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ADMINISTRATION

I. SCOPE AND APPLICABILITY OF SPECIAL EDUCATION (34CFR §300.1 and TAC §89.1001)

Special education services shall be provided to eligible students in accordance with all applicable federal law and regulations, state statutes, rules of the State Board of Education (SBOE) and commission of education, and the State Plan under Part B of the Individuals with Disabilities Education Act (IDEA).

Age Ranges for Student Eligibility (TAC §89.1035)

Services will be available to all eligible students ages 3-21. Services will be made available to eligible students on their third birthday. A free appropriate public education will be available from birth to students with visual or auditory impairments in accordance with the Texas Education Code. Graduation with a regular high school diploma pursuant to TAC §89.1070 terminates a student's eligibility to receive services. An eligible student receiving special education services who is 21 years of age on September 1 of a school year shall be eligible for services through the end of that school year or until graduation with a regular high school diploma pursuant to TAC §89.1070, whichever comes first.

CISD will provide assistance to parents of developmentally delayed infants and toddlers in contacting and receiving early intervention services. The CISD goal is to provide full educational opportunity to all children with disabilities aged birth through 21 as described above. The timetable for accomplishing this goal is detailed below.

Referral

Each referral coming to the individual district campus or the special education office will be processed pursuant to state and federal laws. Services shall be available to all eligible students residing within CISD. Referrals may come from doctors, nurses, parents, teachers, and other interested individuals. Child Find efforts including contact with private, parochial and home schools (if applicable) are documented.

Process

When the campus committee recommends a student be referred to special education, parents are notified; explained of their rights; parental consent for evaluation obtained; evaluation completed and an Admission, Review and Dismissal (ARD) / Individual Education Program (IEP) Committee meeting is scheduled. The ARD/IEP committee has the responsibility for determining eligibility and educational need, developing an individual educational program (IEP), evaluating the appropriateness of the program, and making changes where necessary.

Services

A continuum of placements is available to meet the needs of students with disabilities. When appropriate, students receiving special education will remain in the general education program with special education support services, supplementary aids and/or other special arrangements, if needed. CISD will ensure the provision of educational and related services to eligible students in the least restrictive environment. Students with disabilities shall have the opportunity to participate in educational programs and activities with non-disabled students whenever appropriate. The instructional day for students with disabilities will be commensurate with that of non-disabled students. Any variation will be determined by the ARD. The curriculum shall enable each student with disabilities to acquire knowledge and skills in the basic areas of learning commensurate with his or her needs and abilities.

Parent Involvement

CISD provides the opportunity for parent participation during the Child Centered Educational process. During each step from referral, evaluation, and the ARD/IEP, the parent's involvement is invaluable. In addition, CISD provides a parent forum a minimum of one time per school year in which topics of interest are offered as well as an opportunity for questions and answers and input to the administration of CISD.

Development of the Application for Federal IDEA Funds

Prior to the development of the application for Federal IDEA funds, CISD shall contact all ICF's, private/nonpublic schools within its boundaries and offer an opportunity for input in the development of the application. All private/nonpublic schools are made aware of the services offered to students with disabilities annually.

II. **CHILD FIND IDENTIFICATION** (34 CFR §300.125, §300.451)

The member schools of CISD offer a comprehensive system of "Child Find" in which all individuals, birth through 21, who may or may not be in school and who fall within CISD's jurisdiction, regardless of the severity of the disability, will be located, identified, and evaluated. Requirements apply to highly mobile children with disabilities (such as migrant and homeless) and children who are suspected of being a child with a disability and in need of special education, even though they are advancing from grade to grade. Efforts include contact with private, parochial, home schools and nursing homes (if applicable). Child Find activities will be comparable to activities undertaken for children with disabilities in CISD public schools. CISD will consult with appropriate private school representatives on how to carry out such activities. The following are a few of the activities/responsibilities which address our system of child identification:

- * Provide public awareness to inform citizens of educational opportunities available to individuals with disabilities and maintain documentation of such activities;
- * Maintain a list of our dissemination network including community agencies and facilities, individuals and locations that receive "Child Find" information;
- * Disseminate information regarding availability of services;

- * Determine which individuals are currently receiving needed special education and related services and which individuals are not currently receiving needed services;
- * CISD assures confidentiality requirements are met in the collection and use of data;
- * Maintains the 60 calendar day time frame referrals to evaluation report set forth in TEC;
- * The referral, full and individual evaluation, and ARD/IEP placement process adheres to all state and federal requirements.

