

**ADMISSION, REVIEW, AND DISMISSAL (ARD),
INDIVIDUAL EDUCATION PROGRAM (IEP) and RELATED SERVICES**

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**ADMISSION, REVIEW AND DISMISSAL (ARD) /
INDIVIDUAL EDUCATION PROGRAM (IEP) COMMITTEE**

I. REQUIRED ARD/IEP COMMITTEE MEETINGS (34 CFR §300.343,TEC §29.005)

(Clarification: The IDEA federal regulations refer only to IEP meetings, however, Texas refers to ARD/IEP meetings. These terms are used interchangeably in our Operating Guidelines.)

Before a student is enrolled in CISD’s special education program, a committee composed of required persons listed in this section will develop the student’s Individualized Education Program.

Admission, Review and Dismissal/Individual Education Program (ARD/IEP) committee meetings are required in the following instances:

- A. Initial determination of eligibility and educational need, development of goals and objectives, and placement based on the IEP in the least restrictive environment;
- B. Review of the student’s Individualized Education Program (IEP) not less than annually, to determine whether the annual goals for the student are being achieved; and
- C. Review of the IEP as appropriate to address:
 - 1. Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate;
 - 2. The results of any reevaluation conducted;
 - 3. Information about the student provided to, or by, the parents as described in the review of existing evaluation data;
 - 4. The student’s anticipated needs; or
 - 5. Other matters as appropriate.

II. TIME LINE (TEC §29.004)

A written report of a full and individual evaluation of a student for purposes of special education services shall be completed not later than the 60th calendar day following the date on which the parent provided written consent for the evaluation. The evaluation shall be conducted using procedures that are appropriate for the student’s most proficient method of communication.

Referral data should be gathered and sent to special education evaluation person as soon as possible, but no later than 10 calendar days from the date that the referral is initiated.

The ARD/IEP committee shall make its decision regarding students referred for a full and individual evaluation within 30 calendar days from the date of the completion of the written evaluation report. When the thirtieth (30th) day occurs during the summer when school is not in session, the ARD/IEP committee shall have until the first day of classes in the fall to finalize decisions concerning the initial eligibility determination, the IEP, and placement; unless the full and individual evaluation indicates the student will need extended school year services during the summer.

III. ARD/IEP COMMITTEE REPORT (TAC §89.1050)

- A. The CISD shall establish an Admission, Review, Dismissal/Individual Education Program (ARD/IEP) committee. The ARD/IEP committee will follow all federal and state requirements including the:
1. Review of evaluation(s), re-evaluations and determination of eligibility,
 2. Development of the IEP,
 3. Consideration of the need for assistive technology devices and services,
 4. Development of behavior supports and intervention plans, if necessary,
 5. Determination of the least restrictive placement of a student referred for consideration for special education services, and
 6. Consideration of other areas such as: Texas Assessment of Knowledge and Skills (TAKS), State Developed Alternative Assessment (SDAA), Locally Developed Alternative Assessment (LDAA), Extended School Year (ESY), students with disabilities appropriate placement in an Alternative Education Program (AEP), extracurricular activities, etc.
- B. The written report will document any evaluations reviewed by the ARD/IEP committee, including related service reports, home language survey, LPAC reports, FIE reports and Independent Education Evaluations (IEE). For students with Limited English Proficiency (LEP), CISD will consider the language needs as such needs relate to the student's IEP.
1. As a part of an initial evaluation (if appropriate) and as part of any reevaluation, the ARD/IEP committee has reviewed existing evaluation data on the student, including evaluations and information provided by the parents of the student, current classroom-based assessments and observations, and observations by teachers and related services providers.
 2. In interpreting evaluation data for the purpose of determining if a child is a child with a disability, and the education needs of the child, the CISD will:
 - a. draw upon information from a variety of sources including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background and adaptive behavior, and
 - b. ensure that information obtained from all of these sources is documented and carefully considered.
 3. The members of the ARD/IEP committee must document their review of existing evaluation data and must summarize the basis of their decisions about whether additional data are needed to determine the following:
 - a. whether the child has a particular category of disability, as described in federal law 34 CFR§300.7, or in case of a reevaluation of a student, whether the student continues to have a disability,

- b. the present levels of performance and educational needs of the student,
 - c. whether the student needs special education and related services, or in the case of a reevaluation of a student, whether the student continues to need special education and related services; and
 - d. whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate in the general curriculum.
- C. For a child from birth through two years of age with visual and / or auditory impairments, an Individualized Family Services Plan (IFSP) meeting must be held in place of an ARD/IEP committee meeting in accordance with federal law and the Memorandum of Understanding (MOU) with TEA and Texas Interagency Council on Early Childhood Intervention. For students three years of age and older, CISD will develop an IEP.
- D. In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student.
- E. Consider the communication needs of the student and in the case of a student who is deaf, or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct communication mode.
- F. The written report of the ARD/IEP committee shall document the decisions of the committee with respect to issues discussed at the meeting. The written report will include the:
- 1. Date;
 - 2. Names and positions;
 - 3. Signatures of the members participating in each meeting; and
 - 4. Indicate each member's agreement or disagreement with the committee's decision.
- G. Parental Rights Regarding Adult Students 34 CFR §§300.347(c), 300.315(a)(2-3); 300.517, TAC §89.1049, TEC §29.017
- 1. Beginning at least one year before a student reaches 18 years of age, the student's Individualized Education Program (IEP) will include a statement that the student has been informed that, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, Guardianship, all rights granted to the parent under the Individuals with Disabilities Education Act (IDEA), Part B, other than the right to receive any notice required under IDEA, Part B, will transfer to the student upon reaching age 18. After the

student reaches the age of 18, except as provided by subsection (b) of this section, the CISD will provide any notice required under IDEA to both the adult student and the parent.

2. All rights accorded to a parent under IDEA Part B including the right to receive any notice required by IDEA will transfer to an 18-year-old student who is incarcerated in an adult or juvenile, state or local correctional institution, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, Guardianship.
3. The CISD will notify in writing the adult student and parent of the transfer of parental rights, as described in subsections (a) and (b) of this section, at the time the student reaches the age of 18. This notification is separate and distinct from the requirement that the student's IEP include a statement relating to the transfer of parental rights beginning at least one year before the student reaches the age of 18. This notification is not required to contain the elements of notice referenced in 34 CFR §300.503, but will include a statement that parental rights have transferred to the adult student and provide contact information for the parties to use in obtaining additional information.
4. A notice under IDEA, Part B that is required to be given to an adult student and parent does not create a right for the parent to consent to or participate in the proposal or refusal to which the notice relates. For example, a notice of an admission, review, and dismissal (ARD) committee meeting does not constitute invitation to, or create a right for, the parent to attend the meeting. However, in accordance with 34 CFR §300.344(a)(6), the adult student or the CISD may invite individuals who have knowledge or special expertise regarding the student, including the parent.
5. Nothing in this section prohibits a valid power of attorney from being executed by an individual who holds rights under IDEA, Part B.

