

2010-2011 SPECIAL EDUCATION HANDBOOK
WOLFE CITY ISD

To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living.

IDEA, 34 CFR §300.1(a)

WOLFE CITY SPECIAL EDUCATION DEPARTMENT
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Ideas From: “Texas Special Education Resources” [A Guide to the ARD Process] June 2002, May 2007
“It’s a New IDEA” www.tea.state.tx.us

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Addendum:



*Wolfe City Independent School District
Special Services
P.O. Drawer L
Wolfe City, Texas 75496
903-496-7333*

Dear Parent,

Please find enclosed a copy of an addendum to the A Guide to the Admission, Review and Dismissal Process. This addendum states that parents have the right to revoke consent at any time for the continued provision of special education and related services for their children.

As requested by the Texas Education Agency, the Wolfe City Special Services Department is forwarding this information to you. Please feel free to contact us at 903-496-7333, ext. 15, 16 or 17 with any questions you may have.

Best Regards,

Cindy McLain
Educational Diagnostician
Wolfe City Independent School District

**A GUIDE TO THE ADMISSION, REVIEW AND DISMISSAL PROCESS
ADDENDUM**

The purpose of this Addendum is to provide information to parents regarding the recent supplemental federal regulations that impact the Admission, Review and Dismissal process. These supplemental regulations which relate to a parent's right to revoke consent for the receipt of special education services were published in the Federal Register on December 1, 2008, and became effective on December 31, 2008.

Prior Written Notice (ARD Guide, page 3)

As of December 31, 2008, you now have the right to revoke your consent for the continued provision of special education and related services to your child at any time after the initial provision of special education and related services. A parent's revocation of consent must be in writing. Once the school receives your written revocation, it must honor your decision. Before the school discontinues services, however, it must provide you with prior written notice that services will cease. This prior written notice must be given to you a reasonable time before the school discontinues services. In Texas, this means that the school must provide prior written notice at least five school days in advance of discontinuing services.

Consent for the Initial Provision of Services (ARD Guide, page 4)

Just as you have the authority to consent to the initial provision of special education and related services, you now have the authority to revoke your consent for services. Your revocation of consent must be in writing. Although the school must discontinue services, the school is not required to amend your child's education records to remove any references to your child's having received special education and related services in the past.

ARD Committee (ARD Guide, page 5)

If you revoke your consent for the continued provision of special education and related services, the school is not required to convene an ARD committee meeting or develop an IEP for your child for further provision of services. Once you revoke consent, your child will be considered a general education student. Since your child will no longer have an IEP, the school will no longer be required to provide accommodations that were previously included in your child's IEP. If you revoke your consent, the school will not be considered to be in violation of the IDEA requirement to make a FAPE available to your child because of the failure to provide your child with further special education and related services.

Child Not Yet Eligible (ARD Guide, page 15)

If you revoke your consent for the continued provision of special education and related services, your child is not entitled to protections in the IDEA relating to discipline.

Mediation (ARD Guide, page 18)

If you revoke your consent for the continued provision of special education and related services, the school may not use the mediation process to try to obtain an agreement that services may continue to be provided to your child.

Due Process Hearing (ARD Guide, page 18)

If you revoke your consent for the continued provision of special education and related services, the school may not use the due process hearing procedures to challenge your decision. You have the right to revoke your consent, and the school must honor your decision.

Introduction

The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. Not all special education regulations are included. Those that are, have been summarized. Suggestions for additions and improvements to this handbook are welcome and may be sent to Sondra Northcutt, Special Education Director.

District information

Campus	Physical Address	Phone
Special Education Office	553 W. Dallas St.	903-496-7333, ext 15
Elementary (PK-5)	505 W. Dallas St.	903-496-7333
Middle School	553 W. Dallas St.	903-496-7333
High School	8353 Highway 34 North	903-496-2891

Mission statement

Our staff inspires and challenges all students to reach their full potential. Our department believes all students can achieve in a safe and supportive atmosphere.

To achieve this mission, our Special Education Department will:

1. Provide an environment of respect where students capitalize on strengths to become independent learners.
2. Commit ourselves to a collaborative team approach that meets student needs in the least restrictive environment.
3. Create partnerships between parents, teachers, and learners to promote open communication.
4. Ensure that a free appropriate public education is available to all children with disabilities.

Words to Know

Educators sometimes use language that is difficult to understand. If, at any time, you see or hear words (like “assessment”) or acronyms (like “ESY”) that you don’t understand, immediately ask school staff to explain them. As an equal partner in planning, you must understand all the information you receive in writing or hear in a meeting so you can decide what is best for your child.

Some words commonly used in educational planning are:

Accommodations

Adjustments made in how a student with a disability is taught or tested. Accommodations do not change what the student is taught or what he is expected to know. Common examples of accommodations are: highlighted textbooks, extensions of time for a student who writes slowly, or seating close to the teacher. Assistive technology is a common accommodation.

Adequate Yearly Progress (AYP)

Under No Child Left Behind, all schools, school districts, and states are required to show progress in: reading/language arts, math, and either graduation rates or attendance rates. There are consequences for failing to meet AYP criteria for two consecutive years.

ARD Committee (Admission, Review and Dismissal Committee)

In Texas, the name for the group made up of a student’s parents and school staff who meet at least annually to decide whether or not the student has an eligible disability and what special education and related services will be provided. Its major responsibility is the development of the individual education program (IEP) for students receiving special education. In Texas, the meetings of these committees are called “ARD meetings.”

Adult Student

Students age 18 and over are considered to be an adult student unless the student’s parent or other individual has been granted guardianship of the student under the Texas Probate Code.

Alternative Education Programs (AEPs)

Disciplinary programs operated by school districts for students who have committed a range of offenses specified in state law and/or in the district’s Student Code of Conduct. AEPs operated by the school district are DAEPs (Disciplinary Alternative Education Programs). AEPs operated by the juvenile justice system are called Juvenile Justice Alternative Education Programs, or JJAEPs. Students with disabilities who are in DAEPs or JJAEPs are still entitled to special education services.

Assessment

Assessments are tests given to all students in the state to evaluate learning. The most common statewide assessment in Texas is the TAKS (Texas Assessment of Knowledge

and Skills). Students receiving special education take the same state and district-wide assessments given to all students, unless their ARD committee determines a particular test is not appropriate. In that situation, the student will take an alternative test.

Assistive Technology

An assistive technology device is any item, piece of equipment or product used to increase, maintain, or improve the functioning of a student with a disability. Assistive technology devices for students with disabilities include those used for seating and positioning, mobility, augmentative communication, computer access and instruction, environmental control, adaptive toys and games, visual and listening aids and self-care. Assistive technology services (including training) assists students with disabilities in the selection, acquisition or use of an assistive technology device.

Behavior Intervention Plan (BIP)

A Behavior Intervention Plan, which is part of the IEP, identifies supports and services that will be provided to prevent inappropriate behaviors from occurring and to support desired behaviors.

Content Mastery

A type of service to provide extra help to students with disabilities outside the regular classroom. Content Mastery is defined and used differently from district to district. If content mastery is recommended for your child, always ask for a description of what services will be provided and where.

Early Intervening Services

IDEA 2004 allows schools to use up to 15% of IDEA funds for support services for students not identified as having a disability, but who need additional academic and behavioral supports to succeed in a general education classroom.

ECI (Early Childhood Intervention)

A statewide program for children from birth to age three who have developmental delays. ECI must make services available for every eligible child. Early intervention programs are required by Part C of the IDEA.

Education Service Centers (ESCs)

Education Service Centers are located in each of 20 geographic regions covering the state. Their main function is to provide training and technical assistance to the school districts located in their region. ESCs must also include parents in some of its trainings.