A. Full Educational Opportunity Goal (34 CFR §300.304)

CISD currently provides equal educational opportunities to all students, including students with disabilities, within its jurisdiction or geographical boundaries pursuant to the provisions of the TEC and federal law. The current general education curriculum, Texas Essential Knowledge and Skills (TEKS), is the foundation to begin planning to meet the special identified needs of the individual student with disabilities. A continuum of alternative placements could be discussed to meet the Least Restrictive Environment (LRE) requirements. (34 CFR §300.12)

B. FAPE - Free Appropriate Public Education (34 CFR §300.13, §300.300)

FAPE is available to all children with disabilities, aged 3 through 21, residing in CISD, including children with disabilities who have been suspended or expelled from school. The services provided to the child address all of the child's identified special education and related service needs. The services and placement needed by each child with a disability to receive FAPE must be based on the child's unique needs and not on the child's disability. The term: Free, Appropriate Public Education means special education and related services that:

1. Are provided at public expense, under public supervision and direction, and without charge,
2. Meet the standards of the state and federal law,
3. Include preschool, elementary school, or secondary school education, and
4. Are provided in conformity with an IEP that meets the federal and state requirements (more information on FAPE is found in (34 CFR §300.300)

Exceptions to FAPE (34 CFR §300.122):

1. Include children age 3 - 5 and 18-21 to the extent it would be inconsistent with state law.
2. Students age 18-21 to the extent state law does not require services be provided to students who, in the last educational placement prior to their incarceration in an adult correctional facility were:
 - a.. Not actually identified as being a student with a disability
 - b.. Did not have an IEP under Part B.
3. Students who have graduated from high school with a regular high school diploma.
4. The state must have on file any documentation to such exceptions.

III. OFFICE OF SPECIAL EDUCATION (OSEP)

CISD participated in training in each area identified by the OSEP's monitoring report. System changes are on-going to ensure compliance and program improvement in each area. All staff has been or will be trained in the five areas identified. The following is documented:

- A. Training was received from the Education Service Center to:
 - 1. Review requirements in each identified area,
 - 2. Conduct a comprehensive analysis of its special education program,

- B. The five areas in which training may be received and in which all staff may be trained include:
 - 1. Least Restrictive Environment (LRE),
 - 2. Related Services,
 - 3. Initial Evaluation Timelines,
 - 4. Reevaluation Timelines
 - 5. Transition

- C. The following documentation is available for the five areas identified above:
 - 1. Dated agenda and roster for Corrective Action Plan (CAP) overview training for staff;
 - 2. A written process and timelines for conducting on going comprehensive analysis of each of the five identified areas;
 - 3. Based on the comprehensive analysis once completed, a plan of action will be or has been developed to improve or sustain high levels of performance of the five areas in B. above; and
 - 4. Evidence that the plan of action has been or is being implemented.

- D. The district has incorporated one area of its comprehensive analysis process into the district improvement plan.

IV. SPECIAL EDUCATION DEFINED (34 CFR §300.26)

- A. Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability, including: instruction conducted in the classroom, in the home, in hospitals, in institutions, and in other settings; and instruction in physical education.
1. At no cost means that all specially designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to non-disabled students or their parents as a part of the general education program.
 2. Physical education is defined as follows:
 - a. Development of physical and motor fitness;
 - b. Development of fundamental motor skills and patterns;
 - c. Development of skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and
 - d. Includes special physical education, adaptive physical education, movement education, and motor development.
 3. Specially designed instruction means adapting as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to :
 - a. Address the unique needs of the student that result from the student's disability, and
 - b. Ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the district that apply to all children.
- * Regarding specially designed instruction, the ARD/IEP committee will determine if the methodology is indeed a mode of instruction which would be the basis for goals and objectives and in such case should be listed in the IEP or if the method of instruction is specific day to day adjustments in instructional methods which are not a basis for goals.
- B. The term special education includes speech pathology or related services if the service consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability.
- C. The term special education also includes vocational education if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability.
1. Vocational education means organized educational programs offering a sequence of courses that are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations or for additional preparation for a career requiring other than a baccalaureate or advanced degree.
 2. Such programs shall include competency-based applied learning that contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupation-specific skills necessary for economic independence as a productive and contributing member of society.
- D. The term special education also includes travel training as described in 34 CFR 300.26.

V. PERSONNEL

- A. Comprehensive System of Personnel Development (34CFR 300.135, and §300.221)
1. The Texas Education Agency (TEA) has in effect a comprehensive system of personnel development that is designed to ensure an adequate supply of qualified teachers and related service personnel. CISD must have on file with TEA information to demonstrate that all personnel necessary to carry out Part B of the Act are adequately prepared.
 2. Educators who work primarily outside the area of special education will receive staff development that relates to instruction of students with disabilities. Documentation relating training in instruction of student's with disabilities will be available at the campus level.

B. Qualifications of Special Education Personnel (34 CFR §300.136)

The term "qualified" means that a person has met the Texas Education Agency approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which he or she is providing special education or related services. For teachers who currently are not certified or licensed for their assignment, there is documentation that required actions for certification/licensure are being taken.

Special Education Personnel (TAC §89.1131)

All special education personnel shall be certified, endorsed, or licensed in the area or areas of assignment in accordance with 34 CFR §300.21, §300.136; the TEC §21.002, §21.003, and §29.304; or appropriate state agency credentials.

If a staff member does not have the skills and knowledge needed for the assignment, CISD shall make provisions for the person to acquire the necessary skills and knowledge.

Special education personnel may be employed on a full-time or part-time basis.

Teachers who hold a special education certificate or endorsement may be assigned to any level of a basic special education instructional program serving eligible students between the ages of three and twenty-one in accordance with limitations of their certificate, except for the following:

1. Persons assigned to provide speech therapy instructional services must hold a valid Texas Education Agency certificate in speech and hearing therapy or speech and language therapy, or a valid state license as a speech/language pathologist.
2. Teachers holding only a special education endorsement for early childhood education for students with disabilities shall be assigned only to programs serving infants through grade six.