H. The CISD will obtain written consent before initial placement occurs.

I. Provide a written or audio taped copy of the student's IEP translated into Spanish if Spanish is the parent's native language. If the parent's native language is other than Spanish, a good faith effort will be made to provide the parents with a written or audio taped copy of the student's IEP translated into the native language. (TEC §29.005 - summer 1999)

J. All disciplinary actions regarding students with disabilities shall be determined in accordance with federal and state laws. For more information see the Discipline section of this document.

IV. PARENT PARTICIPATION IN A.R.D. COMMITTEE MEETINGS (34CFR §300.345, §300.501)

Determination of a Parent: CISD will document the identification of the parent. The parent may be:

- a natural or adoptive parent of a child;
- a guardian but not the State if the child is a ward of the State; or

- a person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare); or
- a foster parent who qualifies as a parent; or
- a surrogate parent. (*for assignment of a surrogate parent, see Procedural Safeguards section 7 of this document*)

CISD will encourage parent participation and will provide written notice to the parents regarding ARD/IEP Committee meetings. All requirements for the written notice are followed and the specific information for written notice is located in Section 7 of this document.

- A. CISD shall maintain documentation to indicate the extent of parent participation in the individual educational plan development parent agreement or disagreement with admission, review, and dismissal committee action.
- B. The parent shall be given a copy of the IEP at no charge. (34 CFR§300.345 f)
- C. If a parent is identified but is unavailable or refuses to participate in an ARD/IEP committee meeting, the CISD local campus:
 1. Shall conduct the ARD/IEP meeting without a parent in attendance if the campus has provided Notice of ARD and the parent has declined to attend, or the campus staff is unable to convince the parents that the parent should attend. In this case, the campus must have a record of its attempts to arrange a mutually agreed upon time and place, including, for example:
 - a. detailed records of telephone calls made or attempted and the results of those calls with documentation on the CISD copy of Notice of ARD form or attached;
 - b. copies of correspondence sent to the parents and any responses received;
 - c. detailed records of visits made to the parents' home or place of employment and the results of those visits; or
 - d. conference telephone calls to ensure parent participation.
 2. May proceed with its responsibilities for planning and educating a student with disabilities after it has exhausted all avenues to include the parents in the ARD/IEP process, or
 3. Must document its efforts to contact or include the parent on the Notice of ARD form and in the ARD/IEP minutes.
 4. CISD will take whatever action is necessary to ensure that the parents understand, and are able to participate in, any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness, or whose native language is other than English.
- D. If a change in placement is made without parent participation in the ARD/IEP meeting, a copy of the ARD/IEP meeting should be sent to the parent. The change may not occur for five (5) school days unless the parent agrees to an earlier date. All other documentation shall be maintained in the student's permanent record.

- E. If a parent refuses or otherwise does not give consent for the initiation of formal evaluation procedures or for initial special education program placement, the CISD school shall:
 - 1. Ensure with all reasonable effort that the parent understands the proceedings and understands his parental rights.
 - 2. Attempt to come to agreement with parents. If these attempts fail, CISD may pursue mediation or may pursue legal action as authorized by the Texas Education Code, the Texas Family Code, or applicable federal statutes and regulations. (Note: students with disabilities are subject to the provision of compulsory student attendance in Texas Education Code 21.032 and 21.033). Initial evaluation and initial placement in special education will not occur without parental consent.

- F. (TAC §89.1045) A parent may request a conference or an ARD/IEP committee meeting at any mutually agreeable time to address specific concerns about the student's special education program.
 - 1. The school must respond to the parent's request by:
 - a. holding the requested meeting, or
 - b. requesting assistance through the Texas Education Agency's mediation process.
 - 2. CISD local campus staff should inform the parents of the functions of the ARD/IEP committee and the circumstances or types of problems for which requesting an ARD/IEP committee meeting would be appropriate.

- G. Unless parental rights have been terminated by judicial decree, the parent and student with a disability shall begin to share parental rights under the Individuals with Disabilities Education Act (IDEA) when the student reaches 18 years of age. Beginning at least one year before a student reaches 18 years of age; the student's IEP must include a statement that the student has been informed of his or her rights under IDEA, Part B, which will be shared with his or her parents. (TAC §89.1049) (34CFR 300.517)

V. A.R.D. / I.E.P. COMMITTEE MEMBERSHIP (34 CFR §300.344)

Persons other than those listed below may be present at, and participate in, ARD/IEP committee meetings at the discretion of the principal, or the parent; however, the committee shall include, under the circumstances described, the following members in determining its actions:

- A. One or both of the student's parents;

- B. At least one general education teacher of the student;

- C. The special education teacher or the special education provider that participates in the ARD/IEP meeting must be certified in the student's suspected area of disability. When a specific certification is not required to service certain disabilities categories, then the special education teacher or special education provider must be qualified to

provide the educational services the child may need. Refer to Section 800 of this document for more information on qualifications of Special Education, Related Service, and Paraprofessional personnel to ensure that appropriate teachers and or service providers are present and participate at each ARD/IEP committee meeting.

- D. A representative of the district, who:
 - 1. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
 - 2. Is knowledgeable about the general curriculum; and
 - 3. Is knowledgeable about the availability of resources of the district.
 - * The district may designate another staff member to serve as the representative, if the criteria 1-3 are satisfied (provided other district ARD/IEP members meet the other participant requirements). The superintendent will approve the list of qualified ARD/IEP representatives of the district.
- E. Individuals who can interpret the instructional implications of evaluation results may be a member of the team described in this section. Individuals may include:
 - 1. Speech/language pathologist, for speech-only referrals;
 - 2. Educational diagnostician; and/or
 - 3. Licensed specialist in school psychology/psychologist.
- F. At the discretion of the parent or CISD, other individuals who have knowledge or special expertise regarding the student, including related service personnel as appropriate, and
- G. If appropriate, the student.

Additional ARD/IEP Members Required:

Students with disabilities who require additional professionals to be in attendance at ARD/IEP meetings are:

- 1. Visual Impairment - A professional certified in the education of students with visual impairments must be included. For students from birth through age two with visual impairments or students who are deaf-blind, the teacher of infants who are visually impaired or the teacher of students who are deaf-blind, as appropriate, may be one of the members of the ARD/IEP committee in place of the teacher of students with visual impairments.
- 2. Auditory Impairment - A professional certified in the education of the deaf must be included.
- 3. Vocational Education - Any student with a disability being considered for initial or continued placement in vocational education requires a representative from career and technology.
- 4. Limited English Proficiency - A professional representing the Language Proficiency Assessment Committee (LPAC) must be included when a student with limited English proficiency is considered.
- 5. Homebound - The homebound teacher should be included.
- 6. Off home campus students - A representative from the sending campus will attend initial, annual and re-evaluation ARD/IEP meetings. If there is a possibility that the student will be returning to the home campus the ARD/IEP meeting will

be held at the home campus. The campus returning the student will send the teacher to the ARD/IEP meeting.

