

**DRAW ACADEMY CHARTER SCHOOL**

**2020-2021**

**SPECIAL EDUCATION  
OPERATING PROCEDURES MANUAL**

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<b>GLOSSARY OF ACRONYMS .....</b>	<b>1</b>
<b>A. Legal References .....</b>	<b>1</b>
<b>B. Special Education Terms.....</b>	<b>1</b>
<b>C. Entities .....</b>	<b>1</b>
<b>I. Child Find.....</b>	<b>2</b>
<b>A. Legal Requirements .....</b>	<b>2</b>
1. Parent Request .....	2
2. Initial Evaluation Timelines.....	2
3. Timeline for Initial ARD Meeting .....	3
4. Special Considerations for Initial Evaluation Timeline.....	3
5. Procedures for Completing Initial Evaluation When Student Transfers .....	3
6. Students with Dyslexia and Related Disorders .....	4
<b>B. Local Procedures.....</b>	<b>4</b>
1. Child Find Duty .....	4
2. Dyslexia Services.....	5
3. Referral for Possible Special Education Services .....	5
4. Ages 0-5 .....	6
5. Children Who Transfer .....	7
<b>C. Resources .....</b>	<b>8</b>
<b>II. Evaluation.....</b>	<b>9</b>
<b>A. Legal Requirements .....</b>	<b>9</b>
1. Full and Individual Evaluation.....	9
2. Special Learning Disability Evaluation .....	9
3. Functional Behavior Assessment.....	10
4. Review of Existing Evaluation Data (REED).....	10
5. Change in Eligibility .....	11
6. Consideration of Services Provided in Regular Education Setting .....	11
7. Coordination of Evaluations with Prior and Subsequent Schools .....	11
8. Psychological Tests.....	11
9. Independent Educational Evaluations.....	12
<b>B. Local Procedures.....</b>	<b>15</b>
1. Review of Existing Evaluation Data.....	15
2. Evaluation Procedures .....	16
3. Disabilities- Autism .....	15
4. Disabilities – Deaf Blindness.....	19
5. Disabilities – Deaf or Hard of Hearing .....	20
6. Disabilities – Emotional Disturbance .....	21
7. Disabilities – Intellectual Disability.....	22
8. Disabilities – Multiple Disabilities .....	23

9.	Disabilities – Noncategorical Early Childhood .....	24
10.	Disabilities – Orthopedic Impairment.....	25
11.	Disabilities – Other Health Impairment.....	27
12.	Disabilities – Specific Learning Disability .....	28
13.	Disabilities – Speech or Language Impairment .....	29
14.	Disabilities – Traumatic Brain Injury .....	30
15.	Disabilities – Visual Impairment .....	31
16.	Independent Educational Evaluation .....	32
<b>C.</b>	<b>Resources .....</b>	<b>34</b>
<b>III.</b>	<b>Free Appropriate Public Education .....</b>	<b>35</b>
<b>A.</b>	<b>Legal Requirements .....</b>	<b>35</b>
1.	Free Appropriate Public Education.....	35
2.	Admission, Review, and Dismissal Committee.....	35
3.	Parent Participation.....	37
4.	ARD Committee Meetings .....	39
5.	Determination of Eligibility .....	42
6.	Transition Services.....	43
7.	Present Levels .....	44
8.	Annual Goals .....	44
9.	Special Factors .....	45
10.	Supplementary Aids and Services, Special Education and Related Services .....	49
11.	Placement.....	51
12.	Placement in a Residential Facility.....	52
13.	State and Districtwide Assessments.....	55
14.	Extended School Year Services.....	56
<b>B.</b>	<b>Local Procedures.....</b>	<b>58</b>
1.	ARD Committee Membership .....	58
2.	Parent Participation.....	59
3.	ARD Committee Meeting .....	59
4.	Amendment Without a Meeting.....	62
5.	Transition Services.....	63
7.	Least Restrictive Environment Composite .....	63
<b>C.</b>	<b>Resources .....</b>	<b>65</b>

## **GLOSSARY OF ACRONYMS**

### **A. Legal References**

CFR	Code of Federal Regulations
IDEA	Individuals with Disabilities Education Act
TEC	Texas Education Code
TAC	Texas Administrative Code
USC	United States Code

### **B. Special Education Terms**

ARD	Admission, Review, Decision
ATD	Assistive Technology Device
BIP	Behavior Intervention Plan
CTE	Career and Technical Education
ECI	Early Childhood Intervention
ESY	Extended School Year
FAPE	Free Appropriate Public Education
FBA	Functional Behavior Assessment
FIE	Full and Individual Initial Evaluation
IEP	Individualized Education Program
LRE	Least Restrictive Environment
PLAAFP	Present Levels of Academic Achievement and Functional Performance
REED	Review of Existing Evaluation Data
TEKS	Texas Essential Knowledge and Skills

### **C. Entities**

ESC	Education Service Center
OSEP	Office of Special Education Programs
TEA	Texas Education Agency

## I. CHILD FIND

### A. Legal Requirements

DRAW ACADEMY shall ensure that all children residing within the DRAW ACADEMY boundaries who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and  
Children who are suspected of being in need of special education but who are advancing from grade to grade.

20 USC § 1412(a)(3)(A); 34 § CFR 300.111(a)(1)(i), (c). Child Find is the obligation of the DRAW ACADEMY and staff shall not wait on parents to request an evaluation for special education services if staff suspect that the student (1) has a disability and (2) is in need of special education and related services.

Referral of students for a full individual and initial evaluation for possible special education services must be a part of the school's overall, general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to evidence-based intervention; and other academic or behavior support services. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. 19 TAC § 89.1011(a). This section shall not be used as a basis to delay an evaluation if the school suspects that the student (1) has a disability and (2) is in need of special education and related services.

#### *1. Parent Request*

If a parent submits a written request to DRAWACADEMY'S director of special education services or to a DRAW ACADEMY administrative employee for a full individual and initial evaluation of a student, the DRAW ACADEMY must, not later than the 15th school day after the date it receives the request: (1) provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 CFR § 300.503; a copy of the procedural safeguards notice required by 34 CFR § 300.504; and an opportunity to give written consent for the evaluation; or (2) provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 CFR § 300.503, and a copy of the procedural safeguards notice required by 34 CFR § 300.504. 19 TAC § 89.1011(b).

#### *2. Initial Evaluation Timelines*

Except as otherwise provided in this section, a written report of a full individual and initial evaluation of a student must be completed as follows: (1) not later than the 45th school day

following the date on which the DRAW ACADEMY receives written consent for the evaluation from the student's parent, except that if a student has been absent from school during that period on three or more school days, that period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or (2) for students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or home school setting, not later than the 45th school day following the date on which the DRAW ACADEMY receives written consent for the evaluation from the student's parent. 19 TAC § 89.1011(c).

### *3. Timeline for Initial ARD Meeting*

The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year services during that summer. 19 TAC § 89.1011(d).

### *4. Special Considerations for Initial Evaluation Timeline*

Notwithstanding the timelines in subsections (c) and (d) of this section, if the DRAW ACADEMY received the written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year. The student's ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, the student was absent from school three or more days between the time that the DRAW ACADEMY received written consent and the last instructional day of the school year, the timeline in subsection (c)(1) of this section applies to the date the written report of the full individual and initial evaluation is required. If an initial evaluation completed not later than June 30 indicates that the student will need extended school year services during that summer, the ARD committee must meet as expeditiously as possible. 19 TAC § 89.1011(e). *School day* does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term. 19 TAC § 89.1011(g).

### *5. Procedures for Completing Initial Evaluation When Student Transfers*

If a student was in the process of being evaluated for special education eligibility by a school district or open-enrollment charter school and enrolls in another school district or open-enrollment charter school before the previous school completed the full individual and initial evaluation, the new school must coordinate with the previous school as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 CFR § 300.301(d)(2) and (e) and § 300.304(c)(5). The timelines do not apply in such a situation if: (1) the new school is making sufficient progress to ensure a prompt completion of the evaluation; and (2) the parent and

the new school agree to a specific time when the evaluation will be completed. 19 TAC § 89.1011(f).

6. *Students with Dyslexia and Related Disorders*

DRAW ACADEMY shall identify, locate, and evaluate students with suspected dyslexia in accordance with the procedures adopted in [\*The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders\*](#), 2018 Update.

**B. Local Procedures**

DRAW ACADEMY has adopted Local Procedures to implement its Child Find duties. DRAW ACADEMY incorporates by reference the following Local Procedures:

1. *Child Find Duty*
2. *Dyslexia Services*
3. *Referral for Possible Special Education Services*
4. *Ages 0-5*
5. *Children Who Transfer*

**Child Find Duty**

DRAW ACADEMY shall ensure that all children residing within the DRAW ACADEMY boundaries who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

5. Homeless children;
  6. Children who are wards of the state;
  7. Children attending private schools;
  8. Highly mobile children (including migrant children); and  
Children who are suspected of being in need of special education but who are advancing from grade to grade.
- DRAW Academy will provide parents with the Procedure Safeguard which is designed to protect the rights of parents and their child with a disability and, at the same time, give families and school systems several mechanisms by which to resolve their disputes.
  - DRAW Academy will provide support to students who is experiencing difficulty in the general classroom, such as tutorial; remedial; compensatory; response to evidence-based intervention; and other academic or behavior support services. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full individual and initial evaluation.
  - DRAW Academy staff receives updated and research-based training yearly to address the needs of students from different linguistic and cultural backgrounds.

- DRAW Academy looks at each individual student case individually to assure that each student needs are met.

### **Dyslexia Services**

- Students who are identified with dyslexia receive standard protocol instruction in a small group setting. The components of dyslexia instruction include phonological awareness, sound-symbol association, syllabication, orthography, morphology, syntax, reading comprehension, and reading fluency. The delivery of dyslexia instruction is simultaneous, multisensory, systematic, cumulative, explicit, diagnostic, synthetic, and analytic. Dyslexia instruction is evidence-based, effective for students with dyslexia, taught by an appropriately trained instructor, and implemented with fidelity.
- DRAW Academy use the Region 4 and Neuhaus dyslexia programs to meet the needs of state requirements.
- As standard protocol instruction is provided, students with dyslexia will make gains in reading. Students who are not making progress with the standard protocol instruction will receive specially designed instruction. These services will be provided in a setting determined by their IEP. The content will be delivered in a way that is consistent with research-based best practices as determined by their IEP. This could include pulling the student into a special education setting to address their specific needs and support their reading deficits.
- DRAW will determine the service pathway of a student identified with dyslexia based on individual needs. Section 504 of the Rehabilitation Act is for students who need accommodations and services to enable students to learn with their peers. IDEA -B provides individualized special education and related services to meet the student's unique needs.
- DRAW Academy's PEIMS coordinator will report the number of students identified with dyslexia in the PEIMS system.

### **Referral for Possible Special Education Services**

- For those students who are having difficulty in the regular classroom, DRAW Academy must consider tutorials and academic or behavior support services, including a process based on Response to Intervention/Multi-Tiered Systems of Support.
- If a student is experiencing learning difficulties, their parent may contact the special ed. coordinator or administrator to learn about the school's overall general education referral or screening system for support services. A parent may request an evaluation for special education or Section 504 services at any time.

### **Special Education Referrals**



- DRAW Academy will provide support services to all students, such as tutorial, remedial, response to evidence-based intervention, and other academic or behavior support services for six weeks. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full individual and initial evaluation.
- This referral for a full individual and initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.
- If a parent makes a written request for an initial evaluation for special education services to the director of special education services or an administrative employee of DRAW Academy, the charter school must respond no later than 15 school days after receiving the request. At that time, DRAW Academy must give the parent a prior written notice of whether it agrees to or refuses to evaluate the student, along with a copy of the *Notice of Procedural Safeguards*.
- If DRAW Academy agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation.
- DRAW Academy must complete the student's initial evaluation and evaluation report no later than 45 school days from the day it receives a parent's written consent to evaluate the student.
- If DRAW Academy receives a parent's consent for the initial evaluation at least 35 but less than 45 school days before the last instructional day of the school year, it must complete the written report and provide a copy of the report to the parent by June 30 of that year.
- Upon completing the evaluation, DRAW Academy will give the parent a copy of the evaluation report at no cost.
- If the parent disagrees with the Full Individual Evaluation (FIE) provided by the District, the parent has a right to request an independent educational evaluation (IEE) evaluation at schools' expense.

### Ages 0-5

- DRAW Academy will identify, locate, and evaluate children in need of early intervention or special education services.
- DRAW Academy will coordinate with ECI programs to fully inform families of the possible

services available under Part B and support family involvement in the transition planning process prior to the child's third birthday.

- The special ed. coordinator will work with the ECI representative to assure that the referral information about the child has been transmitted in accordance with the required notification provisions.
- DRAW Academy will invite the ECI representative to participate in a student's initial ARD committee meeting.
- DRAW Academy provides information on the school website, on bulletins in the school and information is shared at the PTO meetings to assure that families are aware of how to refer their children (ages 3-5 years) for a special education evaluation.

### **Children Who Transfer**

- When receiving a new student with a special education eligibility, DRAW Academy will review the incoming records and if it is within the state guidelines, the new evaluation and IEP goals will be adopted. The school has 30 school days from the date the student is verified as being a student eligible for special education services.
- DRAW Academy will complete an evaluation if a student was in the process of being evaluated before the previous school completed the full individual and initial evaluation. DRAW Academy will coordinate with the previous school as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation.
- When records are requested from DRAW Academy, the school will provide student records upon request to the new LEA within 5 school business days.
- For a student who transfers from another state, DRAW Academy will develop, adopt, and implement a new IEP within 30 school days from the date the district verifies the student is eligible for special education. If the school determines a new evaluation is needed, the school must complete the initial evaluation within the timelines established in the Commissioner's Rules. The school must also develop, adopt, and implement a new IEP within 30 school days from the completion of the new evaluation if the student is determined to be eligible for special education.
- DRAW Academy shall conduct a reevaluation of the student if the school determines that there is an educational or related service need, including improved academic achievement and functional performance. A reevaluation may not occur more than once per year, unless agreed to by the school and the parent. A reevaluation must occur at least every three years, unless the school and parent agree the evaluation is unnecessary.

These Local Procedures identify staff responsible, applicable timelines, and evidence of practice. DRAW ACADEMY shall maintain sufficient records regarding Child Find activities. In the event a student receives intervention services, the school shall maintain records regarding implementation of the intervention services. A decision regarding evaluation for special education should be made in a timely manner following the provision of intervention services to a student.

Students who are evaluated and determined by an ARD committee to not be eligible for special education under the IDEA shall be considered for Section 504 eligibility.

**C. Resources**

DRAW ACADEMY incorporates by reference the following resources regarding Child Find to assist it with complying with federal, state, and local obligations to identify, locate, and evaluate students with suspected disabilities who are in need of special education.