3. Teachers assigned full-time to teaching students who have an orthopedic impairment or other health impaired, with the teaching station in the home or hospital, shall not be required to hold a special education certificate or endorsement as long as the personnel file contains an official transcript indicating that the teacher has completed a three-semester-hour survey course in the education of the students with disabilities and three semester hours directly related to teaching students with physical impairments or other health impairments.
4. Teachers certified in the education of students with visual impairments must be available to students with visual impairments including deaf-blindness through one of the school district's instructional options, a shared service arrangement with other districts or the education service center. These teachers must attend ARD/IEP committee or Individualized Family Service Plan (IFSP) meetings of a student, birth through 21 years of age, with a visual impairment, including deaf-blindness.
5. Teachers certified in the education of students with auditory impairments, must be available to students with auditory impairments, including deaf-blindness, through one of the school district's instructional options, a Regional Day School Program for the Deaf, a shared service arrangement with other school districts or the education service center. A teacher certified in the education of students with auditory impairments, must attend ARD/IEP committee and IFSP meeting of a student with an auditory impairment, including deaf-blindness.
6. Physical education for the students with disabilities is provided, when needed.
 - a. When the ARD/IEP committee has made the determination and the arrangements are specified in the student's IEP, physical education for students with disabilities may be provided by the following personnel:
 - (1. Special education instructional or related service personnel who have the necessary skills and knowledge,
 - (2. Physical education teachers,
 - (3. Occupational therapists,
 - (4. Physical therapists, or
 - (5. Occupational therapy assistants or physical therapy assistants working under supervision in accordance with the standards of their profession.
 - b. When physical education instruction is provided by special education personnel, CISD will document that the personnel have the necessary skills and knowledge. Documentation may include, but need not be limited to:
 - (1. In-service records,
 - (2. Evidence of attendance at seminars or workshops, or
 - (3. Transcripts of college courses.
7. Teachers assigned full or part-time to instruction of students with visual impairments, including deaf-blindness shall be certified in education of students with visual impairments. Teachers assigned full or part-time to instruction of deaf students, including deaf-blindness shall be certified in education of students who are deaf and severely hard of hearing. Other certifications for serving these students shall require prior approval from the Texas Education Agency.
8. Teachers with secondary certification with the generic delivery system may be assigned to teach grades 6-12 only.

C. Paraprofessional Personnel (TAC §89.1131)

1. Paraprofessional personnel must be certified and may be assigned to work with eligible students, general and special education teachers, and related service personnel. Aides may also be assigned to assist students with special education transportation, serve as a job coach or serve in support of community-based instruction. Paraprofessionals paid from state administrative funds may be assigned to the Special Education Resource System (SERS), Special Education Management System (SEMS), or other clerical or administrative duties.

Certified occupational therapy assistants, physical therapist assistants, and interpreters for the deaf may be employed as aides I, II, III, depending on the nature of the assignment.

D. Professional Personnel

1. Special education professional support personnel are those non-instructional personnel who perform one of the following functions:
 - a. Provide services to the special education program in support of the instructional program, related services program, and student evaluation services;
 - b. Provide related services or student evaluation services to eligible students with disabilities; or
 - c. Direct or supervise the total program.
2. Each special education teacher shall have available the services of a special education instructional supervisor, an educational diagnostician, school psychologist, and licensed specialist in school psychology. The special education director may also serve as the special education instructional supervisor.

Director

The special educational director shall perform administrative managerial duties as needed to fully implement a comprehensive special education program. The administrator shall assume responsibility for coordinating all facets of the special program, including referrals of special education students to and from other agencies, in order to allow a smooth transition from one service to another. The special education director shall provide leadership in the instructional program, and may be responsible for the appraisal process.

Coordinator

The special education coordinator shall provide leadership in the instructional program and may be responsible for coordination of the appraisal process.

Counselor

The special education counselor shall provide student and parent counseling, individually and in groups, concerning problems resulting from the student's disability. The counselor shall serve as liaison between parent, school, and community agencies. The counselor may assist in the collection and analysis of appraisal data pertaining to sociological variables. The counselor shall coordinate special education counseling with the rest of the school guidance program.

School Psychologist or Licensed Specialist in School Psychology (LSSP)

One primary function of the school psychologist and/or LSSP is to serve on the evaluation team. The responsibilities of the school psychologist may include: conducting emotional and behavioral evaluations; participating in the development of individual educational plans; consulting with teachers, parents and community agencies concerning intervention strategies relating to learning and behavioral problems of students; and planning and managing a program of psychological services for students and parents. Also, attendance at ARD/IEP meetings may be necessary to present evaluation data from psychological evaluations and screenings.

Educational Diagnostician

The educational diagnostician shall be responsible for full and individual evaluations of students referred for special education including the assessment of intelligence and educational functioning, and for the collection and analysis of data pertaining to sociological variables for the student. Educational diagnosticians may provide consultation to teachers, parents, other support personnel, and community agencies including, but not limited to, consultation concerning individual educational plan implementation and strategies for learning. Diagnosticians may also attend the RECRC meetings on assigned campuses.