ESY (Extended School Year)

Education services provided in the summer (or over a holiday break) to some students with disabilities who require them as a part of their free appropriate public education. ESY services are to be provided in accordance with the IEP, and at no cost to the parents.

FAPE (Free Appropriate Public Education)

Special education and/or related services designed to meet the individual needs of each student at no cost to the parents, guaranteed to all students with disabilities by the Individuals with Disabilities Education Act (IDEA).

Highly Qualified Teachers

No Child Left Behind requires each state to require all teachers (including special education teachers) who teach in “core academic subjects” to be “highly qualified” by the end of the 2005-06 school year. For specific information about Texas requirements, go to: <http://www.tea.state.tx.us/nclb/hqteachers.html>

Highly Qualified Professionals

NCLB also sets new standards for paraprofessionals, including those working in special education. The new requirements apply to all special education paraprofessionals working in a Title 1 school, or any who provide instructional support in reading, writing, or math. For specific information, go to: <http://www.ed.gov/admins/tchrqual/qual/hqp/hqparas.pdf>

IEP (Individual Education Program)

The written plan that details the special education and related services that will be provided to each student who receives special education. Parents and school personnel work together to write the IEP at the ARD meeting. It will be reviewed, and revised if needed, every year.

IDEA (Individuals with Disabilities Education Act)

The federal law requiring school districts to provide students with disabilities a free appropriate public education.

LRE (Least Restrictive Environment)

The term used in the IDEA to refer to a student’s right to be educated to the maximum extent appropriate with students who do not have disabilities, and as close to home as possible.

Manifestation Determination Review (MDR)

A review of the relationship between a student’s disability and behavior that is the subject of disciplinary action.

Modifications

Modifications, unlike accommodations, change the level of instruction provided or tested. Modifications create a different standard for the student receiving them. The most common modifications are those made to the general education curriculum for a student with a cognitive disability. Curriculum modifications should be in the student’s IEP.

OCR (The Department of Education’s Office for Civil Rights)

The federal agency that enforces Section 504 of the Rehabilitation Act. OCR looks into complaints about discrimination based upon disability.

PPCD (Preschool Program for Children with Disabilities)

Public school services for children between the ages of three and five who qualify for special education services. Students ages 3-5 can receive special education services and support in settings such as a regular preschool in the community, a Head Start program or a pre-kindergarten class. Options for 3 and 4-year olds cannot be limited to only PPCD classrooms containing only students with disabilities.

Parent

IDEA 2004 expanded the definition of parent to include: natural, adoptive or foster parents; guardians (unless the child is a ward of the state); individuals acting in the place of natural or adoptive parents such as grandparents, stepparents, and other relatives with whom the child lives; individuals responsible for the child's welfare; and assigned surrogates.

Peer-reviewed research

IDEA 2004 says a special education student's services should be based on "peer reviewed research". The term is not defined, but is assumed to be much like the requirement for "scientifically-based research" in No Child Left Behind. The intent is for educational decisions to be based on sound methodology, supported by credible research that supports its effectiveness.

RTI (Response to Intervention)

Refers to consideration of whether a student has "responded" to appropriate instructional techniques (i.e., "interventions") before determining the student has a disability.

Section 504

The common name for the federal law that prohibits discrimination against students with disabilities. Section 504 (of Public Law 93-112, the Rehabilitation Act of 1973) applies to any agency (including a school district) that receives federal money.

Special Education Rules and Regulations

The document produced by TEA that contains the state and federal rules and regulations Texas school districts will follow in providing special education services. In some cases, state rules give families additional rights beyond the federal law and regulations.

Supplementary Aids and Services

The term used in IDEA to describe those aids, services, and other supports provided in regular education classes, or other school settings, to enable a student with a disability to be educated with students who do not have disabilities. Schools will try supplementary aids and services before recommending removal of a student with a disability from a setting with non-disabled peers.

TEA (Texas Education Agency)

The state agency ultimately responsible for making sure every student with a disability receives a free appropriate public education.

Texas Essential Knowledge & Skills (TEKS) Curriculum

The state-mandated curriculum for each grade level in Texas public schools. TEKS should be considered the “general education curriculum” referenced in the IDEA. Parents should request (or download) a copy of TEKS for their child’s age-appropriate grade level to use in developing their IEP.

Modified TEKS Curriculum: TEKS taught using adaptations and modifications in instructional strategies to address needs of some students with disabilities.

Alternate TEKS Curriculum: TEKS significantly modified to meet the functional level of students with significant disabilities who take the LDAA (Locally Developed Alternative Assessment). Sometimes referred to as the “alternate curriculum.”

Universal design

A way of designing products and services so they can be used by people with the widest possible range of abilities.

Laws, Rules and Regulations

In order to become an equal partner in planning your child’s educational program, you need to know about the laws, rules and regulations that affect special education for students with disabilities.

Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act (IDEA) guarantees every eligible student a “free appropriate public education,” sometimes called FAPE. The IDEA was most recently reauthorized by Congress in 2004. This manual incorporates changes to the law made in 2004. Though some provisions have changed, IDEA’s basic requirements remain the same. The law says schools must:

- find and identify students who have a disability;
- involve parents in decision-making;
- evaluate (test) students in a nondiscriminatory way;
- develop an individualized education program (IEP) for each eligible student;
- provide special instruction and related services;
- provide services in the least restrictive environment
- maintain education records/files; and
- provide processes for resolving parent complaints and grievances.

Special Education Rules and Regulations

This document, produced by the Texas Education Agency, can help parents understand the special education process. It tells how Texas will carry out the IDEA and explains how school districts are to provide special education services. It combines federal and state laws, Commissioner of Education’s rules and State Board of Education’s rules. Because of its format, this document is often referred to as the “TEA Side-by-Side.” You may request a copy from:

Texas Education Agency
Division of IDEA Coordination
1701 North Congress Avenue
Austin, Texas 78701
512-463-9414

You can also find it online at: <http://www.tea.state.tx.us/special.ed/rules>. Your local school district, special education director or Education Service Center also has a copy you can review.

Section 504

Under Section 504 (of the Rehabilitation Act of 1973, 29 U.S.C.A. Section 794), no program or activity receiving federal money can discriminate against any qualified person with a disability. These regulations apply to all schools, including private schools, which receive or benefit from federal funds. Each school district is required to have a 504 officer. You can get more information on Section 504 from:

U.S. Office for Civil Rights, Dallas Office
1999 Bryan St. Suite 1620
Dallas, Texas 75201
(214) 661-9600
Web site: <http://www.ed.gov/OCR>
E-mail: OCR_Dallas@ed.gov

Some students who do not qualify for special education services under the IDEA get services under Section 504. Section 504 requires that all students have an equal opportunity to participate in activities and services at school, including: school clubs, athletic programs, social activities, transportation, health and counseling services and vocational programs. If you think your child might be eligible for services under Sec. 504 rather than under the IDEA, ask to talk to your school district's 504 officer.

Americans with Disabilities Act (ADA)

The ADA is a federal law that gives people with disabilities, including students, protections like those provided to people on the basis of race, sex and national origin. All public schools will comply with the ADA. The ADA bans discrimination based on disability in the areas of public accommodations, state and local government services, employment, transportation and telecommunications.

For more information, go to <http://www.usdoj.gov/crt/ada/adahom1.htm>

No Child Left Behind Act of 2001 (NCLB)

NCLB is the title given to the last reauthorization of the 1965 Elementary and Secondary Education Act (ESEA). NCLB was signed into law by President George W. Bush in 2002. Its goal is to ensure that every child in America is able to meet its state's high learning standards. NCLB requirements and standards also apply to special education

programs and services. When Congress reauthorized the IDEA in 2004, they aligned parts of these two federal laws.