VI. SCHEDULING THE ARD/IEP COMMITTEE MEETING

- A. The building principal should designate a staff member responsible for scheduling ARD/IEP meetings. Confirmation notices should be distributed to all special and general education instructional and support staff involved in the meetings. ARD/IEP scheduling should be coordinated to ensure participation and accuracy.
- B. A schedule should be developed at the beginning of each year. Admission, Review, and Dismissal (ARD/IEP) Individual Education Program committee meetings may be moved up to accommodate distribution, but in no case are they held more than a year from previous annual ARD/IEP meetings. **One year means “calendar” year (month/day/year).**
- C. If an ARD/IEP meeting is necessary for reasons other than the annual ARD, (discipline, failure, parent request, addition of a related service, etc.) and it is within a month or two of the annual ARD/IEP meeting, consider moving the annual date up and discussing all foreseeable decisions / needs in one meeting.
- D. The times for meetings should be scheduled with regard to student need and ARD/IEP committee responsibilities. Meetings should not be scheduled so tightly that an unexpected situation cannot be handled properly.

Annual Review (see also IEP review section):

The annual review should occur within twelve months, on or before the anniversary date which reflects the original special education entry date or previous annual review date.

One year means “calendar” year (month/day/year). When a student is enrolled in related services in addition to other special education instructional programs, only one annual ARD/IEP committee meeting should be held. Coordination among service providers is important to arrange for one annual ARD. The annual ARD/IEP committee date should be determined by entry into the instructional program. When the review is prior to the proposed date, the original review date may be revised as long as the period between reviews does not exceed one year.

At the annual review, the committee shall:

- A. Review any informal evaluation from teachers or any formal evaluation if conducted;
- B. Review current IEP progress and develop a new IEP;
- C. Consider appropriateness of the student’s placement as it relates to the student’s IEP. The current IEP objectives shall be reviewed and documented on the IEP prior to the development and acceptance of a new IEP. There should be some objectives that have been added/deleted/revised on the new IEP. If there are no changes, the ARD/IEP committee should have written justification for the lack of revision and a new IEP generated; and
- D. Consider any other items deemed important by the parent.

Reevaluation (Three Year Review):

At least once every three years, on or before the anniversary date of the student's Full and Individual Evaluation date, the Admission, Review and Dismissal Committee shall review existing evaluation data and plan the need for new individual evaluation information, if appropriate.

VII. IEP COMMITTEE DECISIONS

A. Placement (34CFR §300.552 and §300.553)

In determining the appropriate educational placement of a student with a disability, CISD ensures that:

1. The placement decision:
 - a. is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and
 - b. is made in conformity with the Least Restrictive Environment (LRE) provisions found in this section.
2. The student's placement:
 - a. is determined at least annually;
 - b. is based on the student's IEP; and
 - c. is as close as possible to the student's home.
3. Unless the IEP documents why some other arrangement is needed, the student is educated in the school that he or she would attend if non-disabled; and
4. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs. The following will be considered, but not limited to: increased student frustration/stress, decreased students self-esteem / worth, increased difficulty with distractions / disruptions of regular environment, increased difficulty controlling behavior, increased safety concerns caused by physical aspects, increased difficulty completing tasks, wide difference in developmental levels causes isolation, other considerations specific to the individual.
5. A student with a disability is not removed from education in an age appropriate general education classroom solely because of needed accommodations in the general curriculum.

B. Least Restrictive Environment (34CFR §300.550 - .554 and §89.1050b)

CISD will assure that students with disabilities, including students in public or private institutions or other care facilities, are educated with non-disabled students to the maximum extent appropriate to meet the student's individual education program and overall educational needs. In providing programs, services, and activities for students with disabilities, CISD shall first consider the least restrictive environment of the general education program.

Special classes, separate schooling or other removal of students with disabilities from the general education environment occurs only when the nature and severity of the

disability is such that education in general classes, (including art, music, and PE) with the use of supplementary aids and services, cannot be achieved satisfactorily.

Supplementary aids and services may include but not be limited to: team teaching, content mastery, paraprofessional in the general classroom (less than 50% special education instruction), assistive technology devices, and others as determined by the ARD.

The ARD/IEP committee assures:

1. Removal will be based on a review of the student's educational status which may include but not be limited to information from district staff, parents, evaluation data, grades / achievement data, psychological data, medical data, related services data, or other pertinent information.
2. There is a continuum of services and placements available to meet the needs of students with disabilities for special education and related services and alternative placements were tried or considered such as: Title I/state compensatory education services, school health services, bilingual classes, ESL, tutorials, TAKS remediation, Pre-K program, adaptive equipment, or other provisions as determined by the ARD/IEP committee.
3. The student is provided the opportunity to participate in nonacademic and extracurricular activities on the same basis with non-disabled students to the maximum extent appropriate to the needs of that student. If the student is not able to participate, the ARD/IEP committee will specify activities considered and state why the student is excluded based on his/her individual needs and abilities. Nonacademic activities include, but are not limited to, lunch, recess periods, transportation, recreation activities, and assemblies. Extracurricular activities include, but are not limited to, athletics, band, choral groups, and clubs.
4. In selecting the LRE, consideration is given to any potential harmful effect on the student with disabilities if the student is removed from the general education class or any potential harmful effect on the quality of services that is needed (potential harmful effects discussed must be listed).
5. In annually determining programs, services, and activities for students with disabilities, CISD shall first consider the general education curriculum, the student's IEP, and use those resources made available to all students. The ARD /IEP committee assures the students receiving special education services will:
 - a. remain in the general education program with special education support services, supplementary aids, or other special arrangements, if needed;
 - b. be educated to the maximum extent appropriate with students who are not receiving special education services;
 - c. be placed in a program as close as possible to the student's home (list/describe services student needs that cannot reasonably be provided on the home campus);
 - d. be provided opportunities to participate in school activities on the same basis as students who are not receiving special education services;
 - e. be offered an opportunity for interaction on a regular basis with students who are not receiving special education services; and

- f. not be removed from education in age appropriate general education classrooms solely because of needed accommodations in the general education curriculum.

L.R.E. Questions the A.R.D. Committee may discuss:

Based on Daniel R.R. v. State Board of Education, 874 F.2d 1036(5th Cir. 1989), the following are points for discussion and documentation as an ARD/IEP committee determines the appropriateness of the Least Restrictive Environment for a student with disabilities.

1. Can education in the general classroom, with the use of supplementary aids and services, be achieved satisfactorily for the student?
 - a. Has the CISD taken steps to accommodate the student with disabilities in the general classroom? Describe previous efforts:
 - (1. Did the district provide supplementary aids and services?
 - (2. Did the district provide accommodations?
 - b. Are the services provided sufficient? If the efforts failed, describe why:
 - (1. the district does not have to provide every conceivable supplementary aid or service.
 - (2. IDEA (Individuals with Disabilities Education Act) does not require general education teachers to devote all or most of their time to one student with a disability.
 - (3. IDEA does not require that general education teachers modify the general education program beyond recognition.
 - (4. General education teachers are not required to modify the general education curriculum to the extent that the student with disabilities is not required to learn any of the skills normally taught in general education.
 - c. Will the student receive an educational benefit from general education?
 - (1. Can the student grasp the TEKS curriculum elements of the general education curriculum?
 - (2. Consider and document the nature and severity of the student's disability in relation to receiving educational benefit from general education.
 - d. Examine the student's overall educational experience in the mainstreamed environment balancing the benefits of general and special education for each individual student. What needs does the student have that can be met in general education and what needs cannot be met in general education?
 - e. What effect does the presence of the student with disabilities' have on the general classroom environment and thus on the education that the other students are receiving?
 - (1. Discuss and document any disruptions in the classroom.
 - (2. Does the student require so much of the teacher's attention that the teacher will have to ignore the other students' needs in order to attend to the student with disabilities?
2. If education in a general classroom cannot be achieved satisfactorily, determine whether the student has been mainstreamed to the maximum extent appropriate for that student.
 - a. Determine if all academic and non-academic classes in general education with non-disabled peers has been considered or tried.