E. Related Services Personnel

1. The primary function of related service personnel is to implement services for students with disabilities as identified in the student's individual educational plan. Related services personnel may also perform the following functions:
 - a. Perform evaluations in areas for which they have appropriate training and which are listed on their job description;
 - b. Provide assistance to the ARD committee;
 - c. Contribute to the development of the IEP; and
 - d. Implement trans-disciplinary approach in working with teachers, aides, and parents concerning IEP implementation, maintenance, and evaluation.
2. Related services personnel shall meet the following certification or licensure requirements:
 - a. Audiological services shall be provided by a professional who holds certification as an audiologist by the American Speech-Language-Hearing Association.
 - b. Counseling services shall be provided in the area of specialization by a professional who holds one of the following:
 - (1. A valid Texas Education Agency certificate, as a counselor, visiting teacher, school psychologist, or associate psychologist; or
 - (2. Certification by the Texas State Board of Examiners of Psychologists as a psychologist or Licensed Specialist in School Psychology; or
 - (3. Licensure by the State Board of Examiners of Professional Counselors; or
 - (4. A master's degree in social work from a recognized institution of higher education; or
 - (5. Licensure as a certified social worker.

- c. Interpreting services for the deaf shall be provided by an interpreter who is certified in the appropriate language mode(s), if certification in such mode(s) is available. If certification is available, the interpreter must be certified by the Registry of Interpreters for the Deaf (RID) or the Texas Commission for the Deaf and Hard of Hearing (TCDHH) unless the interpreter has been granted an emergency permit from the commissioner of education to provide interpreting services to students who are deaf. The commissioner shall consider applications for the issuance of an emergency permit to provide interpreting services on a case-by-case basis in accordance with requirements in §300.136 and standards and procedures established by the TEA. In no event will an emergency permit allow an uncertified interpreter to provide interpreting services for more than a total of three school years to students who are deaf.
- d. Medical diagnostic services shall be provided by a licensed physician.
- e. Occupational therapy shall be provided by a professional who is licensed by the Texas Board of Occupational Therapy Examiners. A licensed occupational therapy assistant may provide occupational therapy services under the supervision of a licensed occupational therapist in accordance with the standards of the profession. Occupational therapists may serve as appraisal and consultant staff only to special education and regular education teachers who have students who have been diagnosed by an educational diagnostician to have a severe written expression (handwriting) disability. In the case of physical therapy and occupational therapy, services for students shall be prescribed by a physician.
- f. Orientation and mobility instruction must be provided by a certified orientation and mobility specialist (COMS) who is certified by the Academy for Certification of Vision Rehabilitation and Educational Professionals.
- g. Physical therapy shall be provided by a professional who holds licensure by the Texas Board of Physical Therapy Examiners. A physical therapy assistant (LPTA) may provide physical therapy services under the supervision of a licensed physical therapist (LPT) in accordance with the standards of the profession. In the case of physical therapy and occupational therapy, services for students shall be prescribed by a physician.
- h. Psychological services shall be provided by a professional who holds a certificate from the Texas State Board of Examiners of Psychologists as a psychologist or Licensed Specialist in School Psychology or a Texas Education Agency certificate as a school psychologist or a Licensed Specialist in School Psychology.
- i. Recreation therapy shall be provided by a professional who holds a degree in therapeutic recreation and is certified by the National Council on Therapeutic Recreation Certification.
- j. School health service shall be provided or supervised by a licensed physician or by a registered nurse (RN) with or without a bachelor's degree.
- k. Social work services shall be provided by one of the following:
 - (1. A professional who holds a master's degree in social work from a recognized institution of higher learning;

- (2). A professional who holds a bachelor's degree in an appropriate field from a recognized institution of higher learning and who is supervised by a social worker with a master's degree (MSSW);
 - (3). A professional counselor licensed by the State Board of Examiners of Professional Counselors; or
 - (4). A Texas Education Agency certified school psychologist, Licensed Specialist in School Psychology, visiting teacher, or counselor.
- l. Rehabilitation counseling shall be provided by a professional qualified to provide individual or group sessions that focus on career development, employment preparation, achieving independence and integration in the work place and community of a student with disabilities, plus rehabilitation services found under the Rehabilitation Act of 1973, as amended.
 - m. Other related services may be provided with written approval by the Texas Education Agency.

VI. CURRICULUM FOR STUDENTS WITH DISABILITIES

The school district has the responsibility for providing educational and related services to eligible students in the least restrictive environment. Students with disabilities shall have the opportunity to participate in educational programs and activities with non-disabled students to the maximum extent appropriate.

The school district curriculum shall enable each student to acquire knowledge and skills in the basic areas of learning commensurate with the student's needs and abilities. These skills may be attained in the general program of instruction or in a program of special education instruction, as determined by the Admission, Review, and Dismissal committee.

All students, regardless of special need or condition, shall be provided a well-balanced curriculum. The TEKS represent core knowledge, skills, and competencies all students should learn to be effective and productive members of society. Students with special needs shall be instructed in those same TEKS in a manner appropriate to their needs. The TEKS constitute a sound developmental sequence of instruction and their mastery should be the goal for all students, including students with disabilities. Although some students with disabilities will have different learning rates or different levels of mastery, the school district must provide each student with disabilities the opportunity to make satisfactory progress in the essential elements in a manner appropriate to the student's needs. If a student's disability is such that mastery of some or all of the TEKS is inappropriate for that student, the ARD/IEP committee has the responsibility to develop an appropriate scope and sequence of skills for that student and to modify the method of instruction, pacing, and/or materials, as appropriate, to provide full opportunity for learning the TEKS.