For more information, go to: www.nochildleftbehind.gov.

Education Records

Your child's educational records and your own records are very important. You and school officials will rely on many kinds of records to plan and evaluate your child's program. The records may include:

- teacher notes,
- progress reports,
- report cards,
- achievement tests,
- discipline reports,
- evaluations and reports done by the school district
- reports from medical doctors
- Individualized Education Programs (IEPs) and Behavior Intervention Plan (BIPs),
- Admission, Review and Dismissal (ARD) committee meeting reports
- Graduation Plan
- Summary of Performance

Keeping Your Own Parent Notebook

You probably have copies of many of the records listed above. If not, request copies of at least the most recent Full and Individual Evaluation (FIE), IEP, and ARD reports. Begin keeping records of conversations, phone calls, e-mails and other meetings together with copies of your child's past education records in a notebook. Having these records together and organized will help you to make sure your child receives the services he needs, monitor his progress, and to be an informed partner in developing the IEP.

For each conversation or meeting, write down the date and time of your conversation, the persons with whom you talked and the issues discussed. Follow up important phone calls with a letter, noting the date and time of the phone call, and summarizing the conversation.

Keep copies of all letters and reports you receive and send. You may want to tape record meetings (especially ARD committee meetings) so you have a complete record of what happened.

How to Get Records

As a parent, you have a right to see and have a copy of all of the records about your child's education program. These may include copies of Full and Individual Evaluations (FIEs), IEPs, medical records, behavioral records and others. You also have the right to see the school's records about discipline, grades, progress reports and other activities that are part of the education program, as well as any records made by a private physician or

other private professional (if these records become part of the school's education records).

To see your child's education records, first write a letter to the principal of his school. Ask for the list of all the different kinds of education records the school keeps or uses to educate your child and where records are kept. Then write a letter identifying which records you want to review. Within 45 days, the school will arrange for you to see the records or give you copies. If an ARD meeting or due process hearing is scheduled in less than 45 days, the school will let you see the records before the meeting or hearing. The school can charge you for copies, but many schools provide the copies at no cost.

If you have trouble understanding anything in the records, ask for an explanation. The school will respond to your reasonable requests for explanations of the records. You may take all the time you need to review and understand the records thoroughly. The school district cannot limit the amount of time you need to understand the records.

Confidentiality of Records

A student's records are private. School districts, with some exceptions, will get parental consent before showing the records to anyone not involved in the student's education. The school should have a list of the names and positions of school employees who can see your child's records without your consent.

HOW TO KEEP A PARENT NOTEBOOK

Keep an accurate record of important meetings, phone conversations, e-mails and letters about your child in a notebook.

EXAMPLE:

Date/Time/Location:

- January 3, 2004
- 3:00 P.M.
- ARD committee meeting at Pittman Elementary School

Who:

- Mr. Langley, principal of Pittman
- Mrs. McMillan, special education director of (name of school district)
- Mr. Lloyd, Johnny's teacher at Pittman
- Ms. York, physical therapist
- Johnny Jones
- Mr. and Mrs. Jones

What We Talked About:

An IEP was developed for Johnny (see IEP in file). Johnny will continue in his current placement in the 5th grade at the Pittman School, but will no longer receive physical therapy. As parents, we disagreed and thought Johnny should continue to receive physical therapy. The school members of the ARD committee refused to agree to physical therapy because they did not have enough therapists and Johnny was a low priority for physical therapy.

Important Documents:

- IEP
- ARD committee meeting report

The Special Education Process

Step 1: Referral

Is the student suspected of having a disability? If so, a parent, teacher, or other professional involved in the care or education of the student may refer the student to special education. The school will gather information to decide if the student should be evaluated (tested) for special education eligibility.

Step 2: Notice of Rights

At the referral process, and at other significant decision-making steps after the referral, the district will send you written information (called “notice”) telling you about the actions the school wants to take (or is refusing to take) regarding your child’s education and about your rights.

If the school does not think your child needs to be evaluated for special education, they will send you notice that tells you why they made that decision and what you can do if you disagree. If the school does want to evaluate your child, they will give you written notice of your rights and get your written consent. The evaluation process will not begin until you have consented in writing. If you do not consent to testing, the district may ask for a due process hearing and ask a hearing officer to allow them to evaluate your child without your consent.

Step 3: Full and Individual Evaluation

If the referral process indicates that a student may need special education and related services, the school will, after obtaining the parent’s consent, do a full and individual initial evaluation (testing) to determine if the student has a disability and needs special education services. The school will complete the evaluation process within 60 calendar days from the date the school receives written consent for testing signed by the parent or legal guardian.

When the evaluation is completed, the school will contact you to schedule an ARD meeting. Current rules say the school will give you written notice at least five (5)

school days before the ARD meeting so you can prepare. At the first ARD meeting after the evaluation, the team will decide whether your child is eligible for special education. You will be a part of that decision.

Step 4: The ARD Meeting

The Admission, Review, and Dismissal (ARD) committee meets at least once a year to develop your child's IEP. You are a member of your child's ARD committee. The first ARD meeting will be held no more than 30 days after completion of the initial evaluation. There can be more ARD meetings during the year if needed.

Step 5: The IEP

The Individualized Education Program (IEP) is a written plan, designed just for one student. It is an agreement between the school and parents on how the student will be educated. The IEP will be reviewed at least annually. The most important function of the ARD committee is the development of the IEP. Your participation and input is important. Remember, you know your child better than anyone else.

Step 6: After the Meeting

- Make sure you have a copy of the IEP.
- Read all progress reports, and other notes, sent home during the year.
- Schedule parent-teacher conferences as needed.
- Request additional ARD meetings, if needed.

Step 1: Referral

Students who may need special education come to the attention of school officials in a number of ways. For example, if parents take a child to school for the first time and tell school officials that he has unique needs because of a disability, the parent has referred the child to be considered for special education. If a student is already in school and the teacher thinks he may have special needs because of a disability and asks the school to consider him for special education services, the teacher has referred the student.

Referral may occur as a result of district-wide testing or screening. At the time of referral, the school district will notify the parent(s) in writing about the process it will follow to determine whether a student needs special education services. The information gathered during the referral process is to determine whether the school will test a student to see if he has a disability and needs special education services.

A teacher or other type of specialist at the school may do some informal testing, usually referred to as "screening", with your child and others as a way of identifying how your child learns best. The screening of a student by a teacher to help the teacher provide better instruction is not considered to be an "evaluation." Therefore, you will not receive written notice and your consent is not required.

There is no specific timeline for the referral process. The 60-day timeline for evaluation does not start until the school has decided to evaluate the student and has received written

consent for the evaluation. To ensure a timely referral process, parents should put their request for an evaluation for special education in writing and request a meeting within 5 days to sign the consent forms. If your child is receiving “early intervening services” which are not special education services, you have the right to refer your child to special education at any time.

NEW: IDEA 2004 made changes in the referral process for a student suspected of having a learning disability. Now, prior to or as a part of the referral process, the school will assure the student has been provided appropriate, high-quality research-based instruction in a regular classroom, delivered by qualified personnel. Data-based documentation of the student’s progress will also have been reported to the parents. Once the student has been referred, however, the timelines for conducting the evaluation still apply. The new considerations were added by Congress because of concerns that too many students were being referred to special education, and labeled as “learning disabled,” who had not been provided with good instruction in the classroom.

If the school decides to evaluate the student for special education, school officials will notify the parent(s) in writing about the evaluation process and get written consent before the evaluation starts. If the school officials decide not to test for special education eligibility, they will notify the parent(s) in writing about this decision. Parents may challenge the school district’s refusal to evaluate a child through the TEA complaints process or in a due process hearing.