- b. Determine if mainstreaming for lunch, recess, or other times has been considered.

**C. State/District-wide Assessment Determinations (34 CFR §300.138)
(TAKS, SDAA, LDAA, RPTE and TPRI/Literacy Assessment)**

The ARD/IEP committee should make the decision to test or exempt students with disabilities from state or district-wide assessments. This decision should be based upon whether or not the student has received instruction in content areas covered in the test. The decision should **not** be based upon the fact that the student may score lower than other students in the class. The eligibility of each student with a disability to take all or a portion of the TAKS assessment instrument and/or the exit level assessment instrument shall be addressed in the student's IEP. The ARD/IEP committee will determine appropriate assessment on an individual basis. Assessments may include TAKS, State-Developed Alternative Assessment (SDAA), Locally Developed Alternative Assessment (LDAA), Reading Proficiency Tests in English (RPTE), the Texas Primary Reading Inventory (TPRI), or other locally assigned alternate assessment. **The ARD/IEP committee must review annually the previous ARD/IEP recommendations to determine if the student took the appropriate assessment and discuss progress.**

1. TAKE TAKS (WITHOUT ACCOMMODATIONS):

If a student with disabilities received grade level TEKS instruction in content areas covered in the test and does not require unallowable accommodations, the ARD/IEP Committee should recommend the student take TAKS.

2. TAKE TAKS (WITH ACCOMMODATIONS):

If a student with disabilities received grade level TEKS instruction in content areas covered in the test, and school records indicate the student has consistently required accommodations of general classroom procedures, the student may receive allowable accommodations on the test. Decisions to use a particular accommodation will be made on an individual basis by the ARD/IEP committee and will take into consideration the needs of the student and whether the student routinely receives the accommodation in classroom instruction. The allowable TAKS accommodations required will be listed in the ARD/IEP committee report. Allowable accommodations are found in the TAKS Coordinator's Manuals provided by the TEA. The accommodations listed in the manual will be followed as required by TEA and determined by the ARD/IEP committee for each individual student. The Coordinator's Manual also lists accommodations that are non-allowable.

3. TAKE STATE-DEVELOPED ALTERNATIVE ASSESSMENT (SDAA):

The 75th session of the Texas legislature mandated the development and administration of the SDAA. This assessment option is available to students who:

- ❖ Receive special education support and services,
- ❖ Are enrolled in Grades 3 – 8,
- ❖ Are receiving instruction in the Texas Essential Knowledge and Skills (TEKS), state-mandated curriculum.

The SDAA includes the instructional levels of kindergarten through Grade 8 and is based on the TEKS curriculum. Students in Grades 3 – 8 are assessed in reading and mathematics at their appropriate instructional levels. In addition, students enrolled in Grades 4 and 7 are assessed in writing at their appropriate instructional levels.

A student should take the SDAA if he or she receives TEKS instruction *on grade level* with accommodations that would invalidate TAKS, or receives TEKS instruction *below grade level* with no accommodations that would invalidate the SDAA. The ARD/IEP committee will determine accommodations for the SDAA that are routinely used in instruction based on the student's disability. These accommodations must be documented in the IEP.

Non-allowable accommodations are listed in the Coordinator Manual and include:

- ❖ The test administrator may not provide any direct or indirect assistance or reinforcement that identifies or aids in the identification of the correct response to an item.
- ❖ Test questions, answer choices, and the writing prompt may not be rephrased or clarified,
- ❖ The number of answer choices for an item may not be reduced.

A student may take TAKS for one subject and the SDAA for another subject, depending on the ARD/IEP committee decision. The ARD/IEP committee shall specify:

- a. why the TAKS assessment is not appropriate for the student,
- b. must list the SDAA (by subject area) to be used for the student,
- c. the current TEKS instructional grade level which is to be assessed with the SDAA, if the administration is not the baseline year, then the ARD/IEP committee must set the expected achievement level I, II, or III, by subject area for the next administration;
- d. the results must be documented and placed in the student eligibility folder for review at the next annual ARD/IEP committee meeting.

4. LOCALLY DEVELOPED ALTERNATE ASSESSMENT (LDAA):

A student should take a Locally Developed Alternate Assessment if the student is not receiving TEKS instruction at any grade level or is receiving TEKS instruction but with accommodations that would invalidate the SDAA.

The ARD/IEP committee shall specify:

- a. Why the TAKS or SDAA is not appropriate for the student, (ex. Because the student's IEP does not include instruction in TEKS at any grade level 3-8) (*EXIT LEVEL ONLY: the assessment instrument, even with allowable modifications would not provide an appropriate measure of the students achievement*)
- b. Must list the alternate assessment to be used for the student,

- c. List the current functioning level which is to be assessed, and
 - d. The results of the alternate assessment must be documented on appropriate forms and placed in the student eligibility folder for review by the ARD/IEP committee at the annual review.
5. **INTENSE REMEDIATION**
- CISD ensures that students with disabilities who are eligible to take the state assessments but have not performed successfully receive an intensive program of instruction to enable the students to perform at grade level at the conclusion of the next regular school term or to attain a standard of annual growth. The intensive programs for students with disabilities will be designed by the student's ARD/IEP committee to enable the student to attain a standard of annual growth on the basis of the student's IEP. The following is tracked:
- a. a list of students taking the TAKS
 - b. a list of all special education students who have failed one or more sections of the TAKS
 - c. a list of all special education students who were provided remediation and the results of TAKS following remediation classes

D. Assistive Technology Devices and Services (34CFR §300.5, 300.6, 300.308)

Assistive technology devices or services are considered for all students with disabilities regardless of type or severity of disability. Assistive technology devices or services will be made available to students with disabilities if required as a part of the student's special education, related service, or supplemental aids and services as determined by the ARD/IEP committee. Assistive technology devices and services are used to adapt conditions to improve the student's functioning when needed to implement the student's IEP.