Identified special education students shall follow the general education curriculum, consisting of the essential elements, when deemed appropriate by the ARD/IEP committee and reflected in the IEP.

Identified special education students shall follow the general education curriculum with modification and/or special education support when deemed appropriate by the ARD/IEP committee and reflected in the IEP. Each identified special education student shall follow the IEP developed and approved by the ARD/IEP committee.

Tutorials - Students in special education programs shall be eligible for tutorial services, but the tutorials shall not replace other special services provided for the student.

Textbooks - State-adopted textbooks are available for identified students with disabilities' use, regardless of placement. State-adopted textbooks may be requested by the teacher of the student with disabilities, following local building procedures. Local district guidelines will be followed when textbooks are issued to students with disabilities. Students are responsible for the proper handling and return of a state-adopted textbook, which has been issued to the student. Consequences for improper use or return of a textbook will comply with local district procedures for all students.

A special education teacher may request teacher's manuals and other supplementary aids for state-adopted textbooks used by the identified students with disabilities assigned to the special education teacher. Local procedures for textbook acquisition will be followed in requesting teacher's manuals and aids.

Textbooks on Tape - CISD makes available certain state-adopted textbooks and selected other books on tape for students with disabilities based on ARD/IEP committee recommendation.

Original sets of tapes are maintained in Content Mastery Centers.

VII. STUDENT EDUCATION MANAGEMENT SYSTEM

CISD utilizes a computer information system to provide an efficient method of collecting and generating the student data necessary for special education program management. This comprehensive system provides a data bank of student-related information which is used to generate required state and federal reports and to provide other administrative information critical to program planning and management.

VIII. OVER-REPRESENTATION: IDENTIFICATION/LRE

- A. CISD will address potential over-representation issues when there is a significant difference identified by TEA between the targeted ethnic group percentages in general and special education. Supporting documentation will include:
 1. A thorough evaluation of the ethnic composition who receive special education services describing initiatives and/or actions related to appropriate screening and referral processes, nondiscriminatory evaluations.
 2. A plan in response to the evaluation that targets the area of improvement.

- B. CISD will address potential over-representation issues when there is a significant difference identified by TEA between the students who are economically disadvantaged in general and special education. Supporting documentation will include:
 - 1. A thorough evaluation of the economically disadvantaged population who receive special education services describing initiatives and/or actions related to appropriate screening and referral processes, nondiscriminatory evaluations.
 - 2. A plan in response to the evaluation that targets the area of improvement.

- C. CISD will address potential over-representation issues when there is a significant difference identified by TEA between the students classified as limited English proficient (LEP) who receive special education services and the district's LEP composition. Supporting documentation will include:
 - 1. A thorough evaluation of the limited English proficient population who receive special education services describing initiatives and/or actions related to appropriate screening and referral processes, nondiscriminatory evaluations.
 - 2. A plan in response to the evaluation that targets the area of improvement.

- D. CISD will address potential over-representation issues when there is a significant difference identified by TEA between the ratio of full-time equivalent students placed in partially or totally self contained classrooms to the number of full-time equivalent students placed in resource room or mainstream instructional arrangements. If the ratio is greater than 25 percent above the state average for two consecutive years supporting documentation will include:
 - 1. A thorough evaluation of the special education program.
 - 2. A plan for staff development and capacity building in response to the program evaluation that targets promoting the appropriate placement of students with disabilities in integrated settings.

Note (DEC): The TEC §42.151(j) states that a school district that maintains for two successive years a ratio of full-time equivalent students placed in partially or totally self-contained classrooms to the number of full-time equivalent students placed in resource room or mainstream instructional arrangements that is 25 percent higher than the statewide average ratio shall be reviewed by the agency to determine the appropriateness of student placement. The commissioner may reduce the special education allotment CISD receives to the level to which CISD would be entitled if CISD's ratio was not more than 25 percent higher than the statewide average ratio.

IX. DISTRICT EFFECTIVENESS AND COMPLIANCE (DEC) REVIEW

The following will be reviewed during monitoring visits by the TEA. PEIMS and other district data will be used to locally monitor this information on a regular basis to monitor any overrepresentation in the following areas:

- A. the composition of ethnic groups receiving special education services,
- B. percentage of students who are economically disadvantaged and receive special education services reflect student enrollment economic patterns, and

- C. percentage of students classified as limited English proficient (LEP) who receive special education services reflect the LEP composition.

X. TAKS, SDAA, and LDAA

For specific details, please see the ARD/IEP Section.