- [Technical Assistance: Child Find & Evaluation](#)
- [Section 504](#)
- [Response to Intervention \(TEA\)](#)

## II. EVALUATION

### A. Legal Requirements

#### 1. *Full and Individual Evaluation*

DRAW ACADEMY shall ensure that upon completion of the administration of such tests and other evaluation materials administered according to the evaluation procedures of the IDEA, and preparation of the written report, the ARD committee determines if the student is a student with a disability under state and federal standards.

DRAW ACADEMY shall conduct a full and individual initial evaluation (FIE) prior to providing special education and related services to any student. All students must be evaluated in accordance with the IDEA and Texas Education Code (TEC).

DRAW ACADEMY shall have in place procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of students with disabilities are selected and administered so as to not be racially, culturally, or gender discriminatory. Assessment and procedures shall be provided and administered in the student's native language or most proficient mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so. 34 CFR § 300.301; TEC § 29.310.

All implementing assessment procedures must differentiate between language proficiency and handicapping condition. Additionally, placement procedures must ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability. 19 TAC § 89.1230.

No single procedure shall be the sole criterion for determining whether a student is a student with a disability or for determining an appropriate education program for a student with a disability. The evaluation must be sufficiently comprehensive to identify all of the student's special education and related services' needs. Each student must be evaluated in all suspected areas of disability. 34 CFR §§ 300.301, 300.304; TEC § 29.310

All assessments must be administered in accordance with the instructions provided and by a trained and knowledgeable person. 34 CFR §§ 300.301, 300.304.

#### 2. *Special Learning Disability Evaluation*

The Texas Education Agency (TEA) cannot require DRAW ACADEMY to use the severe discrepancy between intellectual ability and achievement for determining whether a student has a specific learning disability. TEA must permit the use of a process based on the child's response to scientific, research-based intervention; and may permit the use of other alternative research-based procedures for determining whether a student has a specific learning disability. 34 CFR § 300.307

The evaluation process for specific learning disability includes an observation of the child in the learning environment, including the regular classroom setting, to document academic performance and behavior in the areas of difficulty. 34 CFR § 300.310(a).

### *3. Functional Behavior Assessment*

A functional behavior assessment (FBA) may be necessary for a student whose behavior impedes their education. Prior to completing an FBA, DRAW ACADEMY shall get consent from the parent. 34 CFR § 300.9.

If an ARD committee determines a change of placement is necessary due to the student's behavior, it must conduct an FBA and implement a behavior intervention plan (BIP). If an FBA was already completed, the ARD committee must review and update the BIP. 34 CFR § 300.350(f).

### *4. Review of Existing Evaluation Data (REED)*

A Review of Existing Evaluation Data (REED) is required as part of an initial evaluation, if appropriate, and as part of any reevaluation. The REED must be conducted by the ARD committee members and other qualified professionals, as appropriate. The ARD committee members may conduct the review without a meeting.

The REED must include a review of the following:

1. Evaluations and information provided by the parents of the student;
2. Current classroom-based, local, or State assessments, and classroom-based observations; and
3. Observations by teachers and related services providers.

On the basis of that review, and input from the student's parents, the ARD committee members must identify what additional data, if any, are needed to determine:

1. Whether the student is a student with a disability, and the educational needs of the student, or, in case of a reevaluation of a student, whether the student continues to have such a disability and the educational needs of the student;
2. 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;
3. The present levels of academic achievement and related developmental needs of the student; and
4. 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 education curriculum.

DRAW ACADEMY shall administer any assessments or other evaluation measures needed to produce the data identified by the REED in accordance with applicable procedural requirements regarding notice and consent.

If additional data is not needed, the ARD committee must notify the parent of the determination decision and provide information about the parent's right to request additional assessments to determine student needs and eligibility. 34 CFR § 300.305.

DRAW ACADEMY shall conduct a reevaluation of the student if the school determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's parent or teacher requests a reevaluation. A reevaluation may not occur more than once per year, unless agreed to by the school and the parent. A reevaluation must occur at least every three years, unless the school and parent agree the evaluation is unnecessary. 34 CFR § 300.303.

#### *5. Change in Eligibility*

DRAW ACADEMY shall evaluate a student with a disability before determining a student is no longer eligible for special education and related services.

#### *6. Consideration of Services Provided in Regular Education Setting*

To ensure that underachievement in the student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group of qualified professionals, as part of a full and individual evaluation, must consider:

1. Data that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
2. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of progress during instruction, which was provided to the student's parents.

34 CFR § 300.309(b).

#### *7. Coordination of Evaluations with Prior and Subsequent Schools*

The school shall ensure that evaluations of students who transfer from one LEA to another in the same academic year are coordinated with the student's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations. 20 USC § 1414(b)(3)(D).

#### *8. Psychological Tests*

On request of a child's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, DRAW ACADEMY shall provide to the child's parent:

1. The name and type of the examination or test; and
2. An explanation of how the examination or test will be used to develop an appropriate IEP for the child.

If DRAW ACADEMY determines that an additional examination or test is required for the evaluation of a child's need for special education, DRAW ACADEMY shall provide the information above to the parent regarding the additional examination or test and shall obtain additional consent for the examination or test. TEC § 29.0041(a), (b).

If DRAW ACADEMY determines that an additional examination or test is required for the evaluation, DRAW ACADEMY shall provide the information required by TEC § 29.0041(a) and shall obtain parental consent. If a parent does not give consent within 20 calendar days after the School provides the information, the parent's consent is considered denied.

The time required for DRAW ACADEMY to provide information and seek consent may not be counted toward the timeframe for completion of an evaluation. TEC § 29.0041.

### *9. Independent Educational Evaluations*

The parent of a student with a disability has the right to obtain an independent educational evaluation (IEE) of the parent's child if the parent disagrees with the evaluation of the student that was obtained by the open-enrollment charter school. IEE means an evaluation conducted by a qualified examiner who is not employed by the school responsible for the education of a student.

If the parent requests an IEE, DRAW ACADEMY must provide the parent with information about where the parent may obtain an independent educational evaluation and about the open-enrollment charter school's criteria that apply to IEE.

#### *i. IEE at Public Expense*

Public expense means that the open-enrollment charter school either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with the provisions of Part B of IDEA, which allow each State to use whatever State, local, Federal, and private sources of support are available in the State to meet the requirements of Part B of IDEA.

The parent has the right to request an IEE of the parent's child at public expense if the parent disagrees with an evaluation of the student completed by DRAW ACADEMY.

#### *ii. Conditions*

If the parent requests an IEE, DRAW ACADEMY must respond to the parent by either:

1. Without unnecessary delay, file a due process complaint to request a hearing to show that its evaluation of the student is appropriate; or
2. Provide an IEE at public expense, unless the open-enrollment charter school demonstrates in a due process hearing that the evaluation of the student that the parent obtained did not meet the open-enrollment charter school's criteria.

If DRAW ACADEMY requests a hearing and the final decision is that the open-enrollment charter school's evaluation of the student is appropriate, the parent still has the right to an IEE, but not at public expense.

### iii. Criteria and Procedure

If the parent requests an IEE of the student, DRAW ACADEMY may ask why the parent objects to the evaluation of the student obtained by DRAW ACADEMY; however, DRAW ACADEMY may not require an explanation and may not unreasonably delay either providing the IEE of the student at public expense or filing a due process complaint to request a due process hearing to defend DRAW ACADEMY'S evaluation of the student.

The parent is entitled to only one IEE of the student at public expense each time the open-enrollment charter school conducts an evaluation of the student with which the parent disagrees. 34 CFR § 300.502.

The criteria under which the independent evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.

The evaluator conducting an IEE of a child with a disability at public expense must be located within a 100-mile radius of DRAW ACADEMY. This will allow the evaluator access to DRAW ACADEMY for observation of the student and access to the student's cumulative and special education eligibility folders.

Parents are free to select whomever they choose to perform the IEE, so long as the examiner meets DRAW ACADEMY'S criteria. DRAW ACADEMY will pay a fee for an IEE that allows a parent to choose from among qualified professionals in the area.

DRAW ACADEMY will not pay unreasonably excessive fees. An unreasonably excessive fee is one which is 20% above the prevailing fees in the area as established by the Medicaid/Medicare Service Provider Manual for the specific test being considered.

Parents will be offered the opportunity to demonstrate to their child's ARD committee that unique circumstances exist which justify an IEE that does not meet DRAW ACADEMY criteria outlined in this document.

When evaluators have a sliding scale fee based on parent income, DRAW ACADEMY will pay the amount charged to the parent if the evaluator meets DRAW ACADEMY criteria or DRAW ACADEMY has approved the IEE that does not meet DRAW ACADEMY criteria.

In the event a parent pursues an IEE independently or pursues an IEE provider that is not on DRAW ACADEMY independent evaluator list, DRAW ACADEMY will determine if the evaluator meets DRAW ACADEMY criteria prior to authorizing payment or reimbursement. If payment will be authorized, an original billing form and an original written report with original signature must be submitted to DRAW ACADEMY prior to payment.



DRAW ACADEMY will deny payment for an IEE conducted by an evaluator who does not meet DRAW ACADEMY criteria. DRAW ACADEMY will deny payment for an IEE that does not meet Texas Education Agency criteria for the specific disability identified.

If a hearing officer requests an IEE as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

Travel costs for evaluators will not exceed DRAW ACADEMY rates for travel as established by state guidelines.

A contract for an IEE between an evaluator and DRAW ACADEMY will not exceed one year. All terms will become void after the expiration date of one year.

The evaluator conducting the IEE must meet DRAW ACADEMY criteria and possess comparable credentials to the examiner that conducted the evaluation that is in dispute.

Evaluators must possess current licensure/certification to conduct the evaluation and must provide copies of his or her license or certification with the evaluation, if not previously provided.

Evaluators must comply with all requirements specified in state and federal law, including those outlined in the professional board responsible for providing the license or certification.

Evaluators must meet the examiner qualifications for the tests administered as outlined by the test producer.

The evaluator will have access to the student's cumulative folder and special education folders in gathering information about the student.

The evaluator will have the ability to interview teachers and observe the student in the educational setting.

Prior to conducting the assessment, the evaluator agrees to submit to a national criminal history review and to provide any and all information necessary to secure the national criminal history review, including fingerprints and photographs, or other information required by TEC § 22.0834 concerning Contractor or Contractor's Subcontractors.

The evaluator agrees to conduct a thorough evaluation in the area(s) performed by DRAW ACADEMY with which the parent disagrees.

Copies of protocols must be provided to DRAW ACADEMY.

Except for the criteria described above, an open-enrollment charter school may not impose conditions or timelines related to obtaining an IEE at public expense. 34 CFR § 300.502(e).

iv. Results of IEE

The report must comply with all federal and state requirements, including addressing the presence or absence of a disability condition as defined under the IDEA and the TEC.

The evaluation must be provided to DRAW ACADEMY upon completion.

If the parent obtains an IEE at public expense or shares with the charter an evaluation obtained at private expense, the results of the evaluation must be considered in any decision made with respect to the provision of a free appropriate public education to the child, so long as the criteria listed above are met. The results of such evaluation may also be presented by any party as evidence at a hearing on a due process complaint regarding the child.

## **B. Local Procedures**

DRAW ACADEMY has adopted Local Procedures to implement its Evaluation duties. DRAW ACADEMY incorporates by reference the following Local Procedures:

1. *Review of Existing Evaluation Data*
2. *Evaluation Procedures*
3. *Disabilities – Autism*
4. *Disabilities – Deaf Blindness*
5. *Disabilities – Deaf or Hard of Hearing*
6. *Disabilities – Emotional Disturbance*
7. *Disabilities – Intellectual Disability*
8. *Disabilities – Multiple Disabilities*
9. *Disabilities – Noncategorical Early Childhood*
10. *Disabilities – Orthopedic Impairment*
11. *Disabilities – Other Health Impairment*
12. *Disabilities – Specific Learning Disability*
13. *Disabilities – Speech or Language Impairment*
14. *Disabilities – Traumatic Brain Injury*
15. *Disabilities – Visual Impairment*
16. *Independent Educational Evaluation*

These Local Procedures identify staff responsible, applicable timelines, and evidence of practice. DRAW ACADEMY shall maintain sufficient records regarding Evaluation activities.

### **Review of Existing Evaluation Data**

A Review of Existing Evaluation Data (REED) must be completed to determine which evaluations, if any need to be conducted. The REED provides current information that can be used to determine if the child continues to be eligible for special education services. The REED should include:

- Information from parents and programs
- Observations provided by teachers and other professionals as deemed appropriate
- Classroom-based, local, and state assessments
- Information about the child's strengths and weaknesses

The REED uses existing data to determine if additional data are needed as part of an initial evaluation or as part of a reevaluation. The group conducting the REED must determine whether further assessments are required to determine:

- Whether the student has or continues to have a disability.
- Whether the student needs or continues to need special education and related services;
- Whether the student needs any accommodations or modifications to the special education and related services to meet the measurable annual goals set out in the individualized education program (IEP) and to participate, as appropriate, in the general education curriculum.

DRAW Academy must ensure that a reevaluation of each student with a disability is conducted when:

- It is determined that the student's educational or related services needs warrant a re-evaluation.
- The student's parent or teacher requests a reevaluation; or
- The admission, review and dismissal (ARD) committee is considering a potential dismissal from special education services.

A reevaluation may not occur more than once a year unless the parent and DRAW Academy agree otherwise and must occur at least once every three years unless the parent and DRAW Academy agree that a reevaluation is unnecessary.

### **Evaluation Procedures**

- DRAW Academy must conduct a full and individual initial evaluation before the initial provision of special education and related services to a child with a disability. The initial evaluation must consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child.
- DRAW Academy must assure that all evaluation instruments must not be culturally or racially discriminatory and must be administered in accordance with standardized procedures to prevent inappropriate evaluations for specific cultural groups.
- DRAW Academy is responsible for obtaining parental consent for an initial evaluation and a reevaluation.
- DRAW Academy must assure that the students dominate language has been established prior to completing the academic evaluation. The evaluation shall be conducted using procedures that are appropriate for the student's most proficient method of communication.
- DRAW Academy Evaluation of the student covers all areas related to the suspected disability, including health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
- DRAW Academy uses instruments in an evaluation that are valid, reliable, and administered in accordance with the instructions provided by the producer of the assessment?

- Once the consent to evaluate form is signed by the parent, DRAW Academy has 45 school days complete the evaluations and hold an eligibility meeting.
- A School psychologists or Educational Diagnostician will complete a full assessment of the student to determine eligibility for special education. They will also interpret results for the team and help set up a plan that works for the student. A bilingual evaluator is used if the student is bilingual.
- The evaluator determines the degree of evaluation needed in each area depending on the eligibility criteria for the suspected disability.
  - The area of language proficiency is evaluated first to determine the language to be used in further evaluation.
  - Tests and other evaluation materials include those tailored to evaluate specific areas of educational need and not merely those designed to provide a single general intelligence quotient.
  - Tests are selected and administered to ensure that the test results of a student who has impaired sensory, manual, or speaking skills, will accurately reflect the student's aptitude, achievement level, or whatever other factors the test purports to measure.
  - No single procedure should be used as the sole criterion for determining whether the student is a student with a disability or for determining an appropriate educational program for the student.
- A REED (Review of Existing Evaluation Data) helps DRAW Academy staff decide whether current information in a student's file can be used to determine their eligibility for special education.
- A re-evaluation must occur not more frequently than once a year unless the parent and DRAW Academy agree otherwise. At least once every three years, unless the parent and DRAW Academy agree that a re-evaluation is unnecessary.