- 1. The ARD/IEP committee:
 - a. will review present levels of performance, the goals and objectives, and recommendations for assistive technology devices and services from the full and individual evaluation report and include in the IEP devices and services determined to be educationally necessary in order for the student to access the curriculum and make satisfactory academic progress, and
 - c. will discuss assistive technology needs and consideration will be given to the competencies, strengths and weaknesses, and recommendations from the evaluation report,
 - b. will determine whether the student needs a service that directly assists a student with a disability in the selection acquisition, or use of an assistive technology device; and
 - c. may recommend additional evaluation by the technology assistance team. The team may include any of the following professionals: Occupational Therapist, Physical Therapist, Speech Pathologist, Diagnostician, and Vision Teacher, others as needed. The team member(s) will make written recommendations in an evaluation report for assistive technology services or devices including specific accommodations, which are needed to implement the student's individual education program. (see also FIE Section); and

- d. will then consider the recommendations and if the committee determines that a student needs a particular device or service in order to receive FAPE, a statement to that effect will be in the IEP.
2. Recommendations for assistive technology for all students from the ARD/IEP Committee meetings will be logged and tracked by the campus designee to assure follow up occur in ordering of material, any training required, etc.
3. Assistive technology devices and services assigned in the IEP do not replace necessary medical treatment or individually fitted or prescribed prosthetic or corrective devices such as hearing aids and glasses.

E. Extra-curricular Activities:

A student shall be suspended from participation in any extra-curricular activity sponsored or sanctioned by the district as per general education guidelines unless otherwise determined by ARD/IEP Committee.

Suspension of a student with disabilities from extra-curricular activities, whose disability significantly interferes with the student's ability to meet regular academic standards, shall be based on the determination of whether a disability significantly interferes with a student's ability to meet general academic standards shall be made by the student's ARD/IEP committee.

F. Grading and Reporting of Special Education Students

Each student receiving special education instruction has an individual education program (IEP), which addresses the student's educational needs, educational goals and objectives.

1. The special education teacher shall utilize a lesson plan that reflects the short-term objectives as stated on the IEP. Grades should evolve from the objectives with supporting documentation of how the grade was determined.
2. Numerical grades shall be recorded for each subject area in a grade book. Recommended minimum mastery level on an IEP objective should be 70%, as a grade of 70 is required for passing. If 70% is too high for mastery, the appropriateness of the objective should be reconsidered.
3. Care should be taken to ensure that objectives are written at a level that continues to challenge the student's abilities. This may necessitate adjustments in curriculum, methods, pacing, materials, criteria, etc.
4. If the student with disabilities fails to meet the expectations addressed in the IEP, the responsible teacher shall review the IEP for appropriateness of objectives, instructional levels, materials, and methods. The teacher must document on the IEP the efforts made to try to help the student achieve success.
5. If a student with disabilities should fail any subject (special education, vocational education, general education, etc.), the ARD/IEP committee may convene to discuss the student's needs and make recommendations to help the student achieve success.
6. An ARD/IEP committee shall meet if the student is not attending school to discuss the appropriateness of the IEP, need for additional testing, and pursuit of compulsory attendance, if appropriate.

7. The grading of a special education student in a general education classroom is based upon the ARD/IEP committee recommendations for, if any, accommodations of TEKS and other accommodations of pacing, methods, and materials needed. When the ARD/IEP committee has recommended accommodations, the special education teacher is responsible for:
 - a. informing the general education teacher of the recommended accommodations;
 - b. providing information concerning the student's achievement levels, learning style, and behavioral needs;
 - c. offering assistance to the general education teacher on a scheduled basis, as recommended by the ARD/IEP committee; and
 - d. documenting contacts with the general education teacher.
8. On occasion, the ARD/IEP committee will recommend that a specific subject be taught in a combination general education/special education instructional arrangement. The general and special education teachers who provide the instruction, as determined by the ARD/IEP committee, may determine the special education student's grade, in this situation, proportionately.
9. Unless the ARD/IEP committee designates otherwise,
 - a. when a student is enrolled in the homebound program, the general classroom teacher will be responsible for grading all assignments and recording grades on the report card and permanent record for all subject areas.
 - b. the progress of children enrolled in PPCD will be based upon advancement toward mastery of IEP goals and objectives. Report cards will be issued to PPCD children on the same schedule as non-disabled students on their campus.

VIII.TRANSFERS - STUDENTS NEW TO DISTRICT (TAC §89.1050f)

For a student who is new to the CISD:

A. IEP is Available from School within Texas:

When a student transfers within the state the ARD committee may, but is not required to, meet when the student enrolls and a copy of the student's IEP is available. The parent(s) must indicate in writing that they are satisfied with the current IEP, and the CISD special education staff must determine that the current IEP is appropriate and can be implemented as written; or

B. IEP is not Available or not Sufficient Information – Temporary Transfer ARD:

If the conditions of subsection A. above are not met, then the ARD committee will meet when the student enrolls.

1. The parents must verify that the student was receiving special education services in the previous school district, or
2. The previous school district must verify in writing or by telephone that the student was receiving special education services.

3. At this meeting, the ARD committee must do one of the following:
 - a. determine that it has appropriate evaluation data and other information to develop and begin implementation of a complete IEP for the student; or
 - b. determine that:
 - (1) valid evaluation data and other information from the previous school district are insufficient, or
 - (2) valid evaluation data and other information from the previous school district are unavailable to develop a complete IEP.
4. In the event valid evaluation data and other information from the previous school district are unavailable to develop a complete IEP, the ARD committee may authorize the provision of temporary special education services pending receipt of valid evaluation data from the previous school district or the collection of new evaluation data by the CISD. Include in the ARD/IEP summary that the student will be dismissed from special education if records or evaluations show the student is not eligible under the guidelines.
If a self-contained placement may be indicated, the student:
 - a. may be served at the local campus until records are received, or
 - b. the local campus may schedule an ARD/IEP committee meeting with self-contained campus staff for temporary placement consideration.
 - c. the local campus must document information received from the previous school on the Temporary Transfer ARD/IEP Committee form.
5. A second ARD committee meeting must be held within 30 school days from the date of the first ARD meeting to finalize/develop an IEP based on current information.

C. Student Records.

In accordance with TEC, §25.002, the school district in which the student was previously enrolled will furnish the CISD 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 CISD. The Family Educational Rights and Privacy Act FERPA, 20 U.S.C., §1232g does not require the student's current and previous school districts to obtain parental consent before requesting or sending the student's special education records if the disclosure is conducted in accordance with 34 CFR §99.31 (a)(2) and §99.34.

IX. MUTUAL AGREEMENT (TAC §89.1050)

All members of the ARD/IEP committee shall have the opportunity to participate in a collaborative manner in developing the Individual Education Program (IEP). Decisions of the committee concerning required elements of the IEP shall be made by mutual agreement of the required members if possible. The committee may agree to an annual IEP or an IEP of shorter duration.

10 DAY RECESS:

- A. When mutual agreement about all required elements of the IEP is not achieved, the party (parent(s) or adult student) who disagrees shall be offered a single opportunity to have the committee recess for a period of time not to exceed ten (10) school days. This recess is not required when the student's presence on the campus presents a danger of physical harm to the student or others; or when the student has committed

an expellable offense or an offense, which may lead to a placement in an alternative education program (AEP).

