an ARD committee meeting will be conducted for any special education student failing any course for two consecutive grading periods.

Procedural and Administrative Guidelines

Child Find

Annually, prior to the submission of the SAS, the Eustace Special Education department will invite representatives of eligible private school students to participate in a meeting to gather information on the number, needs, and locations of students eligible for special education services. This meeting will not be held if no eligible private schools are identified.

Private Schools

Services

After consultation with the private school representatives, a committee consisting of the special education director, campus representatives, and special education support staff will make the final decision regarding the specifics of the program, including type, location, and amount of services, and how services will be evaluated. At this time, the committee will designate the eligible private school students to participate in the upcoming school year.

Eligible students in private schools who move into the district will be considered for services during the current year based on the availability of proportionate share funds and the specifics of the current program. Services are not guaranteed for these students during the school year they move in to the district. No individual private or home-schooled student has a guaranteed right to services.

Service Plans

Individual service plans (ISP) will be in place on or before the first day of school. In addition to the members required to participate in the ISP meeting, the district will attempt to obtain the participation of a representative from the private school the student attends in the development of the ISP.

The parent and service providers will be given a copy of the ISP. Federal notice requirements will be followed. The ISP will have the same components and follow the same timelines as an individualized education plan.

Proportionate Share

Proportionate share dollars are to be used for eligible students in non-profit private schools (including home schools). If materials and/or equipment are placed at a private school in order to implement the ISP, they may be used only to service the specific eligible students. Eustace ISD will remove the specified materials and/or equipment when no longer needed, or if they are being used for any other purpose.

Records

Access to Records

The parent/adult student must submit an oral or written request for review of records to the director of special education. The request will be documented in the student's eligibility folder, and the director will make the appropriate records available for review.

The record of access will be kept inside the eligibility folder.

In accordance with TEC 25.022, the Eustace ISD shall furnish the school district in which the student seeks to enroll with a copy of the student's records, including the child's special education records, not later than the 30th calendar day after the student was enrolled in the new school district. 89.1050(f)

The district's annual FERPA notice includes a notice that the district forwards education records to other educational agencies or institutions that have requested records and in which the students seeks or intends to enroll.

The Eustace ISD uses the TREx system to request and provide special education records.

Upon request, parents may review test protocols in the presence of assigned special education personnel. Due to copyright laws, copies of test protocols will not be provided or allowed.

List of Types and Locations of Information

The following list describes the type of special education records collected, maintained, or used by the district. This list may be obtained upon request from the Director of Special Education, P.O. Box 188, Eustace, Texas, 75124.

Types of Records:

- Enrollment reports
- Referral reports
- Evaluation reports

- Reevaluation reports
- Eligibility forms
- Admission, Review and Dismissal Committee documentation of Individualized Education Program (ARD/IEP)
- Parental notices and consent forms, and
- Other records of services required or maintained under federal and state regulation.

Location of Records:

- Special Education Office
- Special Education Classroom

Fees for Copies

A fee of ten cents (\$ 0.10) per page may be charged for copies of special education records, provided the fee does not effectively prevent the parents or adult students the right to inspect or review their records.

Contested Records/Hearing Procedures

If a hearing is requested, it will be held within 10 school days after the request is received. Parents will be notified in advance of the date, time and place of the hearing. An administrator who is not responsible for the contested records and who does not have a direct interest in the outcome will conduct the hearing. The parents will be given a full and fair opportunity to present evidence and, at their own expense, may be assisted or represented at the hearing.

The parents will be notified of the decision in writing within 10 school days of the hearing. The decision will be based solely on the evidence presented at the meeting and will include a summary of the evidence and reasons for the decision. If the decision is to deny the request, the parents will be informed that they have 30 school days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with EISD's decision.

In the event the request is denied, the parent or guardian may request a hearing before the EISD Board of Trustees. Within 45 days of the request for hearing before the Board of Trustees, such hearing will be granted and timely notice of the hearing provided the parent or guardian. The decision of the Board will be made known in writing to the parent or guardian within 45 days. If the hearing shows that the record is correct as is, EISD must make known the parent's right to attach a statement to the record stating reasons for disagreement with the Board of Trustee's decision.