### **Evaluation of Disabilities Conditions**

#### **Autism**

- A referral for an autism evaluation may be indicated when a staff member of DRAW Academy or the parent of the student suspects the student is exhibiting social and behavioral characteristics of autism.
- The initial step in the full and individual evaluation process is for the multidisciplinary team to plan for all areas of the evaluation (sociological, physical/medical, speech/language-communication, intellectual/ developmental, adaptive behavior, education performance levels, academic achievement, emotional/behavioral/social, assistive technology, and special assessments [functional behavioral assessment, in-home/parent training, vocational/transition ]). The team should identify procedures/tests to be used in each area, identify the person(s) responsible for collecting the data, set a date for a follow-up meeting

to review the data, and make plans as to how the various sections of the report will be integrated. The resulting report should present a coherent rationale to either support or negate the presence of an educational disability condition and provide recommendations for the continued support of the student. If the student qualifies, an autism supplement is attached to the IEP.

The following are required components of a full and individual evaluation:

- Reason for Referral
  - Sources of Data
  - Sociological
    - Family History
    - Educational History
  - Test Conditions and Behavior
  - Language/Communication
  - Physical/Developmental/Medical
  - Academic Achievement/Educational Performance Levels
  - Intellectual/Cognitive Functioning
  - Adaptive Behavior
  - Emotional/Behavioral/Social Functioning
  - Assistive Technology
  - Post-Secondary Transition
  - Conclusions
  - Recommendations
  - Assurances
  - Signatures of multidisciplinary team members
- Upon completion of the full and individual evaluation, an ARD meeting will be held to review the evaluation. Based on the results of the evaluation, the ARD committee will determine whether the student meets eligibility criteria for autism, and if so, whether the student requires special education supports and related services. If the student qualifies and needs special education and related services, the following will be developed/considered by the ARD committee:
    - Present levels of academic achievement and functional performance (PLAAFP) for all competency areas
    - Develop/approve IEP goals and objectives, anticipating beginning and completion dates, mastery criteria, evaluation criteria, and a schedule for evaluating progress data
    - Determine accommodations and/or modifications
    - Address consideration for Least Restrictive Environment (LRE)
    - Determine the instructional needs of the student (setting), ensuring minimal removal from instruction offered in general education
    - Determine combination of instruction and related services to meet IEP needs
    - Discuss state assessments and accommodations
    - Extended School Year (ESY) considerations

### Deaf Blindness

If at any time during the usual referral process anyone suspects that the student may have both a visual and auditory impairment, the special ed. coordinator will be contacted for assistance to determine the types, levels, and procedures for assessment of the student.

Evaluation for eligibility consists of:

- A State Eye Report by a licensed ophthalmologist or optometrist
- Functional Vision Evaluation completed by a professional certified in the education of students with visual impairments or a certified orientation and mobility instructor;
- Learning Media Assessment conducted by a professional certified in the education of students with visual impairments,
- An Expanded Core Curriculum Evaluation
- an audiological evaluation performed by a licensed audiologist and a description of the implications of the hearing loss in a variety of circumstances with or without recommended amplification
- An otological exam performed by an otologist
- An assessment to determine the child's current and potential for communication through a variety of means. This includes oral (spoken) and aural (hearing) means, fingerspelling, and sign language

For students who meet eligibility for Deafblindness, the following must occur.

- The VI professional will complete the IEP supplement for students with visual impairments indicating:
  - Appropriate learning and literacy media information
  - Orientation and mobility needs
  - If Blind, the need for Braille and the student's strengths and weaknesses in Braille reading and writing
  - The benefits of Braille
  - Whether other training from the expanded core curriculum for students with visual impairments is needed to compensate for severe visual loss
  - Access to special tools
  - Provide a list of resources in the community and state
  - Plans and arrangements for continuing services beyond the school hours if needed.
- The ARD Auditory Impairment Supplement must be completed outlining the communication needs, opportunities for communication with peers and professionals, the child's academic level, and the child's full range of needs, including opportunities for direct instruction in the child's language and communication mode
- Each year, the parent will be provided information about the Texas School for the Deaf and the Texas School for the Blind and Visually Impaired describing the program offered, eligibility and admissions, and the rights of the students.

Students with a Deafblindness may receive any services as appropriate in any setting available in the district to other students with or without disabilities.

Eligibility requirements are the same as for student age 3-21:

- A State Eye Report by a licensed ophthalmologist or optometrist

- Functional Vision Evaluation completed by a professional certified in the education of students with visual impairments or a certified orientation and mobility instructor;
- Learning Media Assessment conducted by a professional certified in the education of students with visual impairments,
- An Expanded Core Curriculum Evaluation
- an audiological evaluation performed by a licensed audiologist and a description of the implications of the hearing loss in a variety of circumstances with or without recommended amplification
- An otological exam performed by an otologist
- An assessment to determine the child's current and potential for communication through a variety of means. This includes oral (spoken) and aural (hearing) means, fingerspelling, and sign language

### Deaf or Hard of Hearing

A student who qualifies for special education services as a student with an auditory impairment may meet criteria for either deafness or for a hearing impairment. Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects the child's educational performance. Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness.

- If at any time during the usual referral process, anyone that suspects that a student have a hearing impairment, the DRAW Academy Special Ed. Coordinator will be contacted for assistance in determining the types, levels, and procedures for assessment.
- The procedures and materials used for the assessment of the child who is deaf or hard of hearing will be in the child's preferred mode of communication.

The evaluation data reviewed by the group of qualified professionals in connection with the determination of the child's disability based on an auditory impairment must include

- an audiological evaluation performed by a licensed audiologist and a description of the implications of the hearing loss in a variety of circumstances with or without recommended amplification
- An otological exam performed by an otologist
- An assessment must determine the child's current and potential for communication through a variety of means. This includes oral (spoken) and aural (hearing) means, fingerspelling, and sign language.

Eligibility requires the student (1) be identified as a student with a hearing impairment or Deafness, (2) the impairment is interfering with the student's ability to progress in light of his specific condition, and (3) requires specialized instruction because of the hearing impairment.

For the student who meets eligibility for an auditory impairment, the following must occur:

- The ARD Auditory Impairment Supplement must be completed outlining the communication needs, opportunities for communication with peers and professionals, the child's academic level, and the child's full range of needs, including opportunities for direct instruction in the child's language and communication mode
- Each year, the parent will be provided information about the Texas School for the Deaf describing the program offered, eligibility and admissions, and the rights of the students.

Students with auditory impairments may receive any services as appropriate in any setting available in the district to other students with or without disabilities.

### Emotional Disturbance

A referral for an emotional disturbance evaluation may be indicated when DRAW Academy and/or legal guardian of the student suspects the behavioral characteristics of the student have been significant over time and adversely affects educational performance.

- The initial step in the full and individual evaluation process is for the multidisciplinary team to plan for all areas of the evaluation (sociological, physical/medical, speech/language-communication, intellectual/ developmental, adaptive behavior, education performance levels, academic achievement, emotional/behavioral/social, assistive technology, and special assessments [functional behavioral assessment, in-home/parent training, vocational/transition, etc.]). The team should identify procedures/tests to be used in each area, identify the person(s) responsible for collecting the data, set a date for a follow-up meeting to review the data, and make plans as to how the various sections of the report will be integrated. The resulting report should present a coherent rationale to either support or negate the presence of an educational disability condition and provide recommendations for the continued support of the student.

The following are required components of a full and individual evaluation:

- Reason for Referral
- Sources of Data
- Sociological
  - Family History
  - Educational History
- Test Conditions and Behavior
- Language/Communication
- Physical/Developmental/Medical
- Academic Achievement/Educational Performance Levels
- Intellectual/Cognitive Functioning
- Adaptive Behavior
- Emotional/Behavioral/Social Functioning
- Assistive Technology
- Post-Secondary Transition
- Conclusions
- Recommendations



- Assurances
- Signatures of multidisciplinary team members

Upon completion of the full and individual evaluation, an ARD meeting will be held to review the evaluation. Based on the results of the evaluation, the ARD committee will determine whether the student meets eligibility criteria for emotional disturbance, and if so, whether the student requires special education supports and related services. If the student qualifies and is in need of special education and related services, the following will be developed/considered by the ARD committee:

- Present levels of academic achievement and functional performance (PLAAFP) for all competency areas
- Develop/approve IEP goals and objectives, anticipating beginning and completion dates, mastery criteria, evaluation criteria, and a schedule for evaluating progress data
- Determine accommodations and/or modifications
- Address consideration for Least Restrictive Environment (LRE)
- Determine the instructional needs of the student (setting), ensuring minimal removal from instruction offered in general education
- Determine combination of instruction and related services to meet IEP needs
- Discuss state assessments and accommodations
- Extended School Year (ESY) considerations

#### Intellectual Disability

- A referral for an intellectual disability evaluation may be indicated when a DRAW Academy Staff member and/or legal guardian of the student suspects the student is exhibiting significant intellectual and adaptive deficits that adversely affects educational performance.
- The initial step in the full and individual evaluation process is for the multidisciplinary team to plan for all areas of the evaluation (sociological, physical/medical, speech/language-communication, intellectual/ developmental, adaptive behavior, education performance levels, academic achievement, emotional/behavioral/social, assistive technology, and special assessments [functional behavioral assessment, in-home/parent training, vocational/transition]). The team should identify procedures/tests to be used in each area, identify the person(s) responsible for collecting the data, set a date for a follow-up meeting to review the data, and make plans as to how the various sections of the report will be integrated. The resulting report should present a coherent rationale to either support or negate the presence of an educational disability condition and provide recommendations for the continued support of the student.

The following are required components of a full and individual evaluation:

- Reason for Referral
- Sources of Data
- Sociological
  - Family History
  - Educational History

- Test Conditions and Behavior
- Language/Communication
- Physical/Developmental/Medical
- Academic Achievement/Educational Performance Levels
- Intellectual/Cognitive Functioning
- Adaptive Behavior
- Emotional/Behavioral/Social Functioning
- Assistive Technology
- Post-Secondary Transition
- Conclusions
- Recommendations
- Assurances
- Signatures of multidisciplinary team members

Upon completion of the full and individual evaluation, an ARD meeting will be held to review the evaluation. Based on the results of the evaluation, the ARD committee will determine whether the student meets eligibility criteria for intellectual disability, and if so, whether the student requires special education supports and related services. If the student qualifies and is in need of special education and related services, the following will be developed/considered by the ARD committee:

- Present levels of academic achievement and functional performance (PLAAFP) for all competency areas
- Develop/approve IEP goals and objectives, anticipating beginning and completion dates, mastery criteria, evaluation criteria, and a schedule for evaluating progress data
- Determine accommodations and/or modifications
- Address consideration for Least Restrictive Environment (LRE)
- Determine the instructional needs of the student (setting), ensuring minimal removal from instruction offered in general education
- Determine combination of instruction and related services to meet IEP needs
- Discuss state assessments and accommodations
- Extended School Year (ESY) considerations

#### Multiple Disabilities

- A referral for a multiple disability evaluation may be indicated when a member of DRAW Academy and/or legal guardian of the student suspects the student is exhibiting characteristics of more than one disability that adversely affects educational performance.
- The initial step in the full and individual evaluation process is for the multidisciplinary team to plan for all areas of the evaluation (sociological, physical/medical, speech/language-communication, intellectual/ developmental, adaptive behavior, education performance levels, academic achievement, emotional/behavioral/social, assistive technology, and special assessments [functional behavioral assessment, in-home/parent training, vocational/transition]). The team should identify procedures/tests to be used in each area, identify the person(s) responsible for collecting the data, set a date for a follow-up meeting to review the data, and make plans as to how the various sections of the report will be integrated. The resulting report should present a coherent rationale to either support or

negate the presence of an educational disability condition and provide recommendations for the continued support of the student.

The following are required components of a full and individual evaluation:

- Reason for Referral
- Sources of Data
- Sociological
  - Family History
  - Educational History
- Test Conditions and Behavior
- Language/Communication
- Physical/Developmental/Medical
- Academic Achievement/Educational Performance Levels
- Intellectual/Cognitive Functioning
- Adaptive Behavior
- Emotional/Behavioral/Social Functioning
- Assistive Technology
- Post-Secondary Transition
- Conclusions
- Recommendations
- Assurances
- Signatures of multidisciplinary team members

Upon completion of the full and individual evaluation, an ARD meeting will be held to review the evaluation. Based on the results of the evaluation, the ARD committee will determine whether the student meets eligibility criteria for multiple disabilities, and if so, whether the student requires special education supports and related services. If the student qualifies and needs special education and related services, the following will be developed/considered by the ARD committee:

- Present levels of academic achievement and functional performance (PLAAFP) for all competency areas
- Develop/approve IEP goals and objectives, anticipating beginning and completion dates, mastery criteria, evaluation criteria, and a schedule for evaluating progress data
- Determine accommodations and/or modifications
- Address consideration for Least Restrictive Environment (LRE)
- Determine the instructional needs of the student (setting), ensuring minimal removal from instruction offered in general education
- Determine combination of instruction and related services to meet IEP needs
- Discuss state assessments and accommodations
- Extended School Year (ESY) considerations

#### Noncategorical Early Childhood

The disability category noncategorical early childhood (NCEC) may be used for children ages three through five who are suspected of meeting criteria for autism, emotional disturbance,

learning disability, or intellectual disability.

- The group of professionals that collects or reviews evaluation data in connection with the determination of the child's eligibility based on noncategorical must include the applicable members for intellectual disability, emotional disturbance, specific learning disability, or autism.
- The evaluation data reviewed by the group of qualified professionals in connection with the determination of the child's disability based on noncategorical must comply with the applicable evaluation procedures for auditory impairment and visual impairment.

Noncategorical early childhood disability means the child:

- Is between the ages of three to five, and
- Is evaluated as having an intellectual disability, and emotional disturbance, a specific learning disability, or autism.

NCEC is for students aged 3-5 who have general delays in their physical, cognitive, communication, social, emotional, or adaptive development; and who, because of these delays, need special education and related services. A child between the ages of 3-5 may be described as "NCEC" if he or she has been diagnosed as having one of the following:

- Intellectual Delay, NCEC-ID
- Emotional Disturbance, NCEC-ED
- Specific Learning Disability, or NCEC-SLD
- Autism, NCEC-AU

DRAW Academy will reassess before the child's 6th birthday, remove the NCEC label, and determine the updated eligibility/disability. The assessment team will take into consideration the following items:

- educational opportunities and support given to the child since entering school and how he/she has progressed i.e.: Preschool Programs for Children with Disabilities, Related services
- current testing data
- parent information including private or outside evaluations the family has gotten for their child

#### Orthopedic Impairment

- A referral for an orthopedic impairment evaluation may be indicated when a member of DRAW Academy and/or legal guardian of the student suspects the student is exhibiting physical deficits characteristics of orthopedic impairment that adversely affects educational performance.

