

**Texans Can! Shared Service Arrangement
Austin Can!, Dallas Can!, Fort Worth Can!,
Houston Can! & San Antonio Can!**

SPECIAL EDUCATION POLICIES

Board Adopted November 2004

Topics

ARD Meeting

Content Mastery Usage

Homebound

ARD MEETING

Authority: 34 C.F.R. Part 300; Texas Education Code (TEC); 19 T.A.C. Chapter 89

Texans Can! Shared Service Arrangement procedures for implementing the IEP requirements are consistent with School Board policy and are as follows:

G. Least Restrictive Environment

In determining the Least Restrictive Environment, the district will describe previous efforts, if any, to educate the student in a general education classroom (including a description of supplementary aids and services), a description of why the efforts failed, the educational benefit the student will receive from general education (including non-academic benefit), the effects the student's presence has on the general education classroom, and the student's needs that can and cannot be met in the general education classroom. The ARD committee will provide an explanation of the extent, if any, to which the student will not participate with non-disabled students in the general education class. Consideration will also be given to any potential harmful effects on the student with disabilities or on the quality of services that he or she needs.

Consideration of Instructional Setting

The ARD/IEP committee ensures that each Special Education student shall be offered an instructional arrangement that is:

1. in the general education environment with students without disabilities to the maximum extent appropriate to his or her needs, unless it can be demonstrated by the school that the nature or severity of the student's disability is such that his or her education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily, and
2. in the school in which he or she would attend if not disabled, unless implementation of the IEP requires a different instructional arrangement. If another instructional arrangement is required, the student is placed in the appropriate educational program that is as close to the student's home as is reasonably possible.

These placement provisions also apply to Special Education students in public or private institutions or other care facilities.

Continuum of Instructional Settings – The ARD/IEP committee will consider and determine the appropriate instructional arrangement/setting based on the individual needs and Individualized Education Program (IEP) of eligible students receiving Special Education services. Instructional arrangements shall include the following:

1. Mainstream - an instructional arrangement/setting for providing Special Education and related services to a student in the general classroom in accordance with the student's IEP. Qualified Special Education personnel must be involved in the implementation of the student's IEP through the provision of direct, indirect and/or support services to the student, and/or the student's general classroom teacher(s) necessary to enrich the general education classroom and enable the student to progress.
2. Resource – an instructional arrangement/setting for providing Special Education and related services to a student in a setting other than general education for less than 50% of the school day.
3. Self-Contained (mild, moderate or severe) – an instructional arrangement/setting for providing Special Education and related services to a student who is in the self-contained

program for 50% or more of the school day on a regular school campus.

4. Homebound - an instructional arrangement/setting for providing Special Education and related services to student who are served at home or hospital bedside.
5. Hospital Class – an instructional arrangement/setting for providing Special Education instruction in a classroom, in a hospital facility, or a residential care and treatment facility not operated by the school district.
6. Speech Therapy - an instructional arrangement/setting for providing speech therapy services whether in a general education classroom or in a setting other than a general education classroom.
7. Off Home Campus – an instructional arrangement/setting for providing Special Education and related services to the following:
 - a campus serving more than one school district;
 - a campus where instruction is provided by district personnel in a facility not operated by the school district;
 - a self-contained program on a separate campus operated by the school district.
8. Nonpublic day school - an instructional arrangement/setting for providing Special Education and related services to student through a contractual agreement with a nonpublic school for Special Education;
9. Residential care and treatment facility – an instructional arrangement/setting for providing Special Education instruction and related services to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the school district providing education services to the students.

If the student is placed in a residential facility the district will list the services that the district is unable to provide and which the facility will provide, the criteria and estimated timelines for the student's return to the district and the appropriateness of the facility for the student. The district also will verify the facility meets minimum standards for health and safety. The district will also verify the residential placement is needed and is documented in the IEP and that the residential facility is appropriate and the least restrictive environment for the student.

Transportation safety of the student must be considered by the ARD committee including transporting the student at the beginning and end of the term and for regularly scheduled school holidays.

Criteria and estimated timelines for returning the student from the residential or treatment facility to the local school district must also be considered by the ARD committee.