1. The requirements of this section do not prohibit the members of the ARD/IEP committee from recessing for reasons other than the failure of the parents and the school district from reaching mutual agreement about all required elements of an IEP.
 2. In the ARD/IEP meeting, at any point when a parent or adult student disagrees with any required element of the IEP, the ARD/IEP district representative must offer a single opportunity to recess. At that time the district representative must inform parents or adult student of the following:
 - a. rights to file a complaint;
 - b. rights to request mediation, or
 - c. rights to request a due process hearing.
 - d. ask if they have a copy of Procedural Safeguards. The district representative must document in the ARD/IEP minutes that the parents/adult student does have a copy of this document. If the parents and/or adult student do not have a copy of the Procedural Safeguards document, provide them with another copy, provide the explanation, and document receipt.
- B. The date, time, and place for continuing the ARD/IEP committee meeting shall be determined by mutual agreement prior to the recess.
- C. During the recess, the committee members shall consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons to enable the ARD/IEP committee to reach mutual agreement.
- D. If a ten (10) day recess is implemented and the ARD/IEP committee still cannot reach mutual agreement, the district will implement the IEP that it has determined to be appropriate for the student. The ARD/IEP should follow steps below:
 1. The CISD campus administrator chairing the ARD/IEP committee will inform the parent or adult student with disabilities that CISD will implement the IEP that has been determined to be appropriate for the student.
 2. A written statement of the basis for the disagreement shall be included in the IEP. The members who disagree shall be offered the opportunity to write their own statements. The written statement should be made during the actual meeting.
 3. When CISD implements an IEP with which the parent(s) or adult student disagree, the campus shall provide prior written notice to the parent(s) or adult student as required: (ARD Supplement Notice of Proposal or Refusal to Provide Services in Regard to Identification, Evaluation, Placement, or Free Appropriate Public Education). (34 CFR§300.503 and §300.504)
- E. Signatures of the committee members present and an indication of each member's agreement or disagreement with the committee decisions shall be indicated on the ARD/IEP Committee Report.

X. GENERAL EDUCATION: ARD/IEP PROCESS 34 CFR 300.346(2d);
TAC §89.1075(c)

All teachers involved in the instruction of a special education student shall have the opportunity to provide input and request assistance regarding the implementation of the student's IEP. The general education teacher of a student with a disability, as a member of the ARD/IEP team, must, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in determination of:

- A. Appropriate positive behavior interventions and strategies, and
- B. Supplementary aids and services, program accommodations or supports for school personnel that will be provided for the student.

Opportunity to Request Support:

The immediate person for support to the general education teacher is the campus special education teacher. Special educators are in a collaborative role to problem solve any difficulties the special education student may be having in the general class. The ARD/IEP form designates a person responsible for coordination of monitoring the student and this is typically assigned to the special education teacher. Special Education teacher responsibilities to ensure participation of the general education teacher may include:

- A. Sending a memo/form to inform the teachers of the planning period and request some time to discuss the special education students in their room,
- B. Providing relevant sections of the student's current IEP, such as goals and objectives, accommodations, and adaptations to all teachers that provide instruction to a student with disabilities,
- C. Offering conferences before or after school to discuss the current or proposed IEP of specific students. Conferences may be used to discuss grading, homework; clarify student abilities and needs based on evaluation; discuss test accommodations for the teacher to use; or to suggest a behavioral strategy that may work for the student or review the behavioral intervention plan, if appropriate; etc.

Opportunity to Provide Input:

The general education teacher will have information regarding the special education teacher's conference time and should use this time or after school conferences as one means to provide input regarding the student's IEP. General education and special education teachers may collaborate, however, the special education teacher **MUST** send out the ARD/IEP committee teacher input form to all the student's teachers prior to:

- An initial ARD/IEP committee meeting,
- An ARD/IEP meeting to consider existing evaluation data / reevaluation,
- Annual review ARD/IEP meeting, or
- An ARD/IEP meeting considering other areas such as behavior, failures, etc.

A. Process for Submitting Requests for Further Consideration of Student's IEP

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General Education Teacher:

There may be instances when the general educator does not agree with the decision of the ARD/IEP committee. There could be several reasons why this might occur,

however, it is the responsibility of special educators first and foremost to support and assist the general education teacher in understanding the student's disability and IEP. When a general education teacher does not agree, the special education teacher should:

1. Make an appointment with the general education teacher to discuss the general education teacher's concern;
2. Listen carefully to each issue raised by the general education teacher, be sure he/she has a clear understanding of the student's educational competencies and needs. Often the general education teacher with a concern is not present in the ARD/IEP committee meeting and has not seen the evaluation information and may not understand the student's strengths and weaknesses.
3. Collaboratively brainstorm possible solutions and alternatives, which could be used, being careful to pay close attention to the ARD/IEP committee decisions on placement, accommodations, etc. Areas for support include pacing, methods, materials, etc.
4. Keep notes of the issues and solutions to be tried and the person responsible for trying each solution, and the timeline;
5. Set the next date and time to get together to discuss any progress toward the general education teachers concern after he/she has implemented the solutions from the meeting. The special education teacher should ways follow-up. Possible ways special education could support the general education teacher are listed above. Don't hesitate to offer specific suggestions as ways to help the teacher.

Involvement of the Principal: If steps above do not improve the situation, the Principal or Assistant Principal should be notified (if they have not already been involved). The following steps should be followed if a solution did not occur:

1. The special education teacher should inform the administrator of the steps taken above.
2. The administrator will determine any further resources to involve in resolving the situation. The diagnostician, coordinator, or special education director may be included in problem solving.
3. The administrator may call a meeting with the parties involved or may offer suggestions to the general education teacher, or may determine an ARD/IEP meeting is necessary to address the issues.
4. At any time during the process above, the Principal, if determined necessary may request an ARD/IEP committee meeting.

B. Process for Submitting Requests for Further Consideration of Student's IEP

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Special Education Teacher:

Involvement of the Principal: If the special education teacher may submit requests for further consideration of the student's IEP to the Principal or Assistant Principal. The following steps should be followed if a solution did not occur:

1. The special education teacher should inform the administrator of the considerations regarding the IEP.
2. The administrator will determine any further resources to involve in resolving the situation. The diagnostician or others may be included in problem solving.

3. The administrator may call a meeting with the parties involved or may offer suggestions to the special education teacher, or may determine an ARD/IEP meeting is necessary to address the issues.

XI. PRIVATE / NONPUBLIC RELIGIOUS SCHOOL PROVISIONS (includes home schools) [34CFR §300.133, §300.349, .401, .403, .451, .456, .454, §300.550 -.556]

A. Placed by the Parent

Before CISD places a student with a disability in, or refers a student to, a private school or facility, CISD will:

1. Initiate and conduct an ARD/IEP meeting to develop an IEP for the student; and
2. Ensure that a representative of the private school attends the meeting. If the representative cannot attend, CISD will ensure participation in one or more of the following ways:
 - a. individual or conference telephone calls
 - b. written correspondence regarding input
3. After the student enters the private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the CISD. If the private school or facility initiates the meeting, the CISD will ensure that the parents and a representative from CISD:
 - a. are involved in any decisions about the student's IEP; and
 - b. agree to any proposed changes in the program before those changes are implemented.
4. Even if a private school or facility implements a student's IEP, responsibility for compliance remains with the CISD.