The initial step in the full and individual evaluation process is for the multidisciplinary team to plan for all areas of the evaluation (sociological, physical/medical, speech/language-communication, intellectual/ developmental, adaptive behavior, education performance levels, academic

achievement, emotional/behavioral/social, assistive technology, and special assessments [functional behavioral assessment, in-home/parent training, vocational/transition, etc.]). The team should identify procedures/tests to be used in each area, identify the person(s) responsible for collecting the data, set a date for a follow-up meeting to review the data, and make plans as to how the various sections of the report will be integrated. The resulting report should present a coherent rationale to either support or negate the presence of an educational disability condition and provide recommendations for the continued support of the student.

The following are required components of a full and individual evaluation:

- Reason for Referral
- Sources of Data
- Sociological
  - Family History
  - Educational History
- Test Conditions and Behavior
- Language/Communication
- Physical/Developmental/Medical
- Academic Achievement/Educational Performance Levels
- Intellectual/Cognitive Functioning
- Adaptive Behavior
- Emotional/Behavioral/Social Functioning
- Assistive Technology
- Post-Secondary Transition
- Conclusions
- Recommendations
- Assurances
- Signatures of multidisciplinary team members

Upon completion of the full and individual evaluation, an ARD meeting will be held to review the evaluation. Based on the results of the evaluation, the ARD committee will determine whether the student meets eligibility criteria for orthopedic impairment, and if so, whether the student requires special education supports and related services. If the student qualifies and is in need of special education and related services, the following will be developed/considered by the ARD committee:

- Present levels of academic achievement and functional performance (PLAAFP) for all competency areas
- Develop/approve IEP goals and objectives, anticipating beginning and completion dates, mastery criteria, evaluation criteria, and a schedule for evaluating progress data
- Determine accommodations and/or modifications
- Address consideration for Least Restrictive Environment (LRE)
- Determine the instructional needs of the student (setting), ensuring minimal removal from instruction offered in general education
- Determine combination of instruction and related services to meet IEP needs
- Discuss state assessments and accommodations
- Extended School Year (ESY) considerations

### Other Health Impairment

- A referral for another health impairment evaluation may be indicated when a DRAW Academy member and/or legal guardian of the student suspects the student is exhibiting health problems characteristics of another health impairment that adversely affects educational performance.
- The initial step in the full and individual evaluation process is for the multidisciplinary team to plan for all areas of the evaluation (sociological, physical/medical, speech/language-communication, intellectual/ developmental, adaptive behavior, education performance levels, academic achievement, emotional/behavioral/social, assistive technology, and special assessments [functional behavioral assessment, in-home/parent training, vocational/transition, etc.]). The team should identify procedures/tests to be used in each area, identify the person(s) responsible for collecting the data, set a date for a follow-up meeting to review the data, and make plans as to how the various sections of the report will be integrated. The resulting report should present a coherent rationale to either support or negate the presence of an educational disability condition and provide recommendations for the continued support of the student.

The following are required components of a full and individual evaluation:

- Reason for Referral
- Sources of Data
- Sociological
  - Family History
  - Educational History
- Test Conditions and Behavior
- Language/Communication
- Physical/Developmental/Medical
- Academic Achievement/Educational Performance Levels
- Intellectual/Cognitive Functioning
- Adaptive Behavior
- Emotional/Behavioral/Social Functioning
- Assistive Technology
- Post-Secondary Transition
- Conclusions
- Recommendations
- Assurances
- Signatures of multidisciplinary team members

Upon completion of the full and individual evaluation, an ARD meeting will be held to review the evaluation. Based on the results of the evaluation, the ARD committee will determine whether the student meets eligibility criteria for another health impairment, and if so, whether the student requires special education supports and related services. If the student qualifies and is in need of

special education and related services, the following will be developed/considered by the ARD committee:

- Present levels of academic achievement and functional performance (PLAAFP) for all competency areas
- Develop/approve IEP goals and objectives, anticipating beginning and completion dates, mastery criteria, evaluation criteria, and a schedule for evaluating progress data
- Determine accommodations and/or modifications
- Address consideration for Least Restrictive Environment (LRE)
- Determine the instructional needs of the student (setting), ensuring minimal removal from instruction offered in general education
- Determine combination of instruction and related services to meet IEP needs
- Discuss state assessments and accommodations
- Extended School Year (ESY) considerations

#### Specific Learning Disability

- A referral for a specific learning disability evaluation may be indicated when a DRAW Academy staff member or legal guardian of the student suspects that learning issues are a result of a deficit in psychological processes characteristic of a learning disability that adversely affects educational performance.
- The initial step in the full and individual evaluation process is for the multidisciplinary team to plan for all areas of the evaluation (sociological, physical/medical, speech/language-communication, intellectual/ developmental, adaptive behavior, education performance levels, academic achievement, emotional/behavioral/social, assistive technology, and special assessments [functional behavioral assessment, in-home/parent training, vocational/transition, etc.]). The team should identify procedures/tests to be used in each area, identify the person(s) responsible for collecting the data, set a date for a follow-up meeting to review the data, and make plans as to how the various sections of the report will be integrated. The resulting report should present a coherent rationale to either support or negate the presence of an educational disability condition and provide recommendations for the continued support of the student.

The following are required components of a full and individual evaluation:

- Reason for Referral
- Sources of Data
- Sociological
  - Family History
  - Educational History
- Test Conditions and Behavior
- Language/Communication
- Physical/Developmental/Medical
- Academic Achievement/Educational Performance Levels
- Intellectual/Cognitive Functioning
- Adaptive Behavior

- Emotional/Behavioral/Social Functioning
- Assistive Technology
- Post-Secondary Transition
- Conclusions
- Recommendations
- Assurances
- Signatures of multidisciplinary team members

Upon completion of the full and individual evaluation, an ARD meeting will be held to review the evaluation. Based on the results of the evaluation, the ARD committee will determine whether the student meets eligibility criteria for specific learning disability, and if so, whether the student requires special education supports and related services. If the student qualifies and is in need of special education and related services, the following will be developed/considered by the ARD committee:

- Present levels of academic achievement and functional performance (PLAAFP) for all competency areas
- Develop/approve IEP goals and objectives, anticipating beginning and completion dates, mastery criteria, evaluation criteria, and a schedule for evaluating progress data
- Determine accommodations and/or modifications
- Address consideration for Least Restrictive Environment (LRE)
- Determine the instructional needs of the student (setting), ensuring minimal removal from instruction offered in general education
- Determine combination of instruction and related services to meet IEP needs
- Discuss state assessments and accommodations
- Extended School Year (ESY) considerations
- Describe any unique procedures or requirements the district has in place for evaluating the suspicion of a specific learning disability.
- Explain whether your LEA uses an RtI or pattern of strengths and weaknesses method when evaluating for SLD identification.
- If using a pattern of strengths and weaknesses method, identify the model(s) used.
- Where will a child younger than school age or out of school be observed?
- How is the appropriateness of instruction for a student who is homeschooled addressed?
- Describe the procedures used when evaluating an English learner for a specific learning disability.
- What procedures are followed when reviewing an evaluation of SLD for a student transferring within the state or out of state?

#### Speech or Language Impairment

Speech or language impairment means a communication disorder, such as stuttering, impaired articulation, language impairment, or a voice impairment, that adversely affects a child's educational performance.

- In Texas, speech-language therapy is considered an instructional service. As such, it can be stand-alone service as well as a support in order to receive benefit from other special



education services. However, in considering the delivery of speech services, all the same factors associated with the individual determination of related services, such as frequency, location and duration of services will be considered.

A child who has difficulty producing speech or understanding and communicating ideas may have a speech-language impairment.

Speech Disorders: When a person is unable to produce speech sounds correctly or fluently or has problems with his or her voice. Difficulties pronouncing sounds, or articulation disorders, and stuttering are examples of speech disorders.

Language Disorders: When a person has trouble understanding others (receptive language), or sharing thoughts, ideas, and feelings completely (expressive language).

A child may be determined to be a child with a speech or language impairment if:

- The child has a communication disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment; and
- The speech or language impairment adversely affects the child's educational performance; and
- By reason of the speech or language impairment, the child needs special education and/or related services.

#### Traumatic Brain Injury

- A referral for a traumatic brain injury evaluation may be indicated when a DRAW Academy staff member and/or legal guardian of the student suspects that functional and/or psychosocial deficits are the result of a brain injury caused by an external force characteristic of traumatic brain injury that adversely affects educational performance.
- The initial step in the full and individual evaluation process is for the multidisciplinary team to plan for all areas of the evaluation (sociological, physical/medical, speech/language-communication, intellectual/ developmental, adaptive behavior, education performance levels, academic achievement, emotional/behavioral/social, assistive technology, and special assessments [functional behavioral assessment, in-home/parent training, vocational/transition, etc.]). The team should identify procedures/tests to be used in each area, identify the person(s) responsible for collecting the data, set a date for a follow-up meeting to review the data, and make plans as to how the various sections of the report will be integrated. The resulting report should present a coherent rationale to either support or negate the presence of an educational disability condition and provide recommendations for the continued support of the student.

The following are required components of a full and individual evaluation:

- Reason for Referral
- Sources of Data
- Sociological
  - Family History
  - Educational History
- Test Conditions and Behavior
- Language/Communication

- Physical/Developmental/Medical
- Academic Achievement/Educational Performance Levels
- Intellectual/Cognitive Functioning
- Adaptive Behavior
- Emotional/Behavioral/Social Functioning
- Assistive Technology
- Post-Secondary Transition
- Conclusions
- Recommendations
- Assurances
- Signatures of multidisciplinary team members

Upon completion of the full and individual evaluation, an ARD meeting will be held to review the evaluation. Based on the results of the evaluation, the ARD committee will determine whether the student meets eligibility criteria for traumatic brain injury, and if so, whether the student requires special education supports and related services. If the student qualifies and is in need of special education and related services, the following will be developed/considered by the ARD committee:

- Present levels of academic achievement and functional performance (PLAAFP) for all competency areas
- Develop/approve IEP goals and objectives, anticipating beginning and completion dates, mastery criteria, evaluation criteria, and a schedule for evaluating progress data
- Determine accommodations and/or modifications
- Address consideration for Least Restrictive Environment (LRE)
- Determine the instructional needs of the student (setting), ensuring minimal removal from instruction offered in general education
- Determine combination of instruction and related services to meet IEP needs
- Discuss state assessments and accommodations
- Extended School Year (ESY) considerations

### Visual Impairment

If at any time during the usual referral process anyone suspects that the student may be visually impaired, a representative of the appropriate program will be contacted for assistance to determine the types, levels, and procedures for assessment of the student.

Evaluation for eligibility consists of:

- A State Eye Report by a licensed ophthalmologist or optometrist
- Functional Vision Evaluation completed by a professional certified in the education of students with visual impairments or a certified orientation and mobility instructor;
- Learning Media Assessment conducted by a professional certified in the education of students with visual impairments,
- An Expanded Core Curriculum Evaluation; and
- The Eligibility Report Form (Part B Visual Impairments).

Eligibility requires the student (1) be identified as a student with a visual impairment, (2) the impairment is interfering with the student's ability to progress in light of his specific condition, and (3) requires specialized instruction because of the visual impairment.

For students who meet eligibility for visual impairment, the following must occur.

- The VI professional will complete the IEP supplement for students with visual impairments indicating:
  - Appropriate learning and literacy media information
  - Orientation and mobility needs
  - If Blind, the need for Braille and the student's strengths and weaknesses in Braille reading and writing
  - The benefits of Braille
  - Whether other training from the expanded core curriculum for students with visual impairments is needed to compensate for severe visual loss
  - Access to special tools
  - Provide a list of resources in the community and state
  - Plans and arrangements for continuing services beyond the school hours if needed.
- Each year, the parent will be provided information about the Texas School for the Blind and Visually Impaired describing the program offered, eligibility and admissions, and the rights of the students.

Students with a visual impairment may receive any services as appropriate in any setting available in the district to other students with or without disabilities.

Students with a visual impairment ages birth through two are served by ECI and the district VI parent-infant service providers. Eligibility requirements are the same as for students age 3-21:

- A State Eye Report by a licensed ophthalmologist or optometrist
- Functional Vision Evaluation completed by a professional certified in the education of students with visual impairments or a certified orientation and mobility instructor.
- Learning Media Assessment conducted by a professional certified in the education of students with visual impairments,
- An Expanded Core Curriculum Evaluation

Services may include parent training programs based largely at home or through any other service arrangement. An Individualized Family Services Plan (IFSP) meeting is held by the ECI agency in place of an ARD Committee meeting. If the student qualifies for VI, a supplement will be added to the IEP.

### **Independent Educational Evaluation**

Parents have a right to request and obtain an independent educational evaluation (IEE) at any time during their child's education and to have the full and individual evaluation (FIE) considered by the school district in any decision made with respect to providing a free, appropriate, public education (FAPE).

#### **Steps to Follow for Parent to Request an IEE at Public Expense:**

1. Parent discuss evaluation concerns and possible resolution during the ARD.
2. Parent may request IEE during the ARD meeting. The parent will be asked to specify areas of concern with school's evaluation.
3. If DRAW Academy grants the IEE and decides not to go to a due process hearing to defend their own evaluation, the parent will coordinate the IEE with the Special Education Coordinator.
4. Upon completion of evaluation, the written report will be submitted to the parent and DRAW Academy along with the Invoice for payment.
5. The district will review the report without delay and determine requirements were followed prior to payment.
6. The parent will be notified by DRAW Academy if the IEE does not demonstrate substantial compliance.

#### Number of IEEs

A parent is entitled to only one IEE for each evaluation performed by DRAW Academy if the parent disagrees with the evaluation. This would include the three-year reevaluation or re-evaluations conducted more frequently.

#### Evaluator Requirements

- The independent examiner will have the same qualifications as the DRAW Academy assessment personnel (psychologist, associate psychologist, Licensed Specialist in School Psychology, or educational diagnostician) and as required by Texas law.
- Each independent examiner must attach copies of his or her license(s) or certificate(s) to the evaluation, if previously not provided.

#### Criteria for Fee Setting

- DRAW Academy will pay a fee for the IEE which allows a parent to choose from among the qualified professionals in the area.
- Travel costs for examiner and/or parents will not exceed DRAW Academy rates for travel as established by state guidelines.

Estimated rates for IEEs and required credentials are below:

- Functional Behavioral Assessments not to exceed \$1,500.
  - Required credential: Licensed Specialist in School Psychology (LSSP) or Board Certified Behavior Analyst (BCBA)
- Psycho-educational Evaluations (including bilingual) not to exceed \$1,500.
  - Required credential: LSSP or Educational Diagnostician's Certificate
- Psychological Evaluations (including bilingual) not to exceed \$1,500.
  - Required credential: (LSSP)
- Speech and Language Evaluations (including bilingual) not to exceed \$1,200.
  - Required credential: Certificate of Clinical Competence (CCC)
- Vocational Assessments not to exceed \$1,000.
  - Required credential: LSSP, Educational Diagnostician's Certificate or other education related certificate
- Occupational and Physical Therapy Evaluations not to exceed \$750.