The school is required to get parental consent for all initial evaluations and reevaluations. A district may ONLY reevaluate a student without parental consent if parents fail to respond and the district can show that it has taken all reasonable measures to get consent. If the parent does not agree with the reevaluation the district may only reevaluate if the district requests a due process hearing.

Step 2: Notice of Rights

IDEA says the school district must give parents notice of their rights and will make sure they understand them.

Procedural Safeguards Notice

When a student is first referred for special education, the school district will give parents written information about their rights and options for resolving disputes. Texas schools use a document developed by the Texas Education Agency called “Notice of Procedural Safeguards: Rights of Parents of Students with Disabilities.” The school district will give you this notice in the language you usually speak at home. If you cannot read or write, the school will give you the information orally, on cassette tapes, in Braille or in any other way that you can understand. The school officials will keep written records to show they gave you this notice. If you do not understand the meaning of the document, they will explain it to you.

In addition to the required Notice of Procedural Safeguards, the Texas Education Agency has developed a document called “A Guide to the Admission, Review and Dismissal Process.” A parent whose child is new to special education services should receive the Guide at the same time as the Procedural Safeguards Notice.

Other Types of Notice

In addition to notice of your rights described above, IDEA also says the school will give you more specific notice about some actions. The school will give you specific notice, in writing, if they want to:

- decide whether your child has a disability, or change her disability category;
- conduct an evaluation;
- change the current IEP;
- change the placement; and/or
- change how your child is provided a “free appropriate public education (FAPE).”

If you, as the parent, request changes in any of the above areas, and the school refuses to make those changes, the school will provide you with written notice in response to your request.

Written notice about actions the district proposes (or refuses) to make will include the following information:

- the action the school wants to take (or is refusing to take);
- why the school wants (or refuses) to take that action;
- descriptions of any evaluations, tests, reports and other information supporting the school’s position;
- sources for parents to contact for assistance in understanding what the law says;
- information about the parent’s rights and how the parent can get another copy of the procedural safeguards notice;
- what other options the school considered and why those options were rejected; and
- a description of any other factors relevant to the school’s decision.

Step 3: Full and Individual Evaluation

If the referral process finds that a student may need special education services, the school will do a full and individual initial evaluation at no cost to the parent.

Evaluation answers the questions:

- ? Does the student have a disability?
- ? What are the student’s educational needs resulting from the disability?

The school will get written consent from the parent before evaluating their child. The school district will complete the evaluation and have a written report within 60 calendar days after the district receives the parent’s written consent to evaluate.

The parent's consent for an evaluation is not also consent for services or placement. You will be asked to consent for services after the evaluation.

The evaluation is set of activities, not a single test. All evaluations will be done by a team of trained and knowledgeable professionals. The evaluation will cover all areas of suspected disability and be comprehensive enough to identify all the special education and related service needs of the student. The evaluation will gather relevant functional, developmental, and academic information, including information provided by the parent. The school will assure that the evaluation is administered in the language most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally.

Under Texas law, you can ask the district to provide you with the names of any psychological tests they want to give your child, including an explanation of why they believe they need to give that test in order to develop your child's IEP.

Evaluation of Educational Needs

This part of the evaluation is to find out how well the student is doing in school compared to other students in the school district who are the same age or in the same grade. This part of the evaluation includes tests that measure his performance in areas like reading, mathematics and spelling. Testing procedures may need to be modified through the use of assistive technology so that the test accurately measures the student's knowledge.

The written report should tell you at least four things:

- present levels of academic achievement and related developmental needs;
- any problems he has with school subjects and skills;
- how he compares to other students of the same age and grade level in knowledge of the general education curriculum (TEKS); and
- the reasons for the problems in school, including relevant cognitive and behavioral factors.

A student can not be determined to have a disability if his learning deficits are due to a lack of appropriate instruction in reading or math, or because of limited English proficiency.

Evaluation for Related and Other Special Services

The evaluation should also look at what additional services, or related services, are needed in order for the student to benefit from special education. The most common related services are: occupational therapy, speech therapy, physical therapy, assistive technology, counseling, and transportation. There are others. Under current federal law, a student can not be found eligible for special education if he ONLY needs related services.

An evaluation for related services (except for transportation) should include specific recommendations for the type of services the student needs, how often he needs, them,

and the type of personnel who will be providing the services. There should also be measurable annual goals for related services.

The IEP will also need to specify when the related services will begin, how frequently they will be provided, where they will be provided, and when they are expected to end.

The IEP should also specify whether your child will be getting “direct” (hands-on) services from the therapist, or whether she will be getting only “consultative” services. In a consultative services model, the provider/therapist consults with the student’s teachers on how they can better work with the student, but do not work with the student directly.

Understanding the Evaluation Results

Once the district completes the evaluation reports, they will give you a copy.

The evaluation report will show whether a student’s behavior is a problem at school. If so, the report should include recommendations on how to help the student so he can learn and get along with others. These recommendations will be considered as the ARD committee develops the IEP.

A good evaluation is an important step in the process of providing a student an appropriate education. Once the evaluation is completed, the school will include you in determining whether your child is eligible for services under the IDEA. In Texas, that determination is done by an ARD committee, which includes you. If your child is eligible, you and other members of the ARD committee will use the written report of the evaluation to decide what kinds of support he needs from special education. The district will also get your written consent before it can begin providing special education and related services.

Is the Student Eligible for Special Education Under IDEA?

If the full individual initial evaluation shows that a student has one or more of the following, an ARD committee will meet to determine if he is eligible to receive special education services under the IDEA. In Texas, students are assigned to one of the following categories:

- **Orthopedic Impairment (OI)**
- **Other Health Impairment (OHI)** – Includes students with ADD or AD/HD
- **Auditory Impairment (AI)** –Includes students who are deaf or hard-of-hearing
- **Visual Impairment (VI)** – Includes students who are blind or visually impaired
- **Deaf-Blindness (D-B)**
- **Mental Retardation (MR)**
- **Emotional Disturbance (ED)**
- **Learning Disability (LD)**
- **Speech Impairment (SI)**
- **Autism (AU)**
- **Multiple Disabilities (MD)**
- **Traumatic Brain Injury (TBI)**

- **Non-Categorical** – For students ages 3-5 who may have mental retardation, emotional disturbance, a learning disability or autism. (This is a disability category only in Texas. Its intent is to prevent inaccurately assigning a very young child to one of these four disability categories.)

If the full and individual evaluation shows that the student does not have at least one of these, he is not eligible for special education under the IDEA. However, he may be eligible for services under Section 504 of the Rehabilitation Act.

***NEW: IDEA 2004 changed the way a student is determined to have a learning disability. A local school district can not be required to first determine that the student has a severe discrepancy between his intellectual ability and his level of achievement. IDEA also now allows a local school district to consider whether the student has received a method of instruction known as response-to intervention (RTI). Once there are final federal regulations (probably in December of 2005), TEA will need to revise its criteria for determining that a student has a learning disability. You will want to watch for information from TEA or from an organization such as the Learning Disabilities Association of Texas.**

Who is Eligible for Which Programs?

Birth to Three

Early Childhood Intervention (ECI) funded programs provide services around the state for infants and toddlers (0-3) with developmental delays and their families. ECI does evaluations at no cost to determine eligibility and need for services.

If services are needed, an Individual Family Service Plan (IFSP) is developed with the family. Services are provided on a sliding fee scale, but no child or family will be refused services because they cannot pay.

Currently, ECI eligibility ends on the child's third birthday. Children who are likely to need special education services will be referred to the local school district prior to their third birthday so that the evaluation process can begin.

ECI programs are administered by the Division of Early Childhood Intervention in the state Department of Assistive and Rehabilitative Services (DARS).