Confidentiality

The special education director assumes the responsibility for ensuring confidentiality of personally identifiable information. The special education director is the custodian of the cumulative folders for currently enrolled students and students who have withdrawn or graduated at the assigned school.

The director of special education will train all Eustace ISD personnel on a yearly basis on the use of personally identifiable data with respect to confidentiality and parent/student rights.

The direct maintains a current list of the names and positions of employees who may have access to this information.

Annual Notification of Rights

On an annual basis, the district will give parent/adult students in membership annual notice of rights under the Family Education Rights and Privacy Act of 1974 and of the places where copies of this policy may be located, including notice of the right to file complaints concerning alleged failures by the district to comply with the provisions of the act. The annual notice will be included in the parent/student handbook. The District will effectively notify parents of students who have a primary or home language other than English.

Destruction of Information

The director or designee will inform the parent/legal guardian or adult student when personally identifiable information is no longer needed to provide educational services to the student via a published advertisement in the legal section of a newspaper with district-wide distribution. For the Eustace I.S.D., this paper is the Athens Daily Review.

Records will be kept for five years after graduation or dismissal from special education.

Test protocols will be kept for a period of three years from the date of administration.

A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limit.

Professional Development: Special Programs Training

Upon request, the director will meet with district personnel to provide opportunities to address the provision of identified training needs of personnel serving students with disabilities.

Surrogate Parents

The director of special education or designee will be responsible for the appropriate selection of a surrogate parent. For children under the supervision of the Texas Department of Protective and Regulatory Services (DPRS), the director/designee will obtain a copy of the court order verifying that the child is a ward of the state. This documentation will be kept in the student's eligibility folder.

The director of special education or designee will assign and train the adult acting as parent for the child.

Interpreting Services

The director will maintain documentation that interpreters used in special education evaluation and programming are fluent in both English and the native language of the student. Interpreters will receive certificates upon the completion of training in which the individuals have demonstrated familiarity with

appropriate educational terms, forms, procedures, techniques, tests and confidentiality. Interpreters will also be familiar with the culture of the school and the student.

Prior Written Notice

Must be provided to parents or adult students in their native language, or other mode of communication, each time the district proposes or refuses to initiate the identification or educational placement or provision of FAPE or conducts a manifestation determination on a child with a suspected disability. This includes a decision to deny a parent request for a referral to special education.

Outside Services

Special education students sometimes receive services from other agencies or providers that are not a part of the student's IEP and are not required to provide a FAPE. The school is responsible for providing a FAPE, including services in the IEP, corresponding to the times and frequencies listed in the IEP. For this reason, outside agencies and/or independent providers will not be allowed to provide their services on school premises during the school day. This does not in any way limit CPS access to a student as part of an investigation.

Discipline

The students' Behavior Intervention Plan (B.I.P.) is a supplement to and does not replace the regular Student Code of Conduct.

If any employee of Eustace ISD chooses to use restraint and/or time-out, (as defined by TEC 37.0021(b)), they will follow TASB policies and procedures for their use prior to implementation with any student. Employees involved in the restraint of a special education student will be trained in Nonviolent Crisis Intervention within 30 school days. Employees who are assigned to a position where a restraint might be anticipated will be trained in Nonviolent Crisis Intervention as soon as possible following their employment for such a position.

Homebound placement is not an allowable option for disciplinary purposes.

FIE (Full Individualized Evaluation)

Determination of Disability:

The determination of a disability will be made in accordance with T.E.A. guidelines. The Eustace ISD will not use the discrepancy model as the sole method to determine the presence or absence of a learning disability.

Reevaluations

The status of reevaluations will be tracked by the educational diagnostician, case manager, or speech therapist who is responsible for the student.

Eligibility

The Eustace ISD has approved the use of the Non-Categorical Early Childhood (NCEC) disability category for students between the ages of three and five who meet the NCEC criteria.

New Students

Campus registration forms will include a request for information from the parent regarding his/her child's participation in special education in the student's previous school. Records requests using the TREx system will include a request for any special education or 504 records that the sending district may possess.

