

**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

Initial Referral for Evaluation
Prior Written Notice
ARD Meeting
Discipline

INITIAL REFERRAL FOR EVALUATION

Authority: 34 C.F.R. Part 300; 19 T.A.C. Chapter 89, Texas Education Code (T.E.C.) 29

A student experiencing difficulties in the general education program may be considered for eligibility for Special Education services. The school maintains specific procedures to identify these students. If these accommodations are unsuccessful and the student is suspected of having a disability, a referral may be made for a Full and Individual Evaluation (FIE).

A. Pre-Referral – pre-referral activities are general education initiatives to address the problems the student is experiencing in the general education program.

1. Student Support Team – a team consisting of teachers, administrators, school counselors, and/or the parent(s) may elect to review the performance of a student who is experiencing difficulties in the general education program either with academics or behavior. Student work samples, grades, standardized test results, state competency testing, anecdotal records, and discipline records may be included in this review. As a result of the Student Support Team's review of student progress and records, adaptations within the general education program are documented that may include any methods the SST recommends to resolve the student's academic or behavioral difficulties including but not limited to tutorials, remedial services and compensatory services. The team may choose to reconvene to review the student's progress following implementation of the adaptations or the SST committee may determine that a referral for Special Education evaluation is appropriate.
2. A referral for Special Education evaluation also may be made by an individual and/or the student's parent who has a suspicion that a disability exists and there is an educational need for Special Education services. This referral will be forwarded to the campus SST team.
3. At this point, the team or the parent may begin the referral for Special Education evaluation. The 60- day timeline for evaluation begins when the parent returns the signed permission to evaluate the student for Special Education eligibility.
4. Upon parent signature for consent, the school will conduct a Full and Individual Evaluation (FIE). The parent or legal guardian is given a copy of the *Explanation of Rights and Procedural Safeguards* and *The ARD Guide for Parents*.

PRIOR WRITTEN NOTICE

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

Notice of ARD meeting is sent to the parents, guardians or adult students in the language understandable to the general public (or in their primary language or other mode of communication unless it is clearly not feasible to do so) a reasonable time (5 school days) before proposing or refusing to initiate or change the identification, evaluation, or educational placement of a student or the provision of a free and appropriate public education (FAPE) to a student.

1. The ARD Notice includes:
 - a. a description of the action proposed or refused;
 - b. an explanation of why the action is proposed or refused;
 - c. a list of all other options considered and why they were rejected;
 - d. description of all evaluation procedures, tests, records, or reports used as a basis for proposal or refusal;
 - e. a description of any other factors relevant to proposal or refusal;
 - f. contact information for any further explanation needed;
 - g. the statement of protection under the Procedural Safeguards and the means by which a copy of the Procedural Safeguards may be obtained.

Notice of Proposal or Refusal is sent to the parents, guardians or adult students in the language understandable to the general public (or in their primary language or other mode of communication unless it is clearly not feasible to do so) a reasonable time (5 school days) before proposing or refusing to initiate or change the identification, evaluation, or educational placement of a student or the provision of a free and appropriate public education (FAPE) to a student.

- The Notice of Proposal or Refusal includes:
- a. a description of the action proposed or refused including but not limited to identification, evaluation, placement or other elements of a free appropriate public education (FAPE)
 - b. an explanation of why the action is proposed or refused;
 - c. a list of all other options considered and why they were rejected;
 - d. a description of all evaluation procedures, tests, records, or reports used as a basis for proposal or refusal;
 - e. a description of any other factors relevant to proposal or refusal;
 - f. contact information for any further explanation needed;
 - g. the statement of protection under the Procedural Safeguards and the means by which a copy of the Procedural Safeguards may be obtained.
 - h. written evidence that if the native language or other mode of communication of the parent is not a written language that the notice was translated orally or by other means to the parent and the parent understands the content of the notice.

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:

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.

DISCIPLINE

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

All disciplinary actions regarding students with disabilities shall be conducted in accordance with the most current federal and state laws. **Under Texas statute, a suspension may not exceed 3 consecutive school days (TEC 37.005).** All Procedural Safeguards, including required Notices and Consents, will be followed throughout the process of disciplinary action for students with disabilities.

When a principal or other appropriate administrator recommends disciplinary removal from the student's current IEP placement, a "Change of Placement Analysis" will be conducted.

Notification

Not later than the date on which the decision to take disciplinary action is made, the local educational agency shall:

- Notify the parents of the decision to take disciplinary action;
- Provide parents a copy of the Procedural Safeguards Notice; and
- Provide written Notice of an ARD Meeting to conduct a manifestation determination review.