For more information, go to: www.dars.state.tx.us or call 1-800-628-5115.

Three (3) through Twenty-One (21)

Services for eligible students who are three years old or who have not reached their twenty-second birthday on September 1 of the current school year are provided by local school districts. The school district will begin serving your child on his third birthday. If they did not receive the referral in time to have the evaluation completed by his birthday, they can still deliver special education services while your child completes the evaluation

process. If your child turns three during the summer, the ARD committee will determine whether services begin in the summer or at the start of the upcoming school year.

Step 4: The ARD Meeting

The Admission, Review, and Dismissal committee, usually called an ARD, meets at least once a year to develop, review and revise your child's IEP. You are a member of your child's ARD committee. The ARD Committee should work collaboratively with a goal of reaching agreement by consensus.

Notice of the ARD Meeting

Current rules say the school will give you written notice at least five (5) school days before the ARD meeting so you can prepare. When a meeting is called with less than 5 days notice, the parents have the right to waive the 5-day notice requirement and attend the ARD meeting if they want. The notice will include the purpose, time and place of the ARD meeting and a list of the people attending.

At the meeting, you have a right to have an interpreter (e.g., American Sign Language or Spanish) paid by the school. If you need an interpreter, you must be sure to tell the school before the meeting.

You may want to meet with your child's teacher(s) or related services provider before the meeting to discuss possible IEP goals and to learn more about the curriculum for your child's grade level.

For Students Who Are 17+ Years of Age

By age 17, the school district will notify both the student and the parent that all rights given to the parent by IDEA, except the right to receive notice, will transfer to the student at age 18. This notice will be reflected in the student's IEP.

For Students Who Are 18+ Years of Age

At the time the student reaches the age of 18, the school district will notify in writing the adult student and parent that the parent's rights have been transferred to the student. This notice will include contact information for the student and parents to use in obtaining additional information. The school district will continue to provide parents with notice of the ARD meetings. However, under current Texas special education rules, the notice is NOT an invitation to attend the ARD meeting. The parent will no longer have the right to attend the ARD meeting, but can be invited to attend by the school district or the student. If invited to attend the meeting, the parent is NOT the educational decision-maker.

A parent wishing to continue being the education decision-maker can seek guardianship. The student could also give the rights over to the parent with a Power of Attorney.

For many students all the parent needs to do to participate in the ARD meeting after their child turns 18 is to simply ask if they want you to attend the ARD meeting with them. If your child agrees then just tell the school that our child invited you to the meeting. The invitation is not required to be a formal written invitation. If you prefer to have the

invitation in writing, simply ask your child to sign a statement that they have invited you to attend the ARD meeting.

If your child does not want to invite you to the ARD meeting, you can still ask the school to invite you.

Members of the ARD Committee

The ARD committee must have, at a minimum, the following members to develop, review or revise an IEP:

- student's parents;
- adult student (age 18 or over) or a younger student when appropriate;
- a representative of the school district who is qualified to provide or supervise special education, knows the general curriculum, and knows about the resources available in the district;
- at least one special education teacher or service provider;
- at least one regular education teacher if the student is or may be in regular education;
- someone who can interpret evaluations as they apply to a student's instruction; and
- others, invited by the parents, the adult student or the school, who have knowledge or expertise about the student, including related services personnel as appropriate.

You may invite other people. Because the role of the committee is to develop a plan for just your child, the intent of the membership requirements is to have members in attendance who are familiar with your child.

If your child is entering school from an ECI program, an invitation to attend the first ARD committee meeting will be sent to ECI upon request of the parent. An ECI staff person who knows your child can provide important information to the team. The school district can also request ECI attendance at the meeting.

There are additional requirements for membership that may apply in certain situations. These requirements sometimes change. You may want to look at the TEA document "Special Education Rules and Regulations" for the most current list.

NEW: As of July 1, 2005, an ARD committee member can be excused from all or part of the meeting if the parent and the school agree that person's attendance is not required because that person's area of the curriculum or related services is not being modified or discussed. However, the parent must agree in writing to excuse a required member of the ARD committee for any or all of the meeting. A member of the team may also be excused from all or part of the meeting even when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent and the school agree in writing and the member provides written input to the parent and the ARD Committee prior to the meeting.

Note: Even if the parent agrees to excusing a particular regular education teacher from the ARD meeting, the law still requires that “at least one” regular education teacher be at the meeting.

Step 5: The IEP

What is an IEP?

The Individualized Education Program (IEP) is a written plan, designed just for one student. It is an agreement between the school and parents on how the student will be educated. Although the IEP is not as detailed as a teacher’s lesson plan, it will contain annual goals in each area of need. The IEP states what special education and related services the school will provide, and when and where those services will be provided. The IEP will consider and address the academic, developmental, and functional needs of the student. Services will be based on peer-reviewed research to the extent practicable.

All decisions in your child’s IEP will be individualized; that is why it is called an Individualized Education Program. Individualized means that the plan is made especially for him and is tailored to meet his needs. Your child’s special education needs are likely to be different from those of another student, even one with the same disability. His IEP should reflect those differences and not be exactly the same as that of any other student.

How is the IEP Developed?

Following are the steps the ARD Committee will typically follow:

1) Opening Remarks and Introductions

All ARD committee members and others in attendance introduce themselves and explain their relationship to the student.

2) Reviewing Present Level of Academic Achievement and Functional Performance

The committee reviews the most recent evaluation information and summarizes the student’s strengths and needs. This and any information about her performance in the general curriculum will be the basis for developing her IEP goals. Since the 2005-06 school year, ARD committees will also review each student’s present level of “functional” performance, which includes areas other than academics. This is an opportunity to review how the student is functioning socially and behaviorally.

If the student has been eligible and receiving services for some time, the ARD committee also reviews the student’s progress on each IEP goal and discusses the special education and related services she has been receiving.

The committee uses this information to write a statement on the IEP describing her current levels of academic achievement and functional performance.

Ways You Can Participate:

- Share your ideas about her progress. The IDEA requires the ARD committee to address each child's strengths. You are the best source of this information.
- Share any reports you have from outside therapists, tutors, consultants or doctors.
- Ask questions if something is not clear. At this point, you should have a clear picture in your mind about how your child is doing in school.

3) Developing Measurable Annual Goals, both academic and functional

Goals are statements about what your child will learn during a school year. Each goal must be measurable. That is, it should state clearly and objectively how you and the school will know if he has reached that goal.

- IEP goals will be designed to:
 - ✓ meet the child's needs caused by her disability so she can participate in and progress in the general curriculum; and
 - ✓ meet each of the child's other needs caused by her disability that affect her ability to learn.

During this part of the process, the ARD committee decides whether the student will address all, most or part of the TEKS (the curriculum adopted by the State Board Of Education for each grade level). Any modifications needed to the curriculum will be written in the IEP.

School staff may have met before the ARD meeting, either with or without you, to write a draft of proposed goals. Schools may send a copy of the draft to you before the meeting. During this part of the meeting, the committee develops a clear picture of what the student will be doing and learning over the school year. The ARD committee will say how the child's progress will be measured, what type of support she will need to reach each goal and who will provide each service. Goals will be measurable.

The IEP should contain goals not only for academics, but for all services a student needs including behavioral intervention, related services, Extended School Year Services (ESY), Career and Technology Education (CATE), and vocational programming. IDEA 2004 specifically requires IEPs to include both academic and functional goals.

The IEP will also tell how progress on his IEP goals will be measured and reported to you. For most students, receiving a typical report card is not an adequate progress report.