Independent Evaluations

A parent may seek an independent educational evaluation (IEE) if the parent disagrees with all or part of a full and individual evaluation obtained by the school district. Such an IEE may be paid for by the school district, if the IEE meets the district criteria. However, the district may, at its option, initiate a due process hearing to prove that its own evaluation is appropriate. This can occur before an IEE is conducted; or after the parent has obtained an IEE and is requesting reimbursement. If the district prevails in the hearing, the parent still has the right to an IEE but not at public expense. If the district has not conducted an evaluation, the parent does not have a right to an IEE at public expense. Only one IEE may be reimbursed for each full and individual evaluation obtained by the district.

The request must state the name of the evaluator to allow the director to verify the certification and/or license of the evaluator, and to contract directly with the evaluator. Reimbursement will be made directly to the evaluator upon the district's receipt of the IEE that meets all the district's criteria. The evaluator will have no interest that conflicts with the interest of the child. **PARENTS OBTAINING AN IEE NOT FOLLOWING THESE PROCEDURES WILL RISK NON-PAYMENT.**

The parent/legal guardian must contact the director in writing to make the request for an IEE. Upon receipt of a written request the director will respond, in writing, within 30 school days.

The evaluator must be located within a 100 mile radius of the Eustace ISD unless the child's unique needs justify a waiver of the restriction.

The Eustace ISD will pay a fee for an IEE that allows a parent to choose from among qualified professionals in the area. The Eustace ISD will not pay unreasonably excessive fees. An unreasonably excessive fee is one which is 10% above the prevailing fees in the area or 20% above the Medicaid rate (whichever is higher) for the specific test or type of evaluation being considered.

Upon receipt of a request for payment of an unreasonably excessive fee, the Eustace ISD may request a hearing to challenge the right of the parents/evaluator to be reimbursed. Parents will be allowed the opportunity to demonstrate to the ARD committee that unique circumstances justify an IEE that does not fall within the district's criteria.

When service providers have a sliding scale fee based on parent income, the Eustace ISD will pay the amount charged to the parent.

Before reimbursement or payment for an IEE is authorized, criteria for the evaluation must be met and a written report received by the district.

Travel costs for examiners or parents will not exceed The Eustace ISD's rates for travel as established by state guidelines.

The Eustace ISD will deny payment on an IEE that does not meet minimum TEA criteria for the specific disability identified. The Eustace ISD will deny payment on an IEE that does not meet all state and federal requirements.

Atlantoaxial Dislocation Condition

Students identified as having Down's syndrome are at risk for the presence of a condition of the neck that requires restriction of physical education activities, called Atlantoaxial Dislocation Condition (ADC). Students with Down's syndrome must have a medical release to participate in physical education activities.

Related Services

Educational vs. Medical:

Occupational and physical therapy are provided for educational purposes, to allow the student to access the school curriculum. Services are not provided for medical purposes. Doctor's orders must be obtained before the provision of direct OT or PT services.

Personnel Assigned to Visually Impaired

Staff assigned to work with children with visual impairments will contact the director of special education for information regarding prompt and effective access to resources available through cooperating agencies in the area:

- The Texas School for the Blind and Visually Impaired
- The Central Media Depository for specialized instructional materials and aids made specifically for use by students with visual impairments
- Sheltered workshops participating in the state program of purchase of blind-made goods and services, and
- Related Resources

Homebound Services:

Homebound services are provided to students with a qualifying disability. The student must have documentation from a medical doctor indicating that they will either be absent for a minimum of four consecutive weeks or have a chronic condition that will necessitate absences totaling at least four weeks in a school year. Homebound services are not provided for disciplinary reasons. The homebound teacher will pick up and deliver work and assist with tutoring services as required by the ARDC. The child's regular teacher is responsible for making and grading assignments.

Assistive Technology

The need for assistive technology (AT) devices or services will be considered as part of the F.I.E. for a child and by the ARD committee. If a more in-depth evaluation is needed, a referral may be made to the AT team.