10. Vocational adjustment class/program – an instructional arrangement/setting for providing Special Education and related services to a student who is placed on a job with regularly scheduled direct involvement by Special Education personnel in the implementation of the student's IEP.

The Admission, Review, and Dismissal (ARD) Committee may identify other program options as approved by the Texas Education Agency. "Instructional Programs" and "Service Delivery" are outlined in the Texans Can! Shared Service Arrangement Special Education Operating Guidelines.

Non-academic and Extracurricular Services

1. Each student with disabilities shall be provided non-academic and extracurricular services and activities conducted by the school (e.g. meals and recess) with students without disabilities to the maximum extent appropriate to meet the needs of the student.
2. Nonacademic and extracurricular services and activities may also include:
 - counseling services
 - athletics
 - transportation
 - health services
 - recreational activities
 - special interest groups or clubs sponsored by the school
 - referrals to agencies that provide assistance to individuals with disabilities
 - employment of students including both employment by the district and assistance in seeking employment in the community.

Daily Schedule – Each student will have available the same length of instructional school day provided to all other students unless otherwise determined by the Admission, Review, and Dismissal (ARD) committee. The ARD/IEP Committee may shorten a student's instructional day based on the Individualized Education Program (IEP).

H. Assurances

The district assures that removal of students with disabilities from the general education environment occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The district assures that each student with a disability participates in non-academic and extracurricular services and activities, including meals and recess periods with non-disabled students to the maximum extent appropriate to the needs of that student.

The district assures that, to the maximum extent appropriate, students with disabilities are educated with students who are non-disabled.

I. Reaching Consensus

The district will include the date, names, positions and signatures of the members participating in each ARD committee meeting and will indicate each member's agreement or disagreement with the committee's decision.

All members of the ARD/IEP committee have the opportunity to participate in a collaborative manner in developing the IEP, and all decisions made concerning required elements of the IEP are determined by mutual agreement. When mutual agreement is not achieved, the following procedures are followed:

1. Parent/legal guardian or individual with a disability disagreeing with the decision is offered a single opportunity to have the ARD/IEP committee recess for a period of time, not to exceed 10 school days. If student's presence on campus presents danger of physical harm to the student or others, or the student has committed an expellable offense or an offense which may lead to placement in an alternative education program, this recess is not required;
2. Date, time and place for re-convening the meeting is mutually agreed upon prior to the recess;
3. A written statement of the basis for the disagreement shall be included;

4. Members of the ARD committee who disagree may write their own statement to be included in the ARD minutes.
5. During the recess, alternatives are considered, additional data is gathered, and additional resource persons are contacted to enable the ARD/IEP committee to reach mutual agreement;
6. If mutual agreement cannot be reached following the recess, an IEP that is appropriate for the student, as determined by the school, will be implemented;
7. Prior written notice to the parent/legal guardian or adult student is given upon implementation of the IEP with which there is disagreement; The *"Notice of Proposal or Refusal to Provide Services in Regard to Identification, Evaluation, Placement or Free Appropriate Public Education"* will be completed.

Parent/adult student are provided with the *Explanation of Rights and Procedural Safeguards* that outline their right to complaint, mediation, or due process hearing.

- A. Complaint Procedures** – If there is a dispute relating to the identification, evaluation, or educational placement of or the provision of a free appropriate public education (FAPE), to a student with a disability, it is the intent of the TEA and Texans Can! Shared Service Arrangement to encourage and support the resolution of any dispute at the lowest level possible and in a prompt, efficient, and effective manner.
- B. Resolution Session** – A resolution session provides parents and the school district an opportunity to resolve a complaint prior to initiation of a Due Process Hearing. *** Charter School, within 15 days of receiving notice of a parent's Due Process complaint, must convene a meeting with the parent and the relevant members of the IEP team to discuss the facts underlying the parent's complaint and to give the school district an opportunity to resolve the complaints. The district may not bring an attorney to this resolution session unless the parent also is accompanied by an attorney. This pre-hearing resolution session is mandatory unless the parent and the school district agree in writing to waive the requirement, or agree to use the mediation process to try to resolve the complaint.
- C. Mediation** – The mediation process is:
1. a voluntary process on the part of both Texans Can! Shared Service Arrangement and the parent(s)
 2. not used to deny or delay a parent's right to a due process hearing or to deny any other rights afforded under IDEA '04-Part B, and
 3. conducted by a qualified and impartial mediator who is trained in effective mediation techniques.
- D. Hearing initiated** – A hearing may be initiated by the parent, adult student, or school to challenge a proposal or refusal relating to identification, evaluation or educational placement of a child with a disability or the provision of FAPE to the child.
- E. Request for hearing** – A written request will be filed with the TEA and the school representative or the parent, if the request for hearing is filed by the school. If a request for hearing is filed by the parent, all procedures as set forth by TEA for requests for hearings will be followed. The school is available to assist the parent or adult student by providing necessary information if the parent requests assistance in filing a due process hearing.