- Required credential: Occupational License, Physical Therapy License
- Functional Vision / Learning Media Assessment not to exceed \$650.
  - Required credential: Certified Teacher of Visual Impairments

### C. **Resources**

**DRAW ACADEMY** incorporates by reference the following resources regarding Evaluation procedures and disability eligibilities to assist it with complying with federal, state, and local requirements for evaluations.

- [TEA Guidance on Review of Existing Evaluation Data](#)
- [Texas Autism Resource Guide for Effective Teaching \(TARGET\)](#)
- [Texas Deafblind Project \(TSBVI\)](#)
- [§89.1040 Eligibility Criteria Frequently Asked Questions \(TEA\)](#)
- [Response to Intervention \(TEA\)](#)
- [The Texas Center for Learning Disabilities](#)
- [Traumatic Brain Injury \(TEA\)](#)
- [Texas School for the Blind and Visually Impaired \(TSBVI\)](#)
- [2015 Educating Students with Visual Impairments in Texas: Guidelines and Standards \(TSBVI\)](#)

### III. FREE APPROPRIATE PUBLIC EDUCATION

#### A. Legal Requirements

##### 1. *Free Appropriate Public Education*

DRAW ACADEMY shall make available to all students a free appropriate public education (FAPE). 20 USC § 1401(9), 1414(d); 34 § CFR 300.101. A FAPE 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 TEA;
3. Include preschool, elementary, or secondary school education; and
4. Are provided in conformity with the student's IEP.

34 CFR § 300.101. An IEP means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with the IDEA and its implementing regulations.

##### 2. *Admission, Review, and Dismissal Committee*

DRAW ACADEMY shall establish an ARD committee for each eligible student with a disability and for each student for whom an FIE is conducted. The ARD committee is the:

1. Group that determines whether the child is a child with a disability and the educational needs of the child;
2. IEP team defined in federal law and regulations that develops the IEP; and
3. Group that determines the educational placement of the child.

##### i. Membership: General

An ARD committee must include the following members:

1. The parents of the student;
2. Not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment) who must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student's IEP;
3. Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student;
4. A representative of DRAW ACADEMY who:
  - a. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
  - b. Is knowledgeable about the general education curriculum; and
  - c. Is knowledgeable about the availability of resources of the district;
5. An individual who can interpret the instructional implications of evaluation results;
6. At the discretion of the parent or the district, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate;

7. The student with a disability, whenever appropriate, including when the purpose of the meeting will be the consideration of postsecondary goals and transition goals;
8. To the extent appropriate, with the consent of the parents or a student who has reached the age of majority, a representative of any participating agency that is likely to be responsible for providing or paying for transition services;
9. If the student is identified as an English language learner, a professional staff member who is on the language proficiency assessment committee.

34 CFR § 300.321; 19 TAC 89.1050. The special education teacher or special education provider that participates in the ARD committee meeting must be appropriately certified or licensed. The determination of the knowledge or special expertise of any individual must be made by the party (parents or charter school) who invited the individual to be a member of the ARD committee.

ii. Membership: Specific Eligibilities and Circumstances

If the student is a student with:

1. A suspected or documented visual impairment, the ARD committee must include a teacher who is certified in the education of students with visual impairments;
2. A suspected or documented auditory impairment, the ARD committee must include a teacher who is certified in the education of students with auditory impairments; or
3. Suspected or documented deaf-blindness, the ARD committee must include a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students with auditory impairments.

34 CFR § 300.321; 19 TAC § 89.1050. If the student was previously served under the Early Childhood Intervention (ECI) program, at the request of the parent, the ARD committee must include, by invitation to the initial ARD committee meeting, the ECI service coordinator or other representatives of the ECI system.

In the case of an ARD committee meeting convened to discuss the expulsion and discretionary placement in the Juvenile Justice Alternative Education Program (JJAEP) of a child with a disability in a county with a JJAEP, for an offense for which a school district may expel a child and discretionarily place the child in JJAEP, a local school district must invite the administrator of the JJAEP or the administrator's designee, including:

1. The school district must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the child's parents;
2. A copy of the child's current IEP must be provided to the JJAEP representative with the notice;
3. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls; and
4. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the child's placement in the JJAEP and implementation of the child's current IEP in the JJAEP.

TEC § 37.007, 19 TAC § 89.1052.

iii. Attendance and Excusal

An ARD committee member is not required to attend an ARD committee meeting, in whole or in part, if the parent and DRAW ACADEMY agree in writing that the member's attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting. 34 CFR § 300.321; 19 TAC § 89.1050.

When an ARD committee member's area of the curriculum or related services is being modified or discussed in the ARD committee meeting, the member may be excused from attending the meeting, in whole or in part, if the parent and charter school agree in writing to the excusal and the member submits, in writing, to the parent and ARD committee input into the development of the IEP before the meeting. 34 CFR § 300.321; 19 TAC § 89.1050.

The excusal requirements do not apply to the parent, the child with a disability, an adult student following a transfer of rights, or a discretionary member.

3. *Parent Participation*

DRAW ACADEMY shall provide to the parent a copy of the [\*Parent's Guide to the Admission, Review and Dismissal Process\*](#) (July 2020):

1. As soon as practicable after a referral for possible special education services, but at least five school days before the initial ARD committee meeting; and
2. At any other time on reasonable request of the child's parent.

TEC § 26.0081. DRAW ACADEMY shall take steps to ensure that one or both of the parents are present at each ARD committee meeting or are afforded the opportunity to participate. 34 CFR § 300.322, 300.501; 19 TAC § 89.1050. DRAW ACADEMY will notify the parents of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed upon time and place.

DRAW ACADEMY shall take action to ensure that the parent understands the proceedings of the ARD committee meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

DRAW ACADEMY shall allow parents who cannot attend an ARD committee meeting to participate in the meeting through other methods such as through telephone calls or video conferencing. 34 CFR § 300.328.

i. Notice of ARD Committee Meeting

DRAW ACADEMY shall provide the parents with written notice of the ARD committee meeting that meets the requirements at least five (5) school days before the meeting unless the parents agree to a shorter timeframe. 34 CFR § 300.322; 19 TAC § 89.1050. The notice must:



1. Indicate the purpose, time, and location of the meeting and who will be in attendance;
2. Inform the parents of their right to include other individuals on the ARD committee who have knowledge or special expertise about the child; and
3. Inform the parents of their right to request the participation of the Part C service coordinator or other representatives of the Part C system at the initial ARD committee meeting for a child previously served under Part C of the IDEA.

19 TAC § 89.1050. Beginning not later than the first IEP to be in effect when a student turns 16, or younger if determined appropriate by the ARD committee, the notice also must also indicate:

1. That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child; and
2. That the charter school will invite the student; and
3. The identity of any other agency that will be invited to send a representative with the consent of the parents or adult student.

If the parent is unable to speak English, DRAW ACADEMY will provide the parent with a written notice of an ARD committee meeting in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, DRAW ACADEMY will take steps to ensure that the notice is translated orally or by other means to the parent in the parent's native language or other mode of communication so that the parent understands the content of the notice. 19 TAC § 89.1050.

ii. Holding an ARD Committee Meeting without a Parent

DRAW ACADEMY may conduct an ARD committee meeting without the parent in attendance if the charter school is unable to convince the parent to attend. 34 CFR § 300.322The charter school will keep a record of its attempts to arrange a meeting at a mutually agreed on time and place such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parent and any responses received; and
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

34 CFR § 300.322.

iii. Parent Copy of IEP

DRAW ACADEMY shall give the parent a copy of the child's IEP at no cost. If the child's parent is unable to speak English, the charter school will:

1. Provide the parent with a written copy or audio recording of the child's IEP translated into Spanish if Spanish is the parent's native language; or
2. Make a good faith effort to provide the parent with a written copy or audio recording of the child's IEP translated into the parent's native language if the parent's native language is a language other than Spanish.

19 TAC § 89.1050. A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the child's IEP in English is orally translated into the target language and recorded with an audio device. DRAW ACADEMY may provide the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral translation into the target language of all of the content in the child's IEP in English.

If a parent's native language is not a written language, DRAW ACADEMY shall take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

#### *4. ARD Committee Meetings*

At the beginning of each school year, DRAW ACADEMY shall have in effect, for each child with a disability, an IEP. DRAW ACADEMY shall provide prior written notice in accordance with 34 CFR § 300.503 and 19 TAC § 89.1050.

##### *i. Initial Meeting*

The ARD committee must make its decisions regarding the child's initial eligibility determination and, if appropriate, IEP and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report unless one of the following situations applies:

1. If the 30th day falls during the summer and school is not in session, the ARD committee has until the first day of classes in the fall to finalize its decisions, unless the initial evaluation indicates that the child will need extended school year services during that summer; or
2. If DRAW ACADEMY received the written consent for the evaluation from the parent at least 35 but fewer than 45 school days before the last instructional day of the school year and the child was not absent from school three or more days between the time that the LEA received written consent and the last instructional day of the school year, the ARD committee must meet not later than the 15th school day of the following school year, unless the initial evaluation indicates that the child will need extended school year services during that summer.

19 TAC § 89.1011. When one of the above situations applies and the initial evaluation indicates that the child will need extended school year services during the summer, the ARD committee must meet as expeditiously as possible.

For purposes of determining the timeline for an initial ARD committee meeting, school day does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.

ii. Developing the IEP

DRAW ACADEMY shall ensure that all members of the ARD committee have the opportunity to participate in a collaborative manner in developing the IEP. 19 TAC § 89.1050. In developing each student's IEP, the ARD committee must consider the following (1) the strengths of the child; (2) the concerns of the parents for enhancing the education of their child; (3) the results of the initial or most recent evaluation of the child; and (4) the academic, developmental, and functional needs of the child. 34 CFR § 300.324. The ARD committee must also:

1. In the case of a student whose behavior impedes the student's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;
2. In the case of a student with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
3. In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the ARD committee determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child'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 child;
4. Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child'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 instruction in the child's language and communication mode; and
5. Consider whether the child needs assistive technology devices and services.

34 CFR § 300.324. The ARD committee may agree to an annual IEP or an IEP of shorter duration. As soon as possible following development of the IEP, DRAW ACADEMY shall ensure that special education and related services are made available to the child in accordance with the child's IEP.

iii. Review and Revision of the IEP

The student's ARD committee will review the IEP periodically, but at least annually, to determine whether the annual goals are being achieved. 34 CFR § 300.324. The ARD committee must revise the IEP as appropriate to address:

1. Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate;
2. The results of any reevaluation;
3. Information about the child provided to, or by the parent, in the REED;
4. The child's anticipated needs; or

5. Other matters.

To the extent possible, DRAW ACADEMY must encourage the consolidation of reevaluation meetings for the child and other ARD committee meetings for the child.

iv. Recessing and Reconvening a Meeting

A decision of the ARD committee concerning required elements of the IEP must be made by mutual agreement wherever possible. 19 TAC § 89.1050. When mutual agreement about all required elements of the IEP is not achieved, DRAW ACADEMY shall offer the parent who disagrees a single opportunity to recess and reconvene the ARD committee meeting.

The period of time for reconvening the ARD committee meeting must not exceed 10 school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place.

The opportunity to recess and reconvene is not required when the child's presence on the campus presents a danger of physical harm to the child or others or when the child has committed an expellable offense or an offense that may lead to a placement in a disciplinary alternative education program.

During the recess, the ARD committee members must (1) consider alternatives; (2) gather additional data; (3) prepare further documentation; and/or (4) obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

When an ARD committee agrees to recess and reconvene due to a lack of mutual agreement, the parent and charter school may request an independent facilitator from the TEA by completing and submitting the required form within five days of the ARD committee meeting that ended in disagreement. The form is available in English and Spanish at <https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/individualized-education-program-facilitation>.

If a recess is implemented and the ARD committee still cannot reach mutual agreement, DRAW ACADEMY shall implement the IEP that it has determined to be appropriate for the child.

The ARD committee may recess an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

v. Mutual Agreement

The IEP must include: (1) the date of the meeting; (2) the name, position, and signature of each ARD committee member participating in the meeting; and (3) an indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee. 19 TAC § 89.1055.

When mutual agreement is not reached, the ARD committee must include a written statement of the basis for the disagreement in the IEP and each member, including the parent, who disagrees

with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP.

vi. Parent Request for an ARD Committee Meeting

Upon receipt of a written request for an ARD committee meeting from a parent, DRAW ACADEMY shall schedule and convene a meeting in accordance with the applicable notice requirements or within five school days, provide the parent with written notice explaining why the charter school refuses to convene a meeting. 19 TAC § 89.1050.

vii. Amendment without a Meeting

After the annual ARD meeting, changes to the IEP may be made either by the entire ARD committee or by amending the IEP rather than by redrafting the entire IEP. 34 CFR § 300.324. Eligibility determinations, changes of placement, and manifestation determination reviews will not be conducted through the amendment without a meeting process. 34 CFR §§ 300.116, 300.306, 300.530.

To amend the IEP without an ARD committee meeting the parent and the charter school must agree not to convene an ARD committee meeting for the purpose of making changes to the IEP and must develop a written document to amend or modify the child's current IEP. 34 CFR § 300.324.

If changes are made to the student's IEP by agreement without an ARD committee meeting, DRAW ACADEMY shall ensure that the student's ARD committee is informed of those changes. Upon request, the parent must be provided with a revised copy of the IEP with the amendments incorporated. 34 CFR § 300.324.

5. *Determination of Eligibility*

Upon completion of the FIE, the ARD committee must determine whether the child has a disability; and by reason of the disability, the child needs special education and related services.

If it is determined, through an appropriate FIE, that the child has one of the disabilities but only needs a related service and not special education, the child is not a child with a disability under the IDEA.

i. Analysis of Determinant Factors

A child must not be determined by the ARD committee to be a child with a disability if the determinant factor for such determination is:

1. Lack of appropriate instruction in reading, including in the essential components of reading instruction as defined in the Elementary and Secondary Education Act which means explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency, including oral reading skills, and reading comprehension strategies;

2. Lack of appropriate instruction in math; or
3. Limited English proficiency.

20 USC § 1021; 34 CFR § 300.306.

ii. Documentation

The local educational agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent. 34 CFR § 300.306.

6. *Transition Services*

Transition services means a coordinated set of activities for the child with a disability that:

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including:
  - a. Post-secondary education;
  - b. Vocational education;
  - c. Integrated employment, including supported employment;
  - d. Continuing and adult education;
  - e. Adult services;
  - f. Independent living; or
  - g. Community participation;
2. Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes:
  - a. Instruction;
  - b. Related services;
  - c. Community experiences;
  - d. The development of employment and other post-school adult living objectives; and
  - e. If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

34 CFR § 300.43. Transition services may be special education, if provided as specially-designed instruction, or a related service, if required to assist the child with a disability to benefit from special education.