XI. COLLABORATION WITH AGENCIES REGARDING MEMORANDUM OF UNDERSTANDINGS (MOU)

The TEA has worked collaboratively with several agencies to develop memorandum of understandings (MOU) or agreement memorandums (AM) that will assist in the coordination with the numerous state agencies in providing services to students with disabilities. CISD will abide by the requirements of each memorandum including:

- A. Coordination between ECI, Regional Day School Program for the Deaf (RDSPD), and CISD (signed spring '99)
- B. Interagency coordination of transition services to students with disabilities (coordination between TCB, TDHS, TDMHMR, TEA, TEC, TRC, and TDPRS)
- C. Interagency coordination of special education services to students with disabilities in residential care facilities (coordination between TEA, TDHS, TDMHMR, TDH, TDPRS, ECI, TCADA, TJPC, and TYC. - directed by 73rd Texas Legislature, 1993)
- D. MOU defining responsibilities to children who are medically fragile (coordination between TEA, TCB, TDH, TDHS, TDMHMR, TDPRS, and ECI.)

XII. TRANSFER OF ASSISTIVE TECHNOLOGY DEVICES (SBOE §89.1056)

Unless otherwise specifically defined in this section, the terms used in this section shall have the meanings ascribed to such terms in TEC §30.0015. A transfer of an assistive technology device (ATD) shall be in accordance with a transfer agreement which incorporates the standards in TEC and which includes, specifically, the following.

- A. The transferor and transferee must represent and agree that the terms of the transfer are based on the fair market value of the ATD, determined in accordance with generally accepted accounting principals.
- B. The informed consent of the parent of the student with a disability for whom the ATD is being transferred must be obtained before the transfer of an ATD. The procedures employed by CISD in obtaining informed consent shall be consistent with the procedures employed by CISD to obtain parental consent under §300.505 outlined in section 700 of this document. If the student has the legal capacity to enter into a contract, the informed consent may be obtained from the student. Informed parental or adult student consent need not be obtained if CISD can demonstrate that it has taken reasonable measures to obtain that consent, and the parent or adult student has failed to respond. To meet the reasonable measures requirement, CISD must use guidelines consistent with those described in §300.345 (found in section 400 of this document).

- C. If the transfer is a sale, the sale of the ATD shall be evidenced by a “Uniform Transfer Agreement” (UTA) which includes the following:
1. The names of the transferor and the transferee (which may be any individual or entity described in TEC §30.0015.
 2. The date of the transfer,
 3. A description of the ATD being transferred,
 4. The terms of the transfer (including the transfer of warranties, to the extent applicable); and
 5. The signatures of authorized representatives of both the transferor and the transferee.

The TEA shall annually disseminate to school districts the standards for a school district transfer of an ATD.

Nothing in this section shall:

- ❖ Alter any existing obligation under federal or state law to provide ATD’s to students with disabilities
- ❖ Require CISD to transfer an ATD to any person or entity,
- ❖ Limit CISD’s right to sell, lease, loan, or otherwise convey or dispose of property as authorized by federal or state laws, rules, or regulations, or
- ❖ Authorize any transfer of an ATD that is inconsistent with any restriction on transferability imposed by the manufacturer or developer of the ATD or applicable federal or state laws, rules, or regulations.

XIII.FUNDING (TAC §89.1121)

A. Distribution of State Funds

Procedures for counting the average daily attendance of students receiving special education services in various instructional settings shall be developed by the commissioner of education and included in the daily register for pupil attendance accounting.

State special education funds will be distributed to school districts on the basis of average daily attendance of full-time equivalents of eligible students served in accordance with Section 129.61 of the SBOE Rules (relating to Requirements for Student Attendance Accounting for State Funding Purposes).

The special education attendance will be converted to contact hours by instructional arrangement and then to full-time equivalents. The full-time equivalent for each instructional arrangement is multiplied by the school district’s adjusted basic allotment and then multiplied by the weight for the instructional arrangement as prescribed in the Texas Education Code §42.151(a). Contact hours for any one student in special education may not exceed six hours a day or 30 hours a week for funding purposes. The total contact hours generated per week will be divided by 30 to determine the full-time equivalents. Special education full-time equivalents generated will be

deducted from the school district's average daily attendance for purposes of the general education allotment.

The receipt of special education funds shall be contingent upon the operation of an approved comprehensive special education program in accordance with state and federal laws and regulations. The district may not divert special education funds for other purposes with the exception of administrative costs as defined in Chapter 105, Subchapter B. (relating to Maximum Indirect Cost Allowable on Certain Foundation School Program Allotments). Funds generated by full-time equivalents in one instructional arrangement may be spent on the overall special education program and are not limited to the instructional arrangement which generated the funds. The district will maintain separate accountability for the total state special education program fund within the general fund.

A special education fund balance may be carried over to the next fiscal year but must be expended on the special education program in the subsequent year. State special education carryover funds must be used in the special education program and cannot be used for administrative costs.

Students who have reached their third birthday and are younger than 22 years of age on September 1 of the current school year who participate in the Regional Day School Program for the Deaf may be counted as part of the district's ADA if they receive instruction from the basic program for at least 50% of the school day.

Students from birth through age two who have visual impairments or auditory impairments or both and are served by CISD shall be enrolled on the district home or Regional Day School campus and shall be considered as eligible for ADA on the same basis as other students in special education.