CONTENT MASTERY USAGE

1. Student must be Special Education student in a Mainstream class only. (Students may not be sent to Content Mastery from Resource setting.)
2. Student receives direct instruction geared towards all students in class with appropriate modifications outlined in ARD/IEP.
3. Student participates in guided practice with all students in class with appropriate modifications outlined in ARD/IEP.
4. Student is assigned independent practice with all students in class with appropriate modifications outlined in ARD/IEP.
5. Student has difficulty with independent practice and teacher has modified by following modifications outlined in ARD/IEP, teacher has modified work or instruction for student.
6. If student continues to struggle with work, student can be sent to Content Mastery for additional instruction, remediation, and/or assistance.
7. Teacher completes a Content Mastery pass with explanation of work to be done, work attached and modifications attempted.
8. Student is then sent with pass, work, and appropriate textbook to Content Mastery.
9. Content Mastery then provides re-teach, tutoring, assistance, studying assistance and/or modifications. (Please note once you send student to Content Mastery, CM teacher has all power to modify work as they see fit and assign grades. Regular Education teacher must adhere to said modifications.)
10. In addition, students can be sent here for a quiet place to take a test/work or a place to test if they need extended time.
11. Students cannot be sent to Content Mastery for behavior problems. If behavior problems arise CM teacher will send them back to regular education class. Behavior problems must be dealt with from Regular Education, as this is the student's appropriate placement.
12. Content Mastery can be used for additional services/placement if assigned and outlined in ARD/IEP.

HOMEBOUND FOR SPECIAL EDUCATION

1. Student is currently receiving services from Special Education due to an existing disability.
2. Note: If disability that requires homebound services is an unidentified disability, then a REED must be completed to evaluate.
3. Student must have a medical issue that results in the need for student to be removed from the campus for four or more consecutive weeks.
4. Parent/guardian/adult student completes Consent to Release Confidential Information.
5. School must be supplied by the Physician with a statement of this fact that includes specific timelines. This form can be on Physician stationary or a prescription form.
6. ARD is scheduled within one week of receiving documentation.
7. ARD committee will utilize SEAS ARD Homebound conference. If student receiving SPED resource courses a SPED certified teacher must provide home services.
8. Schedule the follow up ARD committee meeting immediately.
9. Principal arranges for services to be provided at home/hospital for student.
10. Services must meet the homebound funding requirements.
11. Specialist provides PEIMS clerk with a PEIMS data sheet showing Homebound placement.
12. School completes the ARD Homebound Services conference and faxes/emails a copy to district as well as Campus Principal.
13. Prior to appointed time to review Homebound placement, school sends a request to Doctor with a request for follow up data on students continued need for Homebound placement. School must make every attempt to get this information, as it is necessary to continue placement in Homebound.
14. Hold additional ARD committee to determine appropriate services as scheduled.
15. If student continues to have need for assistance, student continues on Homebound.
16. Schedule the follow up ARD committee meeting immediately.
17. If student does not continue to have need for assistance, transition from Homebound to school must be outlined by ARD committee. Documentation is faxed/emailed to district.
18. Specialist provides PEIMS clerk with a PEIMS data sheet showing any changes.
19. Follow up Homebound Services documentation is sent to central office documenting that student is in excellent or good health and no longer needs homebound services.