NEW: The IEP you develop will end with a clear statement of the special education and related services, as well as the supplementary aids and services that will be provided to the student. IDEA 2004 adds an important new requirement that the services provided to a special education student will be “based on peer-reviewed research to the extent practicable.” Though the term “peer-reviewed research” is not defined in the IDEA, it is assumed to be similar to the requirement in No Child Left

Behind that instruction be based on “scientifically-based research.” (Remember, NCLB also applies to special education programs.) The intent is clearly to require schools to have credible research behind the choices they make on how to instruct students.

NEW: What Happened to Objectives?

If your child has previously received special education, you are used to IEPs that contain both goals and objectives. Short term objectives (sometimes called “benchmarks”) are small, measurable steps leading to reaching each IEP goal.

When Congress reauthorized the IDEA in 2004, they eliminated the requirement for short term objectives for the majority of students receiving special education. Most IEPs are now required to have only annual goals. Short term objectives will only be written for those students who take an alternative assessment rather than the TAKS test.

IEP goals will be measurable and include both academic and functional goals.

4) Deciding on Related Services

Many students who receive special education also need related services in order to benefit from the educational program. A student can not receive related services unless he has been found eligible for special education.

Though there are others, the most common related services are:

- Assistive technology;
- Speech therapy;
- Physical therapy;
- Occupational therapy;
- Psychological services;
- Social work;
- Counseling;
- Special transportation;
- Audiological services
- Orientation and mobility training;
- Rehabilitation counseling;
- School nursing services; and
- Interpreter services.

The ARD committee decides whether a student is eligible for each related service. Except for transportation, the decision will be based on written reports from related service professionals. Every service the school district provides will be written into the IEP, including information about how often the services will be provided, how long each session will last, the type of related service professional needed and when the services will begin and end.

Ways You Can Participate:

- Review all evaluation reports to see which related services are being considered for your child.
- Find out before the ARD meeting if you will need a doctor's letter or other medical referral before the school will provide a particular related service.

5) Considering Other IEP Elements That May Apply to Your Child

The ARD committee will also discuss the following special factors when applicable:

Extracurricular Activities

The local district's policy on participation in extracurricular activities also applies to students who receive special education, unless exceptions or changes in the policy are made for a student in the IEP. If that is done, the IEP should include the information on which the decision was based.

Statewide Assessments

Students in Texas public schools are required to take tests of basic academic skills throughout much of their time in school. The major test at this time is the Texas Assessment of Knowledge and Skills (TAKS). The TAKS measures a student's progress in the state curriculum (Texas Essential Knowledge and Skills or TEKS). The subjects tested, and in which grade students are tested, changes from year-to-year. Therefore, at or before your child's annual ARD meeting, the school will discuss with you what standardized tests are currently required by the state for your child's grade.

State testing requirements apply to students receiving special education unless specifically altered by their ARD committee. For some students the ARD committee may determine that an alternate test is required: The three alternative tests are: TAKS Alt, TAKS M and TAKS Accommodated (formally known as TAKS I).

At the ARD meeting you will discuss what tests your child will take. The TAKS tests are appropriate for most, but not all, special education students. Students receiving special education will take the TAKS, unless their ARD Committee determines any or all of the TAKS tests are not an appropriate way to measure their learning. Some students will take the TAKS in some subjects, but not in others. The decision will be made on an individual basis.

Under IDEA 2004 and "No Child Left Behind" (NCLB), there are new limitations on the number of students with disabilities who can be given an alternative assessment. Alternative assessments are intended for students with significant cognitive disabilities.

If the ARD committee decides a student should take an alternative assessment, they will state the reasons the student cannot take the regular assessment, and why the alternative assessment they selected is appropriate. The ARD committee will discuss the accommodations your child will receive during testing and include them in the IEP.

Assistive Technology

The ARD committee will consider whether a student requires assistive technology devices and services.

Autism

Texas rules currently require that IEPs consider, and when needed, address: extended educational programming; prioritized behavioral objectives; daily schedule reflecting minimum unstructured time; in-home training or viable alternatives; pre-vocational and vocational needs of students age 12 or older; parent training; and suitable staff-student ratio.

Transition

Transition services are those services and activities provided to students that specifically help them to move successfully from public school to life after public school. Transition activities will help your child make a successful transition to post-secondary education, employment, and/or independent living. These services will be very individualized for your child and his likely needs as an adult. Transition services will be based on your child's strengths, preferences and interests. The student will be invited to participate in the IEP meeting when transition services are discussed.

Transition must be addressed in the IEP for the school year during which the student turns 16. For a transition-age student, the IEP will include: measurable postsecondary goals that are based on assessments related to training, education, employment and, for some students, independent living skills. The IEP will also identify those courses a student should take in order to reach his transition goals. Transition goals will be reviewed and updated as needed at the annual review of the IEP.

Extended School Year Services (ESY)

The ARD committee will also discuss whether a student requires an extension of the school program during the long holidays and/or the summer. Some students forget what they have learned about academics and/or behavior and take a long time to "recoup" these skills once school starts again in the Fall.

The decision about ESY should be made at the ARD meeting and goals and objectives written into the IEP.

Termination of Services/Graduation

Texas law requires students who do not pass the TAKS or who are unlikely to receive a diploma within 5 years of entering high school to have a "personal graduation plan" that includes a variety of steps that will be taken to improve the student's academic performance. The requirement for a personal graduation plan also applies to students who receive special education. This law allows, but does not require, that a special education student's IEP be used as the student's personal graduation plan.

A district can stop providing special education when:

- the student no longer meets the age requirements. (A student is entitled to services through the end of the school year in which she reaches her 22nd birthday.)
- the student is eighteen years old and decides on her own to withdraw from school.
- the student graduates.

Graduation criteria can be found in TEA's "Special Education Rules and Regulations" and or "A Guide to the Admission, Review and Dismissal Process." Participation in the graduation ceremony without receiving a diploma does not affect eligibility for future services from the school district.

NEW: IDEA 2004 requires that before graduation, including aging-out of eligibility, the school district will provide the student with a document, called a "Summary of Performance," that summarizes his academic achievement and functional performance.

Discipline

Schools and parents share the responsibility for helping a child to become a good citizen. At times, a child's behavior can be challenging for both school officials and parents. While each child's situation has its own unique set of challenges, there are some common elements used in the discipline process.

Some General Principles

School officials may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who has violated the student code of conduct. As a general rule, the consequences set out in the school's code of conduct apply to all students, including children with disabilities. There are, however, special rules and limitations that may apply to a child with a disability if the school proposes to:

- change the child's placement, or
- remove the child from the Individualized Education Program (IEP) placement for more than ten school days, cumulatively, during the school year.

School officials may report to law enforcement authorities that a student, including a child with a disability, is suspected of committing a crime. In some instances State law requires school officials to make a report to law enforcement. Schools that report a suspected crime to law enforcement officials must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities, provided that the transmission is permitted by the Family Educational Rights and Privacy Act. The Family Educational Rights and Privacy Act assures the confidentiality of personally identifiable information contained in education records. Under the Family Educational Rights and Privacy Act, personally identifiable information (such as the child's status as special education child) can only be released

with parental consent, except in certain very limited circumstances. Therefore, in most instances, in order to transmit such records to law enforcement authorities, parental consent will be required.

Removal from the Individualized Education Program (IEP) Placement

School officials may remove a child with a disability from the child's IEP placement if the child violates the code of conduct. This removal can be to an appropriate interim alternative educational setting, another setting, or suspension.

The authority of school officials to order such a removal is limited to no more than ten consecutive school days, except for special circumstances situations. In ordering the removal of the child with a disability, the school official must apply the same standards and follow the same procedures that apply to the general education student.