If the child does not attend the ARD committee meeting where transition services are discussed, DRAW ACADEMY must take other steps to ensure the child's preferences and interests are considered. 34 CFR § 300.321.

i. By the time the student turns 14

Not later than when the child reaches age 14, the ARD committee must consider and, if appropriate, address:

1. Appropriate child involvement in the child's transition to life outside the public school system;
2. If the child is younger than age 18, appropriate involvement in the child's transition by the child's parent and other persons invited to participate by:

- a. The child's parent; or
  - b. The school in which the child is enrolled.
- 3. Appropriate functional vocational evaluation;
- 4. Appropriate employment goals and objectives;
- 5. Appropriate independent living goals and objectives;
- 6. Appropriate circumstances for facilitating a referral of a child or the child's parent to a governmental agency for services or public benefits, including a referral to a governmental agency to place the child on a waiting list for public benefits available to the child; and
- 7. The use and availability of appropriate:
  - a. Supplementary aids, services, curricula, and other opportunities to assist the child in developing decision-making skills; and
  - b. Supports and services to foster the child's independence and self-determination, including a supported decision-making agreement.

TEC § 29.011; 19 TAC § 89.1055. A child's ARD committee will annually review and, if necessary, update the portion of the child's IEP that addresses these issues.

If a participating agency, other than DRAW ACADEMY, fails to provide the transition services described in the IEP, the charter school must reconvene the ARD committee to identify alternative strategies to meet the transition objectives for the child set out in the IEP. 34 CFR § 300.324.

#### ii. Transition and Employment Guide

DRAW ACADEMY must post the [Texas Transition and Employment Guide](#) the charter school's website. DRAW ACADEMY must provide written information and, if necessary, assistance to the child or parent regarding how to access the electronic version of the guide at:

- 1. The first meeting of the child's ARD committee at which transition is discussed; and
- 2. The first ARD committee meeting at which transition is discussed that occurs after the date on which the guide is updated.

TEC § 29.0112. On request, a printed copy of the guide will be provided to the child or parent.

#### 7. *Present Levels*

The ARD committee must provide a statement of the child's present levels of academic achievement and functional performance (PLAAFP). 34 CFR § 300.320. The statement of present levels must include how the child's disability affects the child's involvement and progress in the general education curriculum or how the disability affects the preschool child's participation in appropriate activities.

#### 8. *Annual Goals*

The ARD committee must include in the child's IEP a statement of measurable annual academic and functional goals designed to: (1) meet the child's needs that result from the child's disability to enable the child to be involved in and to make progress in the general education curriculum; and (2) meet each of the child's other educational needs that result from the child's disability. 34 CFR § 300.320 For the child who takes an alternate state assessment aligned to alternate achievement standards, the ARD committee must include a description of benchmarks or short-term objectives in the IEP.

The ARD committee must include in the IEP a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided. 34 CFR § 300.320.

## 9. *Special Factors*

### i. Behavior

In the case of the child whose behavior impedes the child's learning or that of others, the ARD committee must consider the use of positive behavioral interventions and supports and other strategies to address that behavior. 34 CFR § 300.324.

If the ARD committee determines that a behavior improvement plan or a behavioral intervention plan (BIP) is appropriate for the child, the plan must be included as part of the child's IEP and provided to each teacher with responsibility for educating the child. TEC § 29.005; 19 TAC § 89.1055.

When considering time-out, as part of the child's IEP and/or BIP, the ARD committee must comply with provisions regarding restraint and time-out in 19 TAC § 89.1053 and TEC Ch. 37, address any necessary documentation or data collection, and use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use. 19 TAC § 89.1053.

### ii. English Learners (ELs)

In the case of the child with limited English proficiency, the ARD committee must consider the language needs of the child as such needs relate to the child's IEP. 34 CFR §§ 300.24, 300.324. The ARD committee in conjunction with the language proficiency assessment committee (LPAC) must implement assessment procedures that differentiate between language proficiency and disabling conditions. 19 TAC §§ 89.1226, 89.1230.

If the child is identified as an EL, the ARD committee must include a professional member of the LPAC to serve on the ARD committee. 19 TAC §§ 89.1050, 89.1203.

The decision for entry into a bilingual education or English as a second language program must be determined by the ARD committee in conjunction with the LPAC and must comply with the state and districtwide assessments provisions found herein. 19 TAC § 89.1226.

The ARD committee in conjunction with the LPAC must identify a child as an EL if the child's ability in English is so limited or the child's disabilities are so severe that the English language proficiency assessment cannot be administered. 19 TAC § 89.1226.

For ELs who are also eligible for special education services, the standardized process for EL program exit is followed. 19 TAC § 89.1226. However, annual meetings to review progress and



make recommendations for program exit must be made in all instances by the ARD committee in conjunction with the LPAC.

For an EL with significant cognitive disabilities, the ARD committee in conjunction with the LPAC may determine that the state's English language proficiency assessment for exit is not appropriate because of the nature of the child's disabling condition. 19 TAC § 89.1226. In that case, the ARD committee in conjunction with the LPAC may recommend that the child take the state's alternate English language proficiency assessment and must determine an appropriate performance standard requirement for exit by language domain.

iii. Blind or Visually Impaired

In the case of the child who is blind or visually impaired, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the child's future needs for instruction in braille or the use of braille, the ARD committee must either: (1) provide for reading and writing instruction in braille and the use of braille; or (2) determine that instruction in braille or the use of braille is not appropriate. 34 CFR § 300.324.

Before placing the child with a visual impairment in a classroom setting, or within a reasonable period of time after placement, DRAW ACADEMY must provide evaluation of the impairment; and instruction in an expanded core curriculum, which is required for the child to succeed in classroom settings and derive lasting, practical benefits from the education by the charter school, including instruction in:

1. Compensatory skills, such as braille and concept development, and other skills needed to access the rest of the curriculum;
2. Orientation and mobility;
3. Social interaction skills;
4. Career planning;
5. Assistive technology, including optical devices;
6. Independent living skills;
7. Recreation and leisure enjoyment;
8. Self-determination; and
9. Sensory efficiency.

TEC § 30.002. The ARD committee must develop an IEP that provides a detailed description of the arrangements made to provide the child with an evaluation of the impairment and instruction in the expanded core curriculum required for children with visual impairments. The IEP must also set forth the plans and arrangements made for contacts with and continuing services to the child beyond regular school hours to ensure the child receives the instruction required for children with visual impairments. The IEP shall reflect that the child has been provided a detailed explanation of the various service resources available in the community and throughout the state.

In the development of the IEP for the child with a visual impairment, proficiency in reading and writing is a significant indicator of the child's satisfactory educational progress.

The IEP for a child with a visual impairment must include instruction in braille and the use of braille unless the child's ARD committee determines and documents that braille is not an appropriate literacy medium for the child. TEC § 30.002. The ARD committee's determination

must be based on an evaluation of the child's appropriate literacy media and literacy skills and the child's current and future instructional needs.

Braille instruction may be used in combination with other special education services appropriate to the child's educational needs, and must be provided by a teacher certified to teach children with visual impairments. TEC § 30.002.

Each person assisting in the development of the child's IEP must receive information describing the benefits of braille instruction. DRAW ACADEMY must provide each parent with the state-adopted form that contains written information about programs offered by state institutions. TEC § 30.004.

For a child with a visual impairment who is placed in the Texas School for the Blind and Visually Impaired, the LEA in which the child resides is responsible for assuring that a free appropriate public education is provided to the child and that all legally required meetings for the purpose of developing and reviewing the child's IEP are conducted. TEC § 30.021.

iv. Communication

The ARD committee must consider the communication needs of the child. 34 CFR § 300.324.

v. Deaf or Hard of Hearing

In the case of the child who is deaf or hard of hearing, the ARD committee must consider:

1. The child's language and communication needs;
2. The child's opportunities for direct communications with peers and professional personnel in the child's language and communication mode;
3. The child's academic level; and
4. The child's full range of needs, including opportunities for direct instruction in the child's language and communication mode.

34 CFR § 300.324. DRAW ACADEMY shall ensure that the child who is deaf or hard of hearing has an education in which the child's unique communication mode is respected, used, and developed to an appropriate level of proficiency. TEC § 29.303.

DRAW ACADEMY shall provide each parent with the state-adopted form that contains written information about programs offered by state institutions. TEC § 30.004.

vi. Assistive Technology

The ARD committee must consider whether the child needs assistive technology devices and services. 34 CFR § 300.324. The term assistive technology device (ATD) is any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of the child with a disability. 34 CFR § 300.5. The term ATD does not include a medical device that is surgically implanted, or the replacement of such device.

The term assistive technology service means any service that directly assists the child with a disability in the selection, acquisition, or use of an ATD, and includes:

1. The evaluation of the needs of the child, including a functional evaluation of the child in the child's customary environment;
2. Purchasing, leasing, or otherwise providing for the acquisition of ATDs by the child;
3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing ATDs;
4. Coordinating and using other therapies, interventions, or services with ATDs, such as those associated with existing education and rehabilitation plans and programs;
5. Training or technical assistance for the child or, where appropriate, the family of the child; and
6. Training or technical assistance for professionals, including individuals providing education and rehabilitation services, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of the child.

34 CFR § 300.6.

vii. Autism

In the case of the child with autism, the strategies below must be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable, and when needed, addressed in the IEP:

1. **Extended educational programming** (for example: extended day and/or extended school year services that consider the duration of programs/settings based on assessment of behavior, social skills, communication, academics, and self-help skills);
2. **Daily schedules** reflecting minimal unstructured time and active engagement in learning activities (for example: lunch, snack, and recess periods that provide flexibility within routines; adapt to individual skill levels; and assist with schedule changes, such as changes involving substitute teachers and pep rallies);
3. **In-home and community-based training** or viable alternatives that assist the child with acquisition of social/behavioral skills (for example: strategies that facilitate maintenance and generalization of such skills from home to school, school to home, home to community, and school to community);
4. **Positive behavior support strategies** based on relevant information (for example: antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and a BIP developed from a functional behavioral assessment that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings);
5. Beginning at any age, consistent with requirements for transition services, **futures planning** for integrated living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments;

6. **Parent/family training and support**, provided by qualified personnel with experience in autism spectrum disorders that, for example: provides a family with skills necessary for the child to succeed in the home/community setting; includes information regarding resources; and facilitates parental carryover of in-home training;
7. **Suitable staff-to-child ratio** appropriate to identified activities and as needed to achieve social/behavioral progress based on the child's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence as determined by, for example: adaptive behavior evaluation results; behavioral accommodation needs across settings; and transitions within the school day;
8. **Communication interventions**, including language forms and functions that enhance effective communication across settings (for example: augmentative, incidental, and naturalistic teaching);
9. **Social skills support and strategies** based on social skills assessment/curriculum and provided across settings (for example: trained peer facilitators [e.g., circle of friends], video modeling, social stories, and role playing);
10. **Professional educator/staff support** (for example: training provided to personnel who work with the child to assure the correct implementation of techniques and strategies described in the IEP); and
11. **Teaching strategies** based on peer-reviewed, research-based practices for children with autism spectrum disorder (for example: those associated with discrete-trial training; visual supports, applied behavior analysis, structured learning, augmentative communication, or social skills training).

34 CFR § 300.320; 19 TAC § 89.1055. If the ARD committee determines that services are not needed in one or more of the areas specified above, the ARD committee must include a statement in the IEP to that effect and the basis upon which the determination was made. 19 TAC § 89.1055.

#### *10. Supplementary Aids and Services, Special Education and Related Services*

Supplementary aids and services, special education, and related services must be based on peer-reviewed research to the extent practicable. 34 CFR § 300.320.

The ARD committee must determine needed supplementary aids and services to be provided to the child, or on behalf of the child. 34 CFR § 300.320; 19 TAC § 89.1050. The term supplementary aids and services means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable the child with a disability to be educated with nondisabled children to the maximum extent appropriate. 34 CFR § 300.42.

The ARD committee must determine needed special education services. 34 CFR § 300.320; 19 TAC § 89.1050. The term special education means specially-designed instruction, at no cost to parents, to meet the unique needs of the child with a disability. 34 CFR § 300.39.

The ARD committee must determine needed related services. 34 CFR § 300.320; 19 TAC § 89.1050. The term related services means transportation, and such developmental, corrective, and other supportive services as may be required to assist the child with a disability to benefit from special education. 34 CFR § 300.34.

A child is eligible to receive audiology services provided under the school health and related services program of the Health and Human Services Commission, as set forth in TEC § 38.033.

If the student has been placed in a residential setting by the ARD committee, the home school district will be responsible for transportation at the beginning and end of the term and for regularly scheduled holidays when the children are expected to leave the residential campus. 19 TAC § 89.1090. When the ARD committee determines it is necessary for the safety of the child to be accompanied by an adult designated by the ARD committee, round-trip transportation for that adult must also be provided. 19 TAC § 89.1090.

i. Program Modifications and Supports for School Personnel

The ARD committee must determine needed program modifications or supports for school personnel that will be provided to the child to enable the child to:

1. Advance appropriately toward attaining the annual goals;
2. Be involved in and make progress in the general education curriculum, and be afforded an equal opportunity to participate in extracurricular and other nonacademic activities including, to the maximum extent appropriate, in nonacademic settings and services; and
3. Be educated and participate with other children with disabilities and nondisabled children.

34 CFR §§ 300.107, 300.117, 300.320; 19 TAC § 89.1050. A determination that the child is unable to complete the requirement to receive instruction in cardiopulmonary resuscitation is made by the ARD committee. TEC § 28.0023; 19 TAC § 74.38.

ii. Training to Implement the IEP

DRAW ACADEMY is required to provide training to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the IEP developed for the child receiving instruction from the educator. TEC § 21.451. DRAW ACADEMY will determine the time and place at which the training is delivered.

DRAW ACADEMY must include training that is evidence-based, relates to instruction of children with disabilities, including students with disabilities who also have other intellectual or mental health conditions, and is designed for educators who work primarily outside the area of special education. TEC § 21.451.

In developing or maintaining the training, DRAW ACADEMY must consult with persons with expertise in research-based practices for children with disabilities. TEC § 21.451.

iii. Intensive Program of Instruction

For a child who did not perform satisfactorily on a state assessment or who is likely not to receive a high school diploma before the fifth school year following the child's enrollment in grade 9, the ARD committee must design the intensive program of instruction to enable the child to attain a standard of annual growth on the basis of the child's IEP and if applicable, to carry out the purposes of the Student Success Initiative. TEC §§ 28.0213, 39.023.

iv. Accelerated Reading Instruction

For the child in kindergarten or grades 1 or 2 who did not perform satisfactorily on a reading instrument selected from the list adopted by the commissioner of education or by the district-level committee, the ARD committee must determine the manner in which the child will participate in an accelerated reading instruction program. TEC § 28.006; 19 TAC § 89.1050.

v. Initiation, Frequency, and Duration of Services

The ARD committee must determine and include in the child's IEP (1) the projected date for the beginning of the services and modifications; (2) the anticipated frequency of those services and modifications; and (3) the anticipated duration of those services and modifications. 34 CFR § 300.320.