SPORADIC HOMEBOUND FOR SPECIAL EDUCATION

1. Student is currently receiving services from Special Education due to an existing disability. The existing disability must be OHI for a chronic illness issue.
2. Note: If disability that requires homebound services is an unidentified disability, then a REED must be completed to evaluate.
3. Student must have a medical issue that results in the need for student to be removed from the campus for four or more weeks nonconsecutive.
4. Parent/guardian/adult student completes Consent to Release Confidential Information.

5.School must be supplied by the Physician with a statement of this fact that student will be out for more than four nonconsecutive weeks during the current school year and ties it to the chronic illness identified in OHI diagnosis. This form can be on Physician stationary or a prescription form.

6.ARD is scheduled within one week of receiving documentation.

7.ARD committee will document in an ARD the procedures that will be followed in the case the student will be absent due to the chronic illness. If student receiving SPED resource courses a SPED certified teacher must provide home services.

8.To receive homebound funding the student must receive at least one hour of homebound services for each day out.

9.Principal arranges for services to be provided at home/hospital for student.

10.In order to document the changing instructional arrangement/settings, it is recommended that the attendance clerks accumulate the attendance information for the entire reporting period and summarize the information for the eligible days of attendance and contact hours served. The eligible days present should be recorded in the district's student attendance accounting system. Any time not accounted for should be reported as absences.

11.At the beginning of each school year, school sends a request to Doctor with a request for follow up data on students continued need for sporadic Homebound placement. Without this student may not be placed in sporadic homebound.

HOMEBOUND FOR GENERAL EDUCATION

1. Student must have a medical issue that results in the need for student to be removed from the campus for four or more consecutive weeks.
2. Parent/guardian/adult student completes Consent to Release Confidential Information.
3. School must be supplied by the Physician with a statement of this fact that includes specific timelines. This form can be on Physician stationary or a prescription form.
4. GEH is scheduled within one week of receiving documentation. Utilize GEH Invitation Conference from SEAS. Clearly state that the student is General Education student. (Examples will be provided.)
5. GEH committee will utilize SEAS GEH Homebound conference. Clearly state the student is General Education student. (Examples will be provided.)
6. Place student in 504 to ensure nondiscrimination.
7. Schedule the follow up GEH committee meeting immediately.
8. Principal arranges for services to be provided at home/hospital for student.
9. Services must meet the homebound funding requirements.
10. Specialist provides PEIMS clerk with a PEIMS data sheet showing Homebound placement.
11. School completes the GEH Homebound Services conference and faxes/emails a copy to district as well as Campus Principal.
12. Prior to appointed time to review Homebound placement, school sends a request to Doctor with a request for follow up data on students continued need for Homebound placement. School must make every attempt to get this information, as it is necessary to continue placement in Homebound.

13. Hold additional GEH committee to determine appropriate services as scheduled.
14. If student continues to have need for assistance, student continues on Homebound.
15. Schedule the follow up GEH committee meeting immediately.
16. If student does not continue to have need for assistance, transition from Homebound to school must be outlined by GEH committee. Documentation is faxed/emailed to district.
17. Specialist provides PEIMS clerk with a PEIMS data sheet showing any changes.
18. Follow up Homebound Services documentation is sent to central office documenting that student is in excellent or good health and no longer needs homebound services.

HOMEBOUND SERVICE PROVIDER DUTIES

1. Determine Services

- a. Determine with Principal/Specialist the day and time of Services.
- b. It must be at a regularly occurring time and day.
- c. It should not change except in emergencies.
- d. It can be during the school day, after school, during lunchtime, in evening, or on weekend.
- e. Staff is eligible for stipend for non-work hours with Principal approval.

2. Contact Parent

- a. Contact parent/student to coordinate access base on available time/day.
- b. It is best to work with parent if possible.

3. Provide Services

- a. Begin immediately providing services.
- b. Student must be issued a set of textbooks.
- c. Teacher must provide lessons for the ARDed time as well as homework.

4. Documentation

- a. Weekly attendance sheet completed.
- b. Specialist verifies time.
- c. Weekly attendance sheet turned in.
- d. Attendance corrected by attendance clerk.

5. Stipend

- a. If service time is non-work hours, stipend available with principal approval.
- b. Complete time sheet and stipend request form with approval.
- c. Submit to Principal or Director of Special Education.
- d. Stipend payable the following month – last pay check of month.