➤ The First Ten Days of Removal

For the first ten days of such removals in the school year, there is no requirement to hold an Admission, Review and Dismissal (ARD) committee meeting or conduct a manifestation determination. As far as services, the child with a disability must be treated the same as the general education student. This may include an out-of-school suspension of up to three days with no services provided.

➤ Beyond the First Ten Days

School officials may order a short-term removal (up to ten school days) of a child with a disability after the first ten days of removal in response to separate incidents of misconduct, provided that these removals do not constitute a change of placement. For any such short-term removal, (beyond the first ten days) the school must provide services to the child with a disability to enable the child to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the child's Individualized Education Program (IEP). School personnel must consult with at least one of the child's teachers to decide which services are needed.

Change of Placement

A change of placement due to disciplinary removals may occur in two ways. It is change of placement if a child is removed for more than ten consecutive school days. It is also a change of placement if the child is subjected to a series of shorted removals that constitute a pattern.

A pattern exists if:

- the removals total more than ten school days in a school year;
- the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
- because of such additional factors as the length of each removal, the total amount of time the child has been removed and the proximity of the removals to one another.

The school will determine on a case-by-case basis whether or not a pattern exists. The parent may challenge the school's decision about this through a due process hearing or judicial proceedings.

If the school proposes a removal that will constitute a change of placement due to the child's violation of the student code of conduct, school officials, must notify the parent of that decision and provide the parent with a copy of the Notice of Procedural Safeguards document. This must be done on the date on which the decision is made to make a removal that constitutes a change of placement. In addition, the school must arrange for a meeting of the Admission, Review and Dismissal (ARD) committee to make a manifestation determination.

Manifestation Determination

Within ten school days of any decision to change the placement of a child with a disability due to a violation of the code of conduct, the ARD committee must meet and conduct a Manifestation Determination Review (MDR).

When conducting a MDR, the ARD committee must review all relevant information in the child's file, including the IEP, any teacher observations, and any relevant information provided by the parents. Parents may present any relevant information at this time for the ARD committee to review when making the determination whether the child's conduct is a manifestation of the child's disability.

The Admission, Review and Dismissal (ARD) committee must then answer both of the following questions:

- Was the conduct in question caused by, or did it have a direct and substantial relationship to the child's disability?
- Was the conduct in question the direct result of the school district's failure to implement the Individualized Education Program (IEP)?

When Conduct Is a Manifestation

If the ARD committee answers "yes" to either of these questions, the conduct is a manifestation of the child's disability. In that event, the committee will conduct a Functional Behavioral Assessment (FBA) and implement a behavioral intervention plan for the child unless the school had conducted a FBA for the child before the behavior that resulted in the change of placement.

If a Behavior Intervention Plan (BIP) is already in place, the committee must review the plan and modify it as necessary to address the child's behavior. In addition, if the committee concludes that the child's conduct was caused by the school's failure to implement the IEP, the school will take immediate steps to remedy the deficiencies.

If the ARD committee concludes that the child's behavior is a manifestation of his or her disability, the committee will return the child to the placement from which the child was removed unless:

- the parent and the school agree to a change of placement as part of the modification of the child's behavioral intervention plan; or
- the child's violation of the code of conduct involves the special circumstances offenses.

When Conduct Is Not a Manifestation

If the ARD committee concludes that the child's conduct was not a manifestation of the disability, school personnel may discipline the child in the same manner and for the same duration as they would discipline a child without disabilities who had engaged in the same conduct.

However, the school must ensure that the child continues to receive educational services so that the child will continue to participate in the general curriculum, although in another setting, and continue to progress toward meeting the goals set out in the child's IEP.

The child's ARD committee will determine the interim alternative educational setting in which the child will be served. In Texas the interim alternative educational setting may be the Disciplinary Alternative Education Program (DAEP).

Special Circumstances

School personnel may remove a child with a disability to an interim alternative educational setting without regard to whether the child's behavior is a manifestation of the disability if the child commits any one of three offenses at school, on school premises, or at a school function under the jurisdiction of the school district or the Texas Education Agency (TEA). These three special circumstances offenses are:

- if the child carries a weapon or possesses a weapon,
- if the child knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, or
- if the child has inflicted serious bodily injury upon another person.

The child's Admission, Review and Dismissal (ARD) committee will determine the interim alternative educational setting in which the child will be served.

Resolving Disagreements

At Wolfe City ISD where there is open communication, a willingness by parents and school officials to compromise, an emphasis on the student's needs, and a commitment to follow the special education process, most problems can be resolved locally. However, sometimes parents and school personnel cannot agree on some part of a student's educational program.

If you disagree with a decision made by the ARD committee, you need to decide whether to accept the other position or seek a third party to settle the disagreement. Although you may not be satisfied with school officials' final offer, you may not be ready for an impartial due process hearing. Other steps can be taken to settle disagreements. You can

use TEA's mediation or complaints management systems together with, or instead of, a due process hearing or a lawsuit.

For information about the complaints management, mediation, and due process hearing systems in Texas, you can go to the TEA website (www.tea.state.tx.us/special.ed/medcom/pubs.html).

TEA Complaints Management System

You can call the TEA Parent Information Line at 1-800-252-9668, or the TEA Division of IDEA Coordination (512-463-9414), for help in writing your complaint. Your complaint will be in writing and should contain information as specific as you can provide. Include your name, address and a phone number where TEA can reach you during the day. Complaints must be signed. Mail or fax the complaint to:

**Texas Education Agency
Division of IDEA Coordination
1701 North Congress Avenue
Austin, Texas 78701
Fax: 512-463-8254**

You also have the choice of using a form on TEA's website to file your complaint. You can find a link to the form, in both English and Spanish, at: www.tea.state.tx.us/special.ed/medcom/compform.html

TEA will review, investigate, and resolve complaints within sixty (60) calendar days.

TEA Mediation

Mediation can be a way for parents and school districts to work out disagreements without a due process hearing. Mediation is an informal and voluntary process conducted by an impartial mediator. There is no cost to either the parent or the school district. You can bring an attorney to mediation, but it is not required. If you choose to bring an attorney, you are responsible for that cost.

You have a choice about whether to:

- ask for mediation,
- accept mediation if TEA offers it to you; and
- accept or reject the proposal developed during mediation.

Requests for mediation should be made in writing to TEA. Be sure to include in your request for mediation: your child's name and grade, the name of the school district (or charter school), a brief description of the issues you would like mediated, and how you can be contacted. Your request can be mailed or faxed to:

**Texas Education Agency
Division of Legal Services
1701 N. Congress Avenue
Austin, TX 78701-1494
Fax: 512-475-3662**

If both you and the school district agree to the mediation, TEA will assign a mediator and you will be contacted to schedule a time for the mediation.

If mediation is successful, the mediator writes up the agreement that you and the school officials sign. That agreement is a legally binding document. The agreement will also state that the discussions at the mediation are confidential and cannot be used as evidence in any due process hearing that might follow.

There is also information about mediation and other dispute resolution processes available from the Consortium for Appropriate Dispute Resolution in Special Education (CADRE). CADRE is a national project funded by the U.S. Department of Education. Their publications are available on their website at: <http://www.directionservice.org/cadre>. One of the publications available at this site is titled "Special Education Mediation: A Guide for Parents."

U.S. Office for Civil Rights (OCR) Complaint

If you believe the school has violated Section 504 of the Vocational Rehabilitation Act, you may file a complaint with the United States Department of Education's Office for Civil Rights (OCR). OCR is the federal agency primarily responsible for enforcing Section 504.

There is information about Sec. 504, including a comparison of the requirements of Sec. 504 to those of the IDEA, on TEA's website at: www.tea.state.tx.us/special.ed/sec504. If you are not sure whether an OCR complaint is appropriate, or if you don't believe you know how to write a complaint, you can call OCR at 214-880-2459. Advocacy, Inc. also has a handout on its website about filing an OCR complaint.