- B. Allowable Expenditures with State Special Education Funds (TAC §89.1125)
 1. Personnel
 - a. Persons paid from special education funds shall be assigned to instructional or other duties in the special education program CISD to provide support services to the general education program in order for students with disabilities to be included in the regular program. Support services shall include, but not be limited to, collaborative planning, co-teaching, small group instruction with special and general education students, direct instruction to special education students, or other support services determined necessary by the admission, review, and dismissal committee for an appropriate program for the student with disabilities. Assignments may include duties supportive to school operations equivalent to those assigned to general education personnel.
 - b. Personnel assigned to provide support services to the general education program as stated above may be fully funded from special education funds.
 - c. If personnel are assigned to special education on less than a full-time basis, except as stated above, only that portion of time in which the personnel are assigned to students with disabilities shall be paid from state special education funds.
 2. Materials, Supplies, and Equipment

- a. State special education funds may be used for special materials, supplies, and equipment which are directly related to the development and implementation of individual educational programs of students with special needs and which are not ordinarily purchased for the general classroom.
 - b. Office and routine classroom supplies are not allowable.
 - c. Special equipment may include instructional and assistive technology devices, audiovisual equipment, computers for instruction or evaluation purposes, and evaluation equipment only if used directly with students.
3. Contracted Services
- State special education funds may be used to contract for consultants to provide staff development, program planning and program evaluation and instructional services, and evaluations and related services to students with disabilities. When such funds are used to contract with a consultant, the district shall:
- a. Document the amount paid;
 - b. Document that the consultant had the appropriate credentials;
 - c. Maintain a record of service performed, the purpose of the service, and to whom the service was provided;
 - d. Maintain a written contract or agreement and evidence that a contract or agreement was signed prior to the service being offered and that the terms were carried out before payment was made;
 - e. Document that the services could not have been provided by an employee within the district;
 - f. Pay the consultant a fee rather than a salary;
 - g. Document that there was no conflict of interest in hiring the consultant;
 - h. Document that any travel expenses paid the consultant did not exceed state rates and allowances.
4. Transportation
- Special Education state funds may be used for transportation only to and from residential placements. Prior to using federal funds for transportation costs to and from a residential facility, CISD must use state or local funds based on actual expenses up to the state transportation maximum for private transportation contracts.
5. Travel
- Special education funds may be used to pay special education staff travel to perform services directly related to the education of students with disabilities. Funds may also be used to pay travel of staff (including administrators, general education teachers, and special education and related services personnel) to attend staff development meetings for the purpose of improving performance in assigned positions directly related to the education of students with disabilities. In no event shall the purpose for attending such staff development meetings include time spent in performing functions relating to the operation of professional organizations. In accordance with 34 CFR §300.382(j), funds may also be used to pay for the joint training of parents and special education, related services, and general education personnel.
- a. Staff shall be reimbursed in accordance with local district policies concerning in-district or out-of-district travel.
 - b. Reimbursement paid from state or federal special education funds shall not exceed those rates established in the current regulations for travel for state

employees. (If the district reimbursement rates exceed the state rates, the difference must be paid from local funds.)

- c. Records shall be kept by the local district documenting mileage, destination, and the purpose of all travel paid from funds under this section.

6. Administrative Cost

There is documentation that 85 percent of the state special education block grant for the previous year was budgeted/expended for the direct costs of the special education program. No more than 15% of each school district's Foundation School Program special allotments under the Texas Education Code, Chapter 42, Subchapter C, may be expended for indirect costs. See Texas Register §105.11 for more information.

C. Federal Funds: Supplement versus Supplant:

Federal funds must be used to supplement and not supplant state and local special education funds. The district's general ledger reflects expenditure of federal special education funds as approved by the TEA. (Financial and Accounting Reporting Module; 19TAC §89.1125; SAS Administrator's Guide for Special Education Programs)

D. Contracting for Services

1. Residential Care and Treatment Facilities (§29.008 and SBOE §89.61)

Each contract for residential placement must be approved by the commissioner.

- a. School districts having a Texas Department of Human Services or Texas Department of Mental Health and Mental Retardation approved residential facility located within their boundaries must provide special education and related services to eligible students residing in the facility. If after contracting the facility to offer services to eligible students with disabilities, CISD determines that educational services are provided through a charter school, approved non-public school, or facility operated private school, CISD is not required to provide services. However, CISD shall annually contact the facility to offer services to eligible students with disabilities.
- b. These facilities offer care, treatment, and habilitative services as a first priority.

2. Residential Contracts (TEC §29.008)

- a. Residential placements, if approved by the TEA (as described in Instructional Arrangements section) will be funded as follows:
 - (1. Costs of an approved contract for residential placement may be paid from a combination of federal, state, and local funds. The local share of the total contract cost for each student is that portion of the local tax effort that exceeds the district's local fund assignment, divided by the ADA in the district. If the contract involves a private facility the state share of the total contract cost is that amount remaining after subtracting the local share. If the contract involves a public facility, the state share is that amount remaining after subtracting the local share from the portion of the contract that involves the costs of instructional and related services. For purposes of this section, "local tax effort" means the total amount of money generated by taxes imposed for debt services and maintenance and operation.