For special education students placed in a public or private/nonpublic institution or other care facilities, the ARD/IEP committee documented the following conditions:

1. An initial on-site visit and annual on-site visits verify that the facility can, and will provide the services listed in the student's IEP;
2. The specific services which the CISD is unable to provide and which the facility will provide;
3. Verify during the initial ARD/IEP meeting and each subsequent annual ARD/IEP meeting that the facility:
 - ❖ meets minimum standards for health and safety;
 - ❖ the placement is needed and the need is continued at the annual; and
 - ❖ the educational program provided at the facility is appropriate and the placement is the least restrictive environment for the student.
4. The criteria and estimated timelines for returning the student to the CISD.

B. PLACED BY THE PARENTS

[§89.1096 - This section will be implemented beginning July 1, 2001. This section will expire on June 30, 2004.]

Except as specifically provided by TAC §89.1096, Carroll Independent School District obligation with respect to students placed by their parents in private schools are governed by 34 CFR §300.450 – §300.462. These regulations are listed in these guidelines on upcoming pages.

PARENT REFERS STUDENT WITH A DISABILITY

If the ARD/IEP committee determines that a private/nonpublic school student is eligible and is in need of special education instruction and/or related services, and the district can offer a free appropriate public education, the CISD is not responsible for providing educational or related services to the student, EXCEPT as provided below in 34 CFR §300.450 - §300.462, until such time as:

- ❖ the parents choose to enroll the student in the public school full-time, or
- ❖ if eligible student is age 3 or 4, the parent shall have the right to “dual enroll” their student in both the CISD and the private school beginning on the student’s third birthday and continuing until the end of the school year in which the student turns five, subject to the following:
 1. The student’s ARD/IEP committee shall develop an IEP designed to provide the student with a FAPE in the least restrictive environment appropriate for the student.
 2. From the IEP, the parent and the CISD shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the least restrictive environment set forth in 34 CFR §300.550 - §300.553, and the policies and procedures of the CISD.
 3. For eligible students age 3 or 4 served under this provision, the CISD is responsible for the employment and supervision of the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school and shall remain the property of the school district.
 4. The CISD shall provide special transportation with federal funds only when the ARD/IEP committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP.
 5. Complaints regarding the implementation of the components of the student’s IEP that have been selected by the parent and the district may be filed with the TEA. The procedures in 34 CFR §300.504 - §300.515 (relating to due process hearings) do not apply to complaints regarding the implementation of the components of the student’s IEP that have been selected by the parent and the district under this section.

DEFINITION OF PRIVATE SCHOOL CHILDREN (see 34 CFR§300.450)

Private school children with disabilities means children with disabilities enrolled by their parents in private schools or facilities other than children with disabilities referred by CISD to private schools or facilities for special education and related services.

CHILD FIND FOR PRIVATE SCHOOL CHILDREN (see 34 CFR§300.451)

See Administration Section – page 802.

PROVISION OF SERVICES – BASIC REQUIREMENT (see 34 CFR§300.452)

To the extent consistent with their number and location in the State, provision must be made for the participation of private school children with disabilities in the program assisted or carried out under IDEA by providing them with special education and related services in accordance with §300.453 - 300.462.

EXPENDITURES (see 34 CFR§300.453)

See Administration – Funding

DETERMINATION OF SERVICES (34 CFR§300.454)

No private school student has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in the CISD. Decisions about the services that will be provided to private school students with disabilities must be made in accordance to the following:

Consultation:

The CISD staff will consult with representatives of private school students with disabilities, in a timely and meaningful way, considering the following:

1. In light of the funding (Section 8 of these Guidelines),
2. The number of private school students with disabilities,
3. The needs of the private school students with disabilities, and
4. The location; to decide the following:
 - a. Which students will receive special education and related services?
 - b. What services will be provided;
 - c. How will the services be provided; and
 - d. How will the services be evaluated?

Genuine opportunity: The CISD will give appropriate representatives of private school children with disabilities a genuine opportunity to express their views regarding each matter that is subject to the consultation requirements in above.

Timing:

The consultation required above must occur before the CISD makes any decision that affects the opportunities of private school students with disabilities to participate in services.

Decisions:

The CISD will make the final decisions with respect to the services to be provided to eligible private school students.

Services Plan:

If a student with a disability is enrolled in a religious or other private school and will receive special education or related services, the CISD shall:

1. Initiate and conduct meetings to develop, review, and revise a services plan for the child, in accordance with the SERVICES PROVIDED section below, and
2. Ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the CISD shall use other methods to ensure
3. Participation by the private school, including individual or conference telephone calls.

SERVICES PROVIDED (34 CFR§300.455)

General: personnel meeting the same standards as personnel providing services in the public schools must provide the services to private school students with disabilities. In addition:

1. private school students with disabilities may receive a different amount of services than students with disabilities in the public school;
2. no private school student is entitled to any service or to any amount of a service the student would receive if enrolled in the public school;
3. services are provided in accordance with a services plan; each private school student with a disability who has been designated to receive services must have a services plan that describes the specific special education and related services that the CISD will provide to the student in light of the services that has been determined, through the process described in DETERMINATION OF SERVICES section above (and 34 CFR§300.453), CISD will make available to private school students.
4. The services plan must, to the extent appropriate,
 - a. meet the requirements of content in the IEP (300.347), with respect to the services provided; and
 - b. be developed, reviewed, and revised consistent with §300.342 (when IEPs must be in effect) and §300.346 (develop, review, and revision of IEP).
5. In addition, CISD will provide instructional materials and maintain pupil accounting records.

LOCATION OF SERVICE; TRANSPORTATION (34 CFR§300.456)

On-site: The services provided private school students with disabilities may be provided on-site at a student's private school, including a religious school, to the extent consistent with law and consideration of placement in the least restrictive environment.

General: If necessary for the student to benefit from or participate in the services provided as determined necessary by the ARD/IEP committee, a private school student with a disability must be provided transportation:

1. From the student's school or the student's home to a site other than the private school; and
2. From the service site to the private school, or to the student's home, depending on the timing of the services;
3. CISD is not required to provide transportation from the student's home to the private school.
4. COST: If transportation is provided, the cost will be included in calculating whether CISD has met the minimum expenditure requirements of 34CFR §300.453 in Section 8 – Administration of this document.

Complaints (see 34 CFR§300.457 when due process is applicable and when it is inapplicable)

**Students Enrolled in a Private School When FAPE is an Issue (34
CFR§ 300.403)**

Carroll Independent School District will follow all rules and regulations regarding child find, referral, procedural safeguards, evaluation, and ARD/IEP development in order to offer FAPE.

CISD is not required to pay for the cost of education, including special education and related services, of a student with a disability at a private school or facility if CISD made FAPE available to the student and the parents elected to place the student at a private school or facility. However, CISD shall include that student in the population whose needs are addressed through all Due Process and Procedural Safeguards measures.

Disagreements between a parent and CISD regarding the availability of a program appropriate for the student (FAPE), and the question of financial responsibility, are subject to due process procedures that may include mediation.

Reimbursements for private school placement: If the parents of a student with a disability, who previously received special education and related services under the authority of a public school, enroll the student in a private elementary or secondary school without the consent of or referral by the public agency, a court or a hearing officer may require the agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the agency had not made FAPE available to the child in a timely manner prior to the enrollment.