Texas Special Education Resources

State Agencies
Disability Organizations
Education Service Centers
Legal Assistance

State Agencies

Department of Aging and Disability Services (DADS)
701 W. 51st Street
Austin, Texas 78751
512-438-3011

www.dads.state.tx.us

DADS offers services previously provided by:
(TDMHMR) Texas Department of Mental Health and
Mental Retardation (Mental Retardation Services)
(TDHS) Texas Department of Human Services
(TdoA) Texas Department of Aging

Department of State Health Services (DSHS)
1100 West 49th Street
Austin, Texas 78756-3199
888-963-7111; 512-458-7111

www.dshs.state.tx.us

DSHS offers services previously provided by:
(TDMHMR) Texas Department of Mental Health and
Mental Retardation (Mental Health Services)
(TDH) Texas Department of Health
(TCADA) Texas Commission on Alcohol and Drug Abuse

Department of Family and Protective Services (DFPS)
701 West 51st Street
Austin, Texas 78751
800-252-5400 (Hotline for Abuse of Children & Elderly or Disabled Adults)

www.dfps.state.tx.us

DFPS offers services previously provided by:
(PRS) Texas Department of Protective and
Regulatory Services (Child and Adult Protective Services)

Health and Human Services Commission (HHSC)
4900 North Lamar Blvd.
Austin, Texas 78751-2316
512-424-6500 / TTY 512-424-6597

www.hhsc.state.tx.us

Texas Education Agency (TEA)
1701 North Congress Avenue
Austin, TX 78701
512-463-9734 main number
800-252-9668 Parent Information Line (includes complaint management)
512-463-9414 Division of IDEA Coordination
www.tea.state.tx.us/special.ed

Department of Assistive and Rehabilitative Services (DARS)
4800 North Lamar Blvd., 3rd Floor
Austin, Texas 78756
512-377-0800
www.dars.state.tx.us

DARS offers services previously provided by:
(TRC) Texas Rehabilitation Commission
(TWC) Texas Workforce Commission
(TCB) Texas Commission for the Blind
(TCDHH) Texas Commission for the Deaf and Hard of Hearing
(ECI) Texas Council on Early Childhood Intervention

Texas Council for Developmental Disabilities (DD Council)
6201 East Oltorf, Suite 600
Austin, Texas 78741
800-262-0334; 512-437-5432 (voice)
512-437-5431 (TTY)
www.txddc.state.tx.us

Texas Disability Organizations

ADAPT
1319 Lamar Square Drive, Suite 101
Austin, Texas 78704
512-442-0252
www.adapt.org

Any Baby Can
5410 Fredericksburg Road, Suite 104
San Antonio, Texas 78229
210-377-0222; 800-524-3755
www.anybabycansa.org

The Arc of Texas
8001 Centre Park Drive, Suite 100
Austin, TX 78754
800-252-9729; 512-454-6694
www.thearcoftexas.org

The Arc of Dallas
12700 Hillcrest Rd, Suite 200
Dallas, TX 75230
214-634-9810
www.arcdallas.org

Brain Injury Association of Texas
1339 Lamar Square Drive Suite 103
Austin, Texas 78704
512) 326-1212; 800-392-0040
Fax: (512) 326-8088
www.biatx.org

Center for Disability Studies
4030 W. Braker Lane
Building 1, Suite 180
Austin, TX 78759
512-232-0740
<http://tcds.edb.utexas.edu>

Coalition of Texans with Disabilities (CTD)
316 West 12th Street, Room 405
Austin, Texas 78701
512-478-3366 (voice or TTY); 800-998-3363
www.cotwd.org

Deaf-Blind Multi-handicapped Association of Texas (DBMAT)
815 High School Drive
Seagoville, Texas 75159
972-287-1904

Family to Family Network
13150 FM 529, Suite 106
Houston, TX 77041
713-466-6304
www.familytofamilynetwork.org

Family Support Network
219 North Main Street, Suite 203
Bryan, TX 77803
979-845-4612
Fax: 979-845-5492

Mental Health Association in Texas (MHAT)
1210 San Antonio St., Ste. 200
Austin, Texas 78701
512-454-3706
<http://www.mhatexas.org>

Partners Resource Network, Inc.
www.partnerstx.org
PATH Project
1090 Longfellow Dr., Suite B
Beaumont TX 77706-4819
1-800-866-4726 (Texas Parents only)
409-898-4684 Fax 409-898-4869
Asistiendo familias en español – llame la linea gratis 1-800-866-4726
<http://www.partnerstx.org/index.cfm?pageid=content/path>

PEN Project
1001 Main St. Suite 804
Lubbock, TX. 79401
Phone 806-762-1434
FAX 806-762-1628
Texas Only – Toll Free 877-762-1435
Asistiendo familias en español – llame al numero gratis 1-877-762-1435
<http://www.partnerstx.org/index.cfm?pageid=content/pen>

TEAM Project
3311 Richmond Avenue, Suite 334
Houston, Texas 77098
713-524-2147
Toll Free 877-832-8945
Asistiendo familias en español – llame la linea gratis 877-832-8945
<http://www.partnerstx.org/index.cfm?pageid=content/team>

Learning Disabilities Association of Texas
1011 West 31st Street
Austin, Texas 78705
800-604-7500; 512-458-8234
www.ldat.org

National Alliance for the Mentally Ill (NAMI Texas)
611 South Congress, Suite 430
Austin, TX 78704
800-633-3760; 512-693-2000
<http://texas.nami.org/>

Special Kids, Inc. (SKI)
Serves Houston Independent School Districts:

South, South Central & Central
P.O. Box 266958
Houston, TX 77207-6958
713-734-5355 Office
713-643-6291 Fax
E-mail: speckids@aol.com

Texas Parent to Parent
3710 Cedar Street, Box 12
Austin, TX 78705
512-458-8600; 800-896-6001
www.txp2p.org

United Cerebral Palsy of Texas (UCP/TX)
900 Congress Avenue, Suite 220
Austin, Texas 78701
800-798-1492; 512-472-8696
www.ucp.org

Uniting Parents
301 S. Polk, Suite 740
Amarillo, TX 79101
806-337-1700
806-337-1702

Texas Special Education Resources

Contact your campus when you need...

Teacher- Information about current progress, class routines, behavior issues, and/or individualized education program (IEP) implementation.

Principal- Information about school policies and procedures, records, schedules, IEP implementation, admission, review, and dismissal (ARD) committee issues, and/or discipline procedures,

Special Education Administrator/Director- Information about district special education procedures and policies, explanation of procedural safeguards, clarification or concerns about implementation of the IEP, and/or the request for independent educational evaluation.

Regional education service center (ESC)

The state of Texas is divided geographically into 20 regions. In accordance with state laws and rules adopted by the Commissioner of Education each regional ESC shall:

- Have a special education program component;
- Provide activities and services related to special education based on an annual region-wide needs evaluation;
- Maintain a child find/serve program;
- Provide school districts with technical assistance; and
- Provide a comprehensive system of personnel development that is based on the identified needs.

The ESCs participate in statewide networks designed to address priority areas for special education programs and technical assistance projects. These currently include:

Assistive Technology

Autism

Behavior

Dyslexia

Evaluation

Inclusion

Low Incidence

Multicultural

Parent Involvement

Preschool Programs

Transition

Visually Impaired

Region 10 ESC
P.O. Box 831300
Richardson, TX 75083-1300
(972) 348-1700

Ideas From: "Texas Special Education Resources" [A Guide to the ARD Process] June 2002, May 2007
"It's a New IDEA" www.tea.state.tx.us