This team includes the occupational therapist (OT) physical therapist (PT), speech therapist, diagnostician and VI teacher. Any or all of the team will conduct further review of the student's needs and make recommendations to the ARD committee.

Work Study Program

Job Criteria:

1. Employment must be at sites that offer steady employment and that are not subject to cancellation due to weather or that are seasonal in nature.
2. Employment must be at sites where the VAC supervisor can make on site visits and be able to make phone contact with the employer.
3. Half Day work program students must work at least 15 hours per week. (Monday-Friday)
4. Full Day work program students must work at least 30 hours per week. (Monday-Friday)
5. The student must be able to show a copy of a check or a check stub to verify time worked.
6. The job must be non-hazardous.

Eligibility Criteria:

1. VAC coursework may not be substituted for any core academic class.
2. The student must qualify for special education services and an ARD committee must approve placement in the program.
3. The student must be 16-21 years of age and have a driver's license and/or adequate transportation.
4. The student should have recommendations from teachers and the principal.
5. The student must be approved and placed on the work program by the beginning of the second semester to be eligible to enter the program during the school year.

Student Responsibility:

1. The student is responsible for obtaining a job and maintaining employment while in VAC.
2. The student must give adequate notice to the employer and contact the VAC coordinator before quitting a job.
3. The student must immediately contact the VAC coordinator upon a change in jobs.
4. A part time VAC student may not work on any day they are absent from school.
5. VAC students are not to be on campus at times they do not have classes scheduled.
6. VAC students must comply with all school rules.
7. If a student is fired or quits a job, they will receive a 50 for each week they are not employed. After two consecutive weeks without a job, an ARD will be scheduled to consider discontinuation in the program.
8. If a student fails two consecutive six weeks, an ARD will be scheduled to consider discontinuation in the program. If a student is returned to class in order to receive a credit, a student must meet state attendance guidelines (state requires student to be in same class for 90 percent of the time for credit). To appeal this decision, the parent(s) and student must meet with the campus attendance committee.

Summer Work Program:

1. Summer work program is designed for those students who need credit to get on course for graduation.
2. Student must work a minimum of 20 hours per week for four weeks.
3. A maximum of three (3) credits can be earned.

Graduation:

Graduation is an ARD committee decision and will be based upon a record of job stability, current employment, and evidence that the student possesses the skills and knowledge necessary to obtain and hold a job after graduation.

Procedures for Provision of Nursing Services:

The following procedures are to be employed when a special education student requires nursing services that cannot be provided by the school nurse.

1. **Parent Provision of Private Nurse**
Parents may be allowed to provide a private duty nurse for required services.
Such personnel must pass a criminal background check and be subject to other district guidelines for employment.
2. **School Provision of Private Nurse**
If nursing services are required by the student's IEP and services are not provided by the parent, or the district denies a parent request to allow a private duty nurse to provide services required in the IEP, the school district is responsible for provision of these services.
3. All private duty nurses are expected to follow all district guidelines, including those related to confidentiality. If the private duty nurse in any way interferes with the teachers' classroom authority, the nurse will not be allowed to remain on campus and services will be provided by the school.

INSTRUCTIONAL ARRANGEMENT

PPCD

The Preschool Program for Children with Disabilities ages 3-5 is offered on the primary school campus. PPCD placement is based on evaluation, eligibility and the students' IEP.

LID

Students receiving a LID (Low Incidence Disabilities) curriculum are those for whom the ARDC has determined that to be the least restrictive environment. LID classrooms are currently housed at the primary

school (grades K-5) and the high school (grades 6-12). Students are transported to the campus of their assigned grade level to receive inclusion services.

BAC

Placement in a behavior adjustment class is determined on an individual basis. This is an educational placement and is utilized for special education students only when it is the least restrictive environment in which to provide FAPE. Any placement must include a plan for returning the student to the regular classroom.

Community Based Instruction

Community Based Instruction (CBI) is a term used to describe teaching and learning functional skills in the actual environment of the community versus inside the classroom. It is an instructional trip, not a field trip.

Continuum of Services

The district will provide a full continuum of services as determined on an individual basis by a student's ARD committee.