The ARD committee must determine the appropriate length of school day and specify the length of school day in the IEP. 19 TAC § 89.1075. Children with disabilities must have available an instructional day commensurate with that of children without disabilities. 19 TAC § 89.1075.

vi. Location

The ARD committee must determine and include in the IEP the anticipated location of the services and modifications. 34 CFR § 300.320; 19 TAC § 89.1050.

*11. Placement*

i. Least Restrictive Environment (LRE)

DRAW ACADEMY shall ensure that to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled. 34 CFR § 300.114. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment will occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. 34 CFR § 300.114.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, DRAW ACADEMY shall ensure that each child with a disability participates with

nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of the child. 34 CFR § 300.117.

ii. Continuum of Placements

DRAW ACADEMY shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum must: (1) include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions; and (2) make provision for supplementary services such as resource room or itinerant instruction, to be provided in conjunction with regular placement. 34 CFR § 300.115.

iii. Placement Decisions

In determining the educational placement of a child with a disability, including a preschool child with a disability, DRAW ACADEMY shall ensure that the placement decision is made by the ARD committee, including the parents and in conformity with LRE provisions. 34 CFR § 300.116; 19 TAC § 89.1050.

DRAW ACADEMY shall also ensure that the student's placement is determined at least annually, is based on the child's IEP, and is as close as possible to the child's home. 34 CFR § 300.116. Unless the IEP of a child with a disability requires some other arrangement, the child shall be educated in the school that he or she would attend if nondisabled.

The IEP must include an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities. 34 CFR § 300.320. The ARD committee must determine the appropriate instructional setting for the child and specify the instructional setting in the IEP. 19 TAC § 89.1075.

iv. Preschool-Aged Children

DRAW ACADEMY must comply with the legal requirements for children ages 0–5 found in 20 USC 1436, 34 CFR Parts 300 and 303, Texas Education Code, Texas Government Code, and 19 TAC Chapter 89. LEAs must provide a FAPE in the LRE to preschool-aged children even if the LEA does not provide free preschool programs to all preschool-aged children.

v. Regional Day School Program for the Deaf

LEAs must have access to regional day school programs for the deaf and the child must be eligible for consideration for the Regional Day School Program for the Deaf, subject to the ARD committee recommendations, if the child has a hearing impairment which (1) severely impairs processing linguistic information through hearing, even with recommended amplification; and (2) adversely affects educational performance. 19 TAC § 89.1080.

*12. Placement in a Residential Facility*

DRAW ACADEMY may contract with a residential facility to provide some or all of the special education services listed in the contracted child's IEP. 19 TAC § 89.61.

When the ARD committee determines that a residential placement is necessary in order for the child to receive a free appropriate public education, the ARD committee must:

1. List the services in the child's IEP which the charter school is unable to provide and which the facility will provide;
2. Establish, in writing, criteria and estimated timelines for the child's return to the charter school;
3. Document in the child's IEP the appropriateness of the facility for the individual child; and
4. Verify during the initial residential placement ARD committee meeting and each annual ARD committee meeting that the facility meets minimum standards for health and safety, the residential placement is needed and is documented in the IEP, and the educational program provided at the residential facility is appropriate and the placement is the least restrictive environment for the child.

19 TAC § 89.61.

- i. Texas School for the Blind And Visually Impaired (TSBVI) and Texas School for the Deaf (TSD)

When placing the child at the TSBVI or the TSD, the ARD committee must include in the child's IEP those services which the TSBVI or the TSD can appropriately provide and the criteria and estimated timelines for returning the child to the charter school. 19 TAC § 89.1085.

When placing the child at the TSBVI or the TSD, DRAW ACADEMY may make an on-site visit to verify that the TSBVI or the TSD can and will offer the services listed in the child's IEP and to ensure that the school offers an appropriate educational program for the child.

DRAW ACADEMY may contract for an in-state residential placement of the child only with public or private residential facilities which maintain current and valid licensure for the disabling condition and age of the child. 19 TAC § 89.61.

DRAW ACADEMY may contract for an out-of-state residential placement in accordance with this legal framework. 19 TAC § 89.61. If DRAW ACADEMY contracts for an out-of-state residential placement, it must do so in accordance with the rules for in-state residential placement, except that the facility must be approved by the appropriate agency in the state in which the facility is located, rather than by the commissioner of education in Texas.

When making a residential placement, DRAW ACADEMY must comply with the all law governing the use of funds for contract services, including residential placements. 19 TAC § 89.61. DRAW ACADEMY must also make an initial and an annual on-site visit to verify that the residential facility can, and will, provide the services listed in the child's IEP which the facility has agreed to provide to the child.

- ii. Residential Application Process



If the facility provides any educational services listed in the child's IEP, the facility's education program must be approved by the commissioner of education. 19 TAC § 89.61.

DRAW ACADEMY must notify the TEA of its intent to contract for the residential placement through the residential application process. DRAW ACADEMY must comply with the all law governing the use of funds for contract services, including residential placements.

Requests for approval of state and federal funding for residentially-placed children must be negotiated on an individual basis through a residential application submitted by the charter school to the TEA. 19 TAC § 89.61. A residential application may be submitted for educational purposes only.

The residential application will not be approved if the application indicates that the:

1. Placement is due primarily to the child's medical problems;
2. Placement is due primarily to problems in the child's home;
3. The LEA does not have a plan, including timelines and criteria, for the child's return to the local school program;
4. The LEA did not attempt to implement lesser restrictive placements prior to residential placement, except in emergency situations as documented by the child's ARD committee;
5. Placement is not cost effective when compared with other alternative placements; and/or
6. Residential facility provides unfundable/unapprovable services.

19 TAC § 89.61.

### iii. Residential Approval Process

Residential facilities which provide educational services must have their educational programs approved for contracting purposes by the commissioner of education. 19 TAC § 89.61. If the education program of a residential facility which is not approved by the commissioner of education is being considered for a residential placement by the charter school, the charter school should notify the TEA in writing of its intent to place the child at the facility.

The TEA will begin approval procedures and conduct an on-site visit to the facility within 30 calendar days after the TEA has been notified by the charter school. 19 TAC § 89.61. Approval of the education program of a residential facility may be for one, two, or three years.

The commissioner of education will renew approvals and issue new approvals only for those facilities which have contract children already placed or which have a pending request for residential placement from the charter school. 19 TAC § 89.61.

The approval does not apply to residential facilities which only provide related services or residential facilities in which the accredited LEA where the facility is located provides the educational program. 19 TAC § 89.61.

### iv. Reporting and Responsibility

When the child who is residentially placed by the charter school changes residence to another Texas LEA, and the child continues in the contracted placement, the LEA which negotiated the

contract must be responsible for the residential contract for the remainder of the school year. 19 TAC § 89.61.

An approved facility, institution, or agency with whom the charter school contracts must periodically report to the charter school on the services the child has received or will receive in accordance with the contract as well as diagnostic or other evaluative information that the charter school requires in order to fulfill its obligations under the IDEA. TEC § 29.008.

### *13. State and Districtwide Assessments*

#### *i. Participation in State and Districtwide Assessments*

All children with disabilities are included in all general state and districtwide assessment programs, including assessments described under the Elementary and Secondary Education Act, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective IEPs. 34 CFR § 300.160.

#### *ii. Accommodation Guidelines*

The TEA, or in the case of a districtwide assessment, the charter school, will develop guidelines for the provision of appropriate accommodations. 34 CFR § 300.160. The TEA's, or charter school's, guidelines will identify only those accommodations for each assessment that do not invalidate the score and instruct the ARD committee select, for each assessment, only those accommodations that do not invalidate the score.

#### *iii. Alternate Assessments*

If the TEA has adopted alternate academic achievement standards for children with the most significant cognitive disabilities as permitted by the Every Student Succeeds Act (ESSA), the TEA or, in the case of a districtwide assessment, an LEA, will develop and implement alternate assessments and guidelines for the participation of those children with disabilities who cannot participate in general assessments, even with accommodations, as indicated in their respective IEPs. 34 CFR § 300.160; TEC § 39.023.

Alternate assessments and guidelines will: (1) be aligned with the challenging state academic content standards and alternate academic achievement standards under the ESSA; and (2) measure the achievement of children with disabilities who are students with the most significant cognitive disabilities against those standards. 34 CFR § 300.160.

iv. IEP Documentation

The ARD committee will include a statement in the child's IEP of the individualized appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the child on any state or districtwide assessment. 34 CFR § 300.320; TEC § 39.023; 19 TAC §§ 89.1055, 191.3013.

If the ARD committee determines that the child will take an alternate assessment on a particular state or districtwide assessment, the IEP will include a statement of why: (1) the child cannot participate in the general assessment; and (2) the particular alternate assessment selected is appropriate for the child. 34 CFR § 300.320; 19 TAC § 89.1055.

For the English Learner (EL), the ARD committee in conjunction with the LPAC will: (1) select the appropriate assessments; (2) document the decisions and justifications in the child's IEP; and (3) determine and document any allowable testing accommodations. 19 TAC § 101.1005.

v. Annual Assessment of English Language Proficiency

DRAW ACADEMY will annually administer state-identified English language proficiency assessments to the child with limited English proficiency who is in kindergarten through grade 12 in the areas of listening, speaking, reading, and writing. 19 TAC §§ 89.1203, 101.1003.

In rare cases, the ARD committee in conjunction with the LPAC may determine that it is not appropriate for an EL who receives special education services to participate in an English language proficiency assessment for reasons associated with the child's particular disability. 19 TAC § 101.1003.

If the ARD committee and the LPAC determine that it is not appropriate for the child to participate in an English language proficiency assessment for reasons associated with the child's particular disability, the ARD committee will document the decisions and justifications in the child's IEP. 19 TAC § 101.1003. For the EL who receives special education services, the ARD committee in conjunction with the LPAC will determine the need for allowable testing accommodations.

*14. Extended School Year Services.*

Extended school year (ESY) services means special education and related services that are provided to the child with a disability beyond the normal school year, in accordance with the child's IEP, and at no cost to the parents of the child. ESY services must meet the standards of the TEA. 34 CFR § 300.106. DRAW ACADEMY must ensure that ESY services are available as necessary to provide a FAPE.

The provision of ESY services is limited to the educational needs of the child and must not supplant or limit the responsibility of other public agencies to continue to provide care and treatment services pursuant to policy or practice, even when those services are similar to, or the same as, the services addressed in the child's IEP. 19 TAC § 89.1065. However, no child will be denied ESY services because the child receives care and treatment services under the auspices of other agencies.

In determining the need for and in providing ESY services, DRAW ACADEMY will not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services. 34 CFR § 300.106; 19 TAC § 89.1065.

i. Determination of Need

DRAW ACADEMY will only provide ESY services if the child's ARD committee determines, on an individual basis, that the services are necessary for the provision of FAPE. 34 CFR § 300.106; 19 TAC § 89.1065. If the charter school does not propose ESY services for discussion at the annual review of the child's IEP, the parent may request that the ARD committee discuss ESY services. 19 TAC § 89.1065.

If the child for whom ESY services were considered and rejected loses critical skills because of the decision not to provide ESY services, and if those skills are not regained after the reasonable period of time for recoupment, the ARD committee must reconsider the current IEP if the child's loss of critical skills interferes with the implementation of the child's IEP. 19 TAC § 89.1065.

The ARD committee must determine the need for ESY services from formal and/or informal evaluations provided by the charter school or the parents. 19 TAC § 89.1065. For a child enrolling in the charter school during the school year, ARD committee may consider information obtained from the prior school as well as information collected during the current year to determine the need for ESY services.

ii. Regression-Recoupment Analysis

The ARD committee must identify the critical areas addressed in the current IEP goals and objectives, if any, in which the child has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be recouped within a reasonable period of time. 19 TAC § 89.1065.

Severe or substantial regression means that the child has been, or will be, unable to maintain one or more acquired critical skills in the absence of ESY services. A skill is critical when the loss of that skill results, or is reasonably expected to result, in any of the following occurrences during the first eight weeks of the next regular school year:

1. Placement in a more restrictive instructional arrangement;
2. Significant loss of acquired skills necessary for the child to appropriately progress in the general curriculum;
3. Significant loss of self-sufficiency in self-help skill areas as evidenced by an increase in the number of direct service staff and/or amount of time required to provide special education or related services;
4. Loss of access to community-based independent living skills instruction or an independent living environment provided by noneducational sources as a result of regression in skills;  
or
5. Loss of access to on-the-job training or productive employment as a result of regression in skills.

19 TAC § 89.1065. The reasonable period of time for recoupment of acquired skills must be determined on the basis of needs identified in the child's IEP. If the loss of acquired critical skills would be particularly severe or substantial, or if such loss results, or reasonably may be expected to result, in immediate physical harm to the child or to others, ESY services may be justified without consideration of the period of time for recoupment of such skills. In any case, the period of time for recoupment must not exceed eight weeks.

iii. Documentation in the IEP

If the ARD committee determines that the child is in need of ESY services, then the IEP must identify which of the goals and objectives in the current IEP will be addressed during ESY services. 19 TAC § 89.1055.

**B. Local Procedures**

DRAW ACADEMY has adopted Local Procedures to implement its duty to provide students a FAPE. DRAW ACADEMY incorporates by reference the following Local Procedures:

1. *ARD Committee Membership*
2. *Parent Participation*
3. *ARD Committee Meeting*
4. *Amendment Without a Meeting*
5. *FAPE Composite*
6. *Transition Composite*
7. *Least Restrictive Environment Composite*

These Local Procedures identify staff responsible, applicable timelines, and evidence of practice. DRAW ACADEMY shall maintain sufficient records regarding FAPE activities.

**Admission, Review, and Dismissal Committee Membership**

ARD committees must include the following:

- the parents of the student;
- at least one regular education teacher of the student;
- the special education teacher of the student;
- a representative of the school district who:
  - is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
  - is knowledgeable about the general education curriculum; and
  - is knowledgeable about the availability of resources of the school district;
- an individual who can interpret the instructional implications of evaluation results, who may be a member of the committee;
- at the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate;
- whenever appropriate, the student with the disability;

- a professional staff member who is on the language proficiency assessment committee who may be a member of the committee if the student is identified as an English language learner.

The special education provider that participates in the ARD committee meeting must be appropriately certified or licensed as required.

If the student is:

- a student with a suspected or documented visual impairment, the ARD committee must include a teacher who is certified in the education of students with visual impairments;
- a student with a suspected or documented auditory impairment, the ARD committee must include a teacher who is certified in the education of students with auditory impairments;
- or
- a student with suspected or documented deaf-blindness, the ARD committee must include a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students with auditory impairments.