- (2. When a student, including one for whom the state is managing conservator, is placed primarily for care or treatment reasons in a private residential facility that operates its own private education program, none of the costs may be paid from public education funds. If a residential placement primarily for care or treatment reasons involves a private residential facility in which the education program is provided by the school district, the portion of the costs that includes appropriate education services, as determined by the school district's ARD, shall be paid from state and federal education funds.
 - d. When a student who is on contract in one school district of residence moves to another Texas school district and the student is to continue in the contract placement, the school district which negotiated the contract placement shall be responsible for the contract for the remainder of the school year.
 - e. The commissioner shall establish procedures to allocate specific state appropriated funds to school districts for the provision of non-educational community-based support services for certain students who would need to remain in or would have to be placed in private residential programs, primarily for educational reasons, without the non-educational support services. The procedures shall provide for:
 - (1. Allocating the funds to school districts only for those eligible students who are currently in or at risk of private residential placement primarily for educational purposes;
 - (2. Allowing the student to be served appropriately in the home community rather than in a private residential placement by providing in the local community non-educational services such as in-home family support, respite care, and case management;
 - (3. Applying for the funds consistent with the individual student private residential application process provided herein;
 - (4. Coordinating with other agencies and service providers to ascertain responsibility for and availability of resources for the community in order to return students from or to prevent private residential placement;
 - (5. Giving priority for funding, within funds available to those students continuing to need the non-educational services previously provided with these funds and for whom other funding is not available;
 - (6. Allowing school districts to contract with qualified individuals, agencies, or organizations for the provision of the necessary non-educational services; and
 - (7. Continuing arrangements for coordination between school districts and local units of the TDMHMR for providing non-educational community-based services for students at risk of or returning from private residential placements.
3. Expenditures for Private School Students with Disabilities (34 CFR §300.453)
CISD must provide special education and related services to private school students with disabilities:

- a. For children aged 3 through 21, an amount that is the same proportion of CISD's total sub-grant under sections 611(g) under the Act as the number of private school children with disabilities aged 3 through 21 residing in its jurisdiction is to the total number of students with disabilities in its jurisdiction aged 3 through 21, and
 - b. For children aged 3 through 5, an amount that is the same proportion of CISD's total sub-grant sections 619(g) under the Act as the number of private school children with disabilities aged 3 through 5 residing in its jurisdiction is to the total number of students with disabilities in its jurisdiction aged 3 through 5.
 - c. The child count must be used to determine the amount that CISD must spend on providing special education and related services to private school students with disabilities in the next subsequent fiscal year. CISD shall:
 - (1. Consult with representatives of private school students in deciding how to conduct the annual count of the number of private school students with disabilities, and
 - (2. Ensure that the count is conducted on the date required by our State,
 - d. Other federal regulations regarding private school expenditures will be followed by CISD, including §300.457 Complaints; §300.458 Separate Classes Prohibited; §300.459 Funds not Benefit a Private School; §300.460 Use of Public School Personnel; §300.461 Use of Private School Personnel; and §300.462 Property, equipment and supplies for private school students.
4. TSBVI or TSD - Other Provisions (Funding)
- a. For each student enrolled in the TSBVI or TSD, the district who is responsible for providing appropriate special education services to the student, shall share the cost of the student's education (excluding the summer programs) as provided under TEC.
 - (1. Each school district and state school shall submit necessary information not available to the agency in order to determine the district's share of the student's educational costs. The information must be submitted in a form prescribed by the commissioner within 30 calendar days of the student's actual enrollment in the TSBVI or TSD.
 - (2. The agency will make deductions in the school district's regularly scheduled foundation school program fund payments and will make payments to the TSBVI or TSD according to an established schedule.
 - (3. If the TEA cannot make the deductions required from the district's foundation school program payments, the deductions shall be made from the available school fund payments to the district. A district shall indicate whether it will make a direct payment or authorize the TEA to deduct the appropriate amount from the available school fund payment.
 - b. CISD shall provide each parent or legal guardian of an eligible student with visual impairments or auditory impairments the following written information prior to consideration of the student's placement for special education services:
 - (1. The availability of programs offered by the TSBVI or TSD for which the student may be eligible;
 - (2. The eligibility requirements and admission criteria for the TSBVI or TSD as applicable; and

- (3. The rights of students in regard to admission to the TSBVI or TSD and in regard to appeal of admission decisions.

XVI.INTERVENTIONS AND SANCTIONS (TAC §89.1076)

The TEA has established and implemented a system of interventions and sanctions, in accordance with the Individuals with Disabilities Act (IDEA), TEC 29.010, and TEC Chapter 39, as necessary to ensure compliance with federal and state requirements regarding the implementation of special education and related services. In accordance with TEC 39.131(a), the TEA may combine any intervention and sanction. The system of interventions and sanctions will include, but not be limited to, the following:

1. On-site review for failure to meet compliance requirements;
2. Required fiscal audit of specific program(S) and/or of the district, paid for by the district;
3. Required submission of corrective actions(s), including compensatory services, paid for by the district;
4. Required technical assistance from the education service center, paid for by the district;
5. Public release of compliance review findings;
6. Special investigation CISD follow-up verification visits;
7. Required public hearing conducted by the local school board of trustees;
8. Assignment of a special purpose monitor, master, or management team, paid for by the district;
9. Hearing before the commissioner of education or designee;
10. Reduction in payment or withholding of funds; and/or
11. Lowering of the special education compliance status and /or the accreditation rating of the district.