Limitation on Reimbursement: The cost of reimbursement described above may be reduced or denied if:

1. At the most recent ARD/IEP committee meeting that the parents attended prior to removal of the student from the school, the parents did not inform the ARD/IEP committee that they were rejecting the placement proposed by the CISD to provide FAPE to their child, including stating their concerns and their intent to enroll their child in a private school at public expense, or
2. At least, ten (10) business days (including any holidays that occur on a business day) prior to the removal of the student from the school, the parents did not give written notice to the school of the information described in 1, above, or
3. If, prior to the parents' removal of the student from school, the CISD informed the parents, through the notice requirements, of its intent to evaluate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the student available for the evaluation;
4. Or upon a judicial finding of unreasonableness with respect to actions taken by the parents.

Exception: Notwithstanding the notice requirement in 1 of this section, the cost of reimbursement may not be reduced or denied for failure to provide the notice if:

- a. the parent is illiterate and cannot write in English;

- b. compliance with 1 would likely result in physical or serious emotional harm to the student;
- c. the school prevented the parent from providing the notice; or
- d. the parents had not received required notice pursuant to federal law.

Prisons

FAPE requirements for students with disabilities in adult prisons will be followed according to 34 CFR §300.311. The Carroll Independent School District will follow the evaluation, procedural safeguards, and ARD/IEP guidelines in conjunction with the specific federal laws pertaining to prisons.

Students Returning From Residential Placement

(see also Instructional Arrangements and Administration Sections of this document)
When a special education student has been residentially placed and then returns to CISD, a local ARD/IEP committee will be scheduled immediately to discuss the IEP and placement considerations to carry out the IEP.

If a student was not receiving special education services prior to residential placement, a referral may be initiated at the home school and an ARD/IEP meeting scheduled to review existing evaluation data and need for additional evaluation to determine if the student is a student with a disability.

XII. OTHER SPECIAL CONSIDERATIONS BY THE ARD/IEP COMMITTEE

A. Behavior Intervention Plan (BIP)

If a student whose behavior impedes his learning or that of others, the ARD/IEP committee documents consideration of strategies, including positive behavioral interventions, strategies, and supports to address that behavior. For more information on the BIP, see discussion of the Functional Behavior Assessment.

B. Limited English Proficiency (LEP)

If a student has limited English proficiency, consider the language needs of the student as these needs relate to the student's IEP.

C. Auditory Impairment (AI)

The ARD/IEP committee or IFSP report documents that:

1. Parents of students who have an auditory impairment are given written information, within the past year, about programs offered by the Texas School for the Deaf, including eligibility and admissions requirements and the rights of students related to admission.
2. Students in the regional day school programs for the deaf, the ARD/IEP team documents that the student's hearing loss severely impairs processing linguistic information even with recommended amplification and that the loss adversely affects educational performance.
3. The ARD/IEP committee reviews the unique communication, language, technology and instructional needs of students with an auditory impairment. If the student is deaf or hard of hearing, consider opportunities for direct

communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.

D. Visual Impairment (VI)

1. For students who are "functionally blind", the ARD/IEP committee documents that each member of the ARD/IEP team received information describing benefits of Braille instruction.
2. The ARD/IEP committee will specify the appropriate learning media based on the learning media evaluation report.
3. If a student is blind or has a visual impairment, provide for instruction in Braille and the use of Braille unless the ARD/IEP committee determines, after an evaluation of the student's reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student. If determined appropriate, the ARD/IEP committee will assure that a teacher certified to teach students with a visual impairment provides Braille instruction.
4. The ARD/IEP committee will describe or document:
 - a. Orientation and mobility training,
 - b. The use of Braille and / or large print,
 - c. Other training to compensate for severe visual loss,
 - d. Access to special tools, appliances, aids, or devices necessary to compensate for a severe loss,
 - e. That the parent has been made aware of the resources in the community and state,
 - f. The plans and arrangements made for contacts with and continuing services to the student beyond regular school hours if needed to ensure the student learns the compensatory, communicative, orientation and mobility, social adjustment, and vocational skills required for success in classroom settings and to derive lasting, practical benefits from the education in the district,
 - g. The eligibility folder contains parental consent or refusal of consent for the TEA to release relevant student registration data to specified entities for educational and statistical purposes, and
 - h. Parents have been given written information, within the past year, about programs offered by TSBVI, including eligibility and admissions requirements and the rights of students related to admission.

E. Deaf-Blindness (DB)

1. The ARD/IEP committee will specify the appropriate learning media based on the learning media assessment.
2. The ARD/IEP committee will describe or document:
 - a. Orientation and mobility training,
 - b. The use of Braille and / or large print,
 - c. Other training to compensate for severe visual loss,

- d. Access to special tools, appliances, aids, or devices necessary to compensate for a severe loss,
 - e. That the parent has been made aware of the resources in the community and state.
 - f. The plans and arrangements made for contacts with and continuing services to the student beyond regular school hours if needed to ensure the student learns the compensatory, communicative, orientation and mobility, social adjustment, and vocational skills required for success in classroom settings and to derive lasting, practical benefits from the education in the district,
 - g. The eligibility folder contains parental consent or refusal of consent for the TEA to release relevant student registration data to specified entities for educational and statistical purposes, and
 - h. Parents have been given written information, within the past year, about programs offered by TSBVI, including eligibility and admissions requirements and the rights of students related to admission.
3. Texas School for the Blind and Visually Impaired (TSBVI) and Texas School for the Deaf (TSD) TAC §89.1085
See Instructional Arrangement section for specific ARD/IEP information.

F. Tape Recording

CISD, the parent, or the adult student may audio-record the ARD/IEP committee meeting. All participants in the meeting shall be informed that such a recording is being made. If a parent or adult student notifies the ARD/IEP committee that they will record the meeting, the district should also record the meeting and put a reference to the audiotape in the student’s special education eligibility folder.

XIII. ARD/IEP COMMITTEE DISMISSALS/CHANGE IN PLACEMENT

The ARD/IEP committee may recommend movement to less restrictive placement or a more restrictive placement. When a more restrictive placement is considered, the ARD/IEP committee shall insure that current assessment is completed and carefully reviewed. When such movement changes the instructional arrangement, a copy of the ARD/IEP meeting will be given to the parent.

The local campus ARD/IEP committee has the authority to dismiss students from special education services. A reevaluation must be completed before determining that the student is no longer a student with a disability. All dismissals from services/programs should be documented on the ARD/IEP report.

- Exception: [34 CFR §300.534(2)] The evaluation is not required before the termination of a student’s eligibility due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under the State law.

A. Graduation:

Graduation also constitutes a change in placement requiring Notice and ARD action is required. The ARD/IEP report documents that the ARD/IEP committee, when appropriate, requested in writing and considered the written recommendations from:

- ❖ Appropriate adult service agencies;
- ❖ The views of the parent; and,
- ❖ The views of the student, when appropriate.

For more information on graduation requirements, please see the IEP section of this document.

B. Homebound:

The ARD/IEP committee shall dismiss students from homebound services. Local policy regarding a doctor's release shall be followed when allowing the student to return to campus (see Instructional Arrangements section under Homebound for more information on dismissals.)