### **Parent Participation**

- DRAW Academy has a distinct responsibility to ensure parent participation. DRAW Academy Special Ed. Coordinator will make multiple attempts to ensure parent participation which includes an option to participate by phone.
- DRAW Academy staff will make phone contact with the parent attempting to schedule a meeting at a mutually agreeable time and place. If the parent's request for a specific time is reasonable, it will be honored. A written notice will be sent at least 5 days before the scheduled ARD.
- If the parent responds to the notice indicating that he/she plans to attend but fails to appear, the ARD committee meeting will be rescheduled once. If the parent fails to appear at the rescheduled time, the meeting may be held without the parent and the ARD/IEP committee report will be sent to the parent.
- The parent may request an ARD committee meeting at any time. The campus should accommodate the parent's request for an ARD within a reasonable amount of time, and at a mutually agreeable time and place.
- If the parent speaks a language other than English, every effort will be made to communicate in the parent's native language.
- The ARD committee should include a district lawyer, unless otherwise determined by the Executive Director.

### **Admission, Review, and Dismissal Committee Meeting**

#### Guidelines for ARD/IEP Meetings

- ARD/IEP meetings are to be conducted in a professional manner and begin with the statement of confidentiality.
- ARD/IEP meetings should be conducted efficiently. ARD meetings are scheduled within the timeframe of the school day and not to exceed 2 hours, unless otherwise mutually agreed upon.
- ARD/IEP meetings will have a clear agenda.
- A copy of the draft IEP, particularly the PLAAFP and goals, will be sent to parents five days prior to the ARD.
- The campus staff will determine if there is a need for a staffing prior to the ARD. The purpose of the staffing is to review any new assessments, the PLAAFP, proposed goals and objectives and discuss proposals for schedule of services, state assessment, transition, appropriate ARD supplements and any other items relevant to the student.
- Parents are also able to request a parent meeting prior to the ARD.
- Parents have a right to bring advocates to ARD/IEP meetings. All participants are expected to exhibit professional conduct during the meeting. Rudeness and abusive language cannot be tolerated, and such behavior can be cause for discontinuing the meeting. When the parent notifies the staff that they are bringing an advocate to the meetings, the Special Ed. Coordinator should be notified.

If parents bring a lawyer:

The ARD committee should include a district lawyer, unless otherwise determined by the Executive Director.

The ARD/IEP Committee:

The ARD/IEP Committee includes the following participants (general composition):

- A representative from the school district who is qualified to supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, who is knowledgeable about the general education curriculum, and who is knowledgeable about the availability of resources in the school district.
- The student's current special education teacher or special education provider who must be appropriately certified or licensed.
- The appropriate general education teacher(s) who is responsible for implementing a portion of the student's IEP for those students who are receiving, or who are expected to receive instruction in general education.
- The student's parents
- Other professional certified specialists as required
  - Speech therapist when students with speech impairments are being considered.
- An individual who can interpret the instructional implications of evaluation results such as:
  - A professional certified in the education of students with auditory impairments when students with auditory impairments are being considered.
  - A professional certified in the education of the visually impaired when students with visual impairments are being considered.
  - The appropriate related services personnel

- (occupational and physical therapists).
- A professional representing the Language Proficiency Advisory Committee (LPAC) when a student with disabilities and limited English proficiency is being considered.

Duties of the ARD/IEP Committee:

The ARD/IEP Committee makes decisions concerning the educational program for students who are eligible to receive special education services, appropriate to their individual needs.

Among other responsibilities, the ARD/IEP Committee performs the following functions:

- Reviews data from the student's assessment
- Establishes eligibility for special education services
- Develops and reviews the IEP and the Functional Behavior Assessment/Behavior Intervention Plan (FBA/BIP)
- Completes the transition information section of the ARD/IEP Committee Report document
- Provides an audio-taped copy of the student's ARD/IEP committee meeting in the parent's native language, if the parent does not speak and understand English and provides an interpreter in the parent's native language
- Provides for educational placement in the least restrictive environment appropriate to meet the needs of the student
- Makes decisions regarding promotion or retention of students with disabilities receiving special education services
- Makes decisions about student participation in local and state assessments

**ARD Facilitator**

- Determines an annual ARD calendar to ensure each student receives an annual ARD within timelines
- Determines the appropriate members of the ARD committee for the unique circumstances of each student
- In cooperation with the campus administrator, facilitates the ARD meeting by ensuring all required elements of the ARD Agenda are followed
- Coordinates scheduling of ARD/IEP committee meetings at a time mutually acceptable to the parent/adult student and other members.
- Provides the parent/adult student with written notice of ARD/IEP committee meetings at least 5 school days prior to the meeting
- Ensures the Notice of Procedural Safeguards Booklet is provided to parent/adult student or guardian with the Notice of ARD/IEP committee meeting for an initial or evaluation ARD/IEP committee meeting and at least annually thereafter
- Records the Notice of the ARD/IEP committee meeting and Notice of Procedural Safeguards booklet on the IEP/ARD documentation.
- For Initial ARD/IEP committee meetings, records the receipt of A Guide to the ARD process
- Ensure that the Action plan is created.



#### Campus Administrator

- Ensures all required members of the ARD committee are present
- Verify that all IEPs are documented
  - Discuss data collection plan
  - Discuss progress reporting expectations
- Facilitate resolution of problematic ARD/IEP committee meetings
- Ensure all issues are followed up

#### Special Education Teacher, Speech Pathologist or Related Service Provider

- Provide a draft copy of IEPs to parents five calendar days in advance of the ARD
- Update PLAAFPs based on student's current performance
- Update accommodations for classroom and STAAR
- Provide updated progress report for current IEP goals and objectives to parents and ARD committee members
- If a REED is being conducted, all REED documents must be available (PLAAFPs, Parent Sociological, Vision/Hearing, and Classroom Observation form)
- Autism and Behavior Intervention Plan supplements must be updated as per student need

#### General Education Teacher

- Provide PLAAFPs to the committee five days prior to the annual ARD
- Inform ARD committee of any academic or behavior concerns not addressed in the current IEP five days before the ARD meeting

#### **Amendment Without a Meeting**

- The request to amend may be initiated by a DRAW Academy representative or the parent. In either case, no amendment to the IEP may be made without a meeting unless the parent provides written consent to the amendment.
- Before an IEP can be amended without an IEP team meeting, the IEP team must clearly and specifically describe all proposed changes on the PWN. The Amend IEP form should be sent home in the language that is understandable to the parent. Additionally, the special ed. coordinator must discuss with the parent all changes that are being considered to ensure that the parent understands the proposed changes in full.
- If the parent does not understand the proposed changes, does not agree to the proposed changes, or does not respond to the request to make the changes, the changes cannot be made without an IEP team meeting. If the parent agrees to the changes and returns the signed Waiver of IEP Meeting to Amend IEP, the team may make the changes to the IEP. An amendment to the IEP without a meeting does not change the date of the next annual review.

## **Transition Services**

- Transition is part of the IEP process and will be discussed annually beginning before their 14<sup>th</sup> birthday or 8<sup>th</sup> grade, whichever comes first. For students with autism, the transition plan occurs at age 12 or younger, but no later than age 12. At that time, parents, students, and DRAW Academy school staff will start planning for life after high school. The ARD committee will make informed decisions about the student's future and document them in the IEP.
- Plans are individually designed, based on the student's interests, strengths, and preferences. Students are encouraged and coached to advocate for themselves in the transition meeting, the IEP process and in future environments.
- Transition plans are intended to provide students with disabilities opportunities to choose goals, objectives and activities that prepare them for their future.

For all transition students, the IEP must include:

- Appropriate measurable postsecondary goals based on age-appropriate transition assessment.
- Initial transition services begin no later than before their 14<sup>th</sup> birthday or 8<sup>th</sup> grade, whichever comes first.
- Completed age appropriate vocational assessments
- Identified student strengths and weaknesses.
- IEP goals that facilitate movement toward postsecondary goals.
- Student preferences are taken into consideration in the development of goals and objectives
- Transition services in the form of coordinated activities including instruction, related services, community experiences, development of employment.
- A Transition Supplement

## **Least Restrictive Environment**

### Least Restrictive Environment

Least restrictive environment (LRE) is determined by a student's IEP team and is based on the defining principles of special education law and the presumption that the general education environment with non-disabled peers is the first choice for educating all individuals with disabilities. The removal from the general education environment only occurs if the nature or severity of the disability is such that education in the general education classes with the use of supplementary aides and services cannot be achieved satisfactorily.

- The admission, review, and dismissal (ARD) committee are responsible for identifying the student's needs and the appropriate placement in which these needs can be met. Placement decisions should begin with the least restrictive environment, the general education classroom with or without supplementary aides and services. All possible placement alternatives should be considered to ensure that services are delivered in the LRE. A student can be placed in a more restrictive environment only when the ARD committee concludes that education in the less restrictive setting, even with appropriate supports and

services, cannot be achieved satisfactorily. Placement is reviewed each year at a minimum. General education should be the first consideration on an annual basis.

- DRAW Academy must ensure that a continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services. Federal regulations require this continuum to include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. Additionally, DRAW Academy must make provisions for supplementary aids and services, such as resource room or itinerant instruction, to be provided in conjunction with regular class placement.
- A student with a disability must not be removed from education in age-appropriate general education classrooms solely because of needed modifications in the general education curriculum.
- The placement decision is made after the IEP is established. If the ARD committee determines the student will not participate in the general education classroom and/or curriculum, an explanation as to why that decision was made must be included. The evidence of discussion of the LRE must be documented clearly through ARD/IEP forms and deliberations/minutes.

Consideration should be given to any potential harmful effects on the student or quality of services that he/she needs when placement is determined. Consideration should be given to both of the following criteria:

- any potential harmful effects on the student with disabilities if the student is removed from general education classes; and
- any potential harmful effects on the quality of services provided to the student with disabilities if the student is removed from general education classes.

Consideration of potential harmful effects could be documented in a variety of ways, including documentation of potential harmful effects included in a checklist, narrative, or other evidence that describes one of the situations above. A statement that “the ARD committee reviewed potential harmful effects” is not sufficient documentation unless the ARD committee has described the specific potential harmful effects that were discussed.

If a student fails to make the expected progress in the general education curriculum and/or on his/her IEP goals, the ARD committee may need to consider revising the student’s IEP. However, failing a class and/or failing in an instructional setting in and of itself cannot be the sole determinant factor in changing a student’s instructional setting.

#### Placement in a Residential Facility

DRAW Academy may contract with a residential facility to provide some or all special education services listed in the contracted student's individualized education program (IEP).

If the facility provides any educational services listed in the student's IEP, the facility's education program must be approved by the commissioner of education in accordance the state.

DRAW Academy may contract for residential placement of a student when the student's admission, review, and dismissal (ARD) committee determine that a residential placement is necessary for the student to receive a free appropriate public education (FAPE).

DRAW Academy may contract a residential placement of a student only with public residential facilities which maintain current and valid licensure by the Texas Department of Aging and Disability Services, Texas Department of Family and Protective Services, or Department of State Health Services for the particular disabling condition and age of the student.

### **C. Resources**

DRAW ACADEMY incorporates by reference the following resources regarding FAPE to assist it with complying with federal, state, and local requirements.

#### ARD meetings and IEP Development

- [The Legal Framework for the Child-Centered Process: Glossary of Terms \(Region 18 ESC\)](#)
- [IEP Model Form \(TEA\)](#)
- [Model Form: Individualized Education Program \(OSEP\)](#)
- [OSERS Questions and Answers on Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(September 2011\)](#)
- [Guidance on ARD Guide Production and Required Dissemination \(TEA\)](#)
- [Parent's Guide to the Admission, Review, and Dismissal Process April 2016 \(Region 18 ESC\)](#)
- [Individualized Education Program Facilitation \(TEA\)](#)
- [Texas Behavior Support \(TBS\) \(Region 4 ESC\)](#)
- [Positive Behavioral Interventions & Supports \(PBIS\) \(OSEP Technical Assistance Center\)](#)
- [Guidance Related to ARD Committee and LPAC Collaboration \(TEA\)](#)
- [Process for Considering Special Exit Criteria from Bilingual/English as a Second Language \(ESL\) Services \(TEA\)](#)
- [Texas School for the Blind and Visually Impaired \(TSBVI\)](#)
- [Programs and Administrative-Information and Resources \(TSBVI\)](#)
- [American Printing House for the Blind, Inc. \(APH-Nonprofit\)](#)
- [Sensory Impairments \(TEA\)](#)
- [Texas School for the Deaf \(TSD\)](#)
- [Educational Resource Center on Deafness \(ERCOD\) \(TSD\)](#)
- [Assistive Technology \(TEA\)](#)
- [Texas Assistive Technology Network \(TATN\) \(Region 4 ESC\)](#)
- [Texas State Leadership for Autism Training \(TSLAT\) \(Region 13 ESC\)](#)

#### Transition Services

- [Secondary Transition Guidance \(TEA\)](#)
- [Texas Transition - A Bridge to the Future \(Region 11 ESC\)](#)
- [General Information – SPP Indicator 13 \(TEA\)](#)
- [Transition of Students with Disabilities to Postsecondary Education: A Guide for High School Educators \(OCR\)](#)
- [NTACT: National Technical Assistance Center on Transition \(Funded by USDE\)](#)

#### Present Levels, Annual Goals, Special Education and Related Services

- [IEP Goal Development in Texas-Online Training \(Region 20 ESC\)](#)
- [Standards-Based Individualized Education Program Guidance \(TEA\)](#)
- [Texas Essential Knowledge and Skills \(TEKS\) \(TEA\)](#)
- [A Seven-Step Process to Creating Standards-Based IEPs \(OSEP\)](#)
- [Standards-Based IEP: Implementation Update \(NASDSE\)](#)
- [Standards-Based IEP Examples \(NASDSE\)](#)
- [IEP Annual Goal Development Question & Answer Document \(TEA & PGC Network\)](#)
- [Scientifically Based Research \(Region 10 ESC\)](#)
- [Response to Intervention \(RtI\) Resources \(Region 10 ESC\)](#)
- [Progress in the General Curriculum \(PGC\) Network \(Region 20 ESC\)](#)
- [Accelerated Instruction and Intensive Programs of Instruction for Students in Special Education Programs \(TEA\)](#)
- [Student Success Initiative \(TEA\)](#)
- [Related Services for Students with Disabilities–Questions and Answers \(TEA\)](#)
- [National Center on Intensive Intervention \(OSEP Technical Assistance Center\)](#)
- [Center for Parent Information and Resources \(OSEP Technical Assistance Center\)](#)
- [National Center on Accessible Educational Materials \(OSEP Technical Assistance Center\)](#)

#### Least Restrictive Environment

- [PGC Network: Least Restrictive Environment \(Region 20 ESC\)](#)

#### Residential Placement

- [Nonpublic Day and Residential Placement Notification and Application \(TEA\)](#)

#### Assessment

- [Assessments for Students with Disabilities \(TEA\)](#)
- [Accommodation Resources \(TEA\)](#)
- [Guidance Related to ARD Committee and LPAC Collaboration \(TEA\)](#)
- [STAAR Alternate 2 Resources \(TEA\)](#)

#### Extended School Year

- [Extended School Year Services for Students with Disabilities \(TEA\)](#)