

TRI-COUNTY EDUCATION CO-OP  
“A Shared Service Arrangement”

POLICIES & OPERATING GUIDELINES

Adopted by  
Management Board  
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## **GOAL OF SPECIAL EDUCATION / PHILOSOPHY**

Tri-County Education Co-Op is dedicated to the premise that all children can learn.

Eligible handicapped students have the right to a free appropriate public education, which includes a full continuum of services to be provided in the regular education setting, the special education setting, or through approved contracts. The cooperative shall be responsible for providing educational and related services to eligible students in the least restrictive environment. Handicapped students shall have the opportunity to participate in educational programs and activities with their non-handicapped peers. To be eligible for special education services a student must have been determined to have one or more of the handicapping conditions listed in federal regulations or in state law.

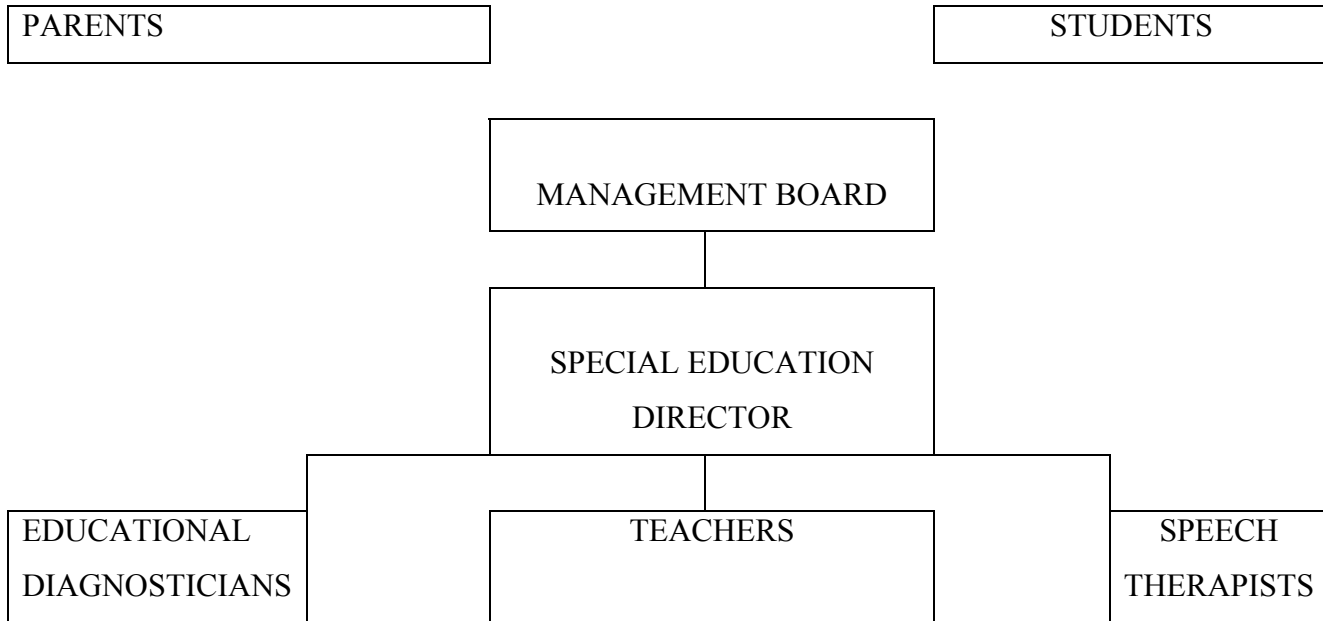
## **POLICIES NOT ADDRESSED OR IN CONFLICT**

Policies not addressed in the Operating Guidelines shall be addressed:

1. In and as a part of each member school's local Board Policy Manual as provided by the Texas Association of School Boards;
2. Commissioners / State Board of Education Rules for Special Education Services;
3. Texas School Law; and
4. Tri-County Education Co-Op Policies and Administrative Procedures as Required by Individuals with Disabilities Education Act (IDEA) 34 Code of Federal Regulations - Part 300.
5. The Legal Framework, as posted by TEA and ESC 18 on the service center's web site. (Since the legal framework, and related special education law changes regularly, the Co-Op maintains as policy that it will implement procedures to follow the law as it emerges, even if that is in conflict with operating guidelines.)
6. The Tri-County Educational Cooperative will follow law using the following hierarchy of legal rules:
  - a. Federal Law
  - b. State Law
  - c. State Rules
  - d. Legal Framework as promulgated by TEA
  - e. District Policies and Procedures
  - f. Tri-County Educational Cooperative Policies and Procedures

TRI-COUNTY EDUCATION CO-OP  
"A Shared Service Arrangement"

**ADMINISTRATIVE ORGANIZATIONS FLOW CHART**



## Co-Op Organization Policies

### Management Board

The Cooperative Management Board of Tri-County Education Co-Op will be comprised of the superintendents of the following member schools, or their designated representative:

1. Albany
2. Anson
3. Aspermont
4. Hamlin
5. Hawley
6. Lueders-Avooca
7. Roby
8. Rotan
9. Stamford

Stamford ISD, the designated fiscal agent, is accredited and has grades kindergarten through twelve. The Shared Service Arrangement Management Board shall meet once a month on a regular basis, except for the months of March, July, and December when no regular meeting will be held. In the advent of a need, a meeting may be called at the discretion of the Special Education Director or upon the request of a member superintendent.

The special education director shall be directly responsible to the governing board as to the total operation of the Shared Service Arrangement. All written procedures and decisions will be transmitted to the management board. The management board will approve the total budgets for each school year; approve the operational budget each month; approve all personnel presented by the director; approve all personnel employment and assignment as recommended by the director; approve operational plans to be implemented for the current school year and approve all policies/administrative procedures/operating guidelines related to the operation of the Shared Service Arrangement. Each member of the Management Board shall have one vote and all action taken shall be by majority vote with a quorum present.

The Board may use a consent agenda for items when the Board has been furnished with background material on each item and/or it has been discussed at a previous meeting. Consent agenda items shall be marked with an asterisk (\*). All the items on the consent agenda shall be acted upon by one vote without being discussed separately unless requested by a board member, in which case the item shall immediately be withdrawn for individual consideration. The remaining items shall be adopted by one vote. Items withdrawn for separate discussion shall be acted upon individually.

### **Entry In The Shared Service Arrangement**

The Management Board of Tri-County Education Co-Op, "A Shared Service Arrangement", comprised of the superintendents of the following member schools, or their designated representatives: Albany, Anson, Aspermont, Hamlin, Hawley, Lueders-Avoca, Roby, Rotan, and Stamford, have initiated a comprehensive special education program. Any school system in the geographic area wishing to join Tri-County Education Co-Op may make application by written request to the fiscal agent superintendent/special education director. This request must be signed by the L.E.A. board president and superintendent of the requesting school. Upon receipt of the letter, the director will visit the school to determine readiness of the school to enter Tri-County Education Co-Op, "A Shared Service Arrangement ". The special education director will report his/her findings to the management board. If the management board approves, the fiscal agent will request approval by submitting a revised contract to the special education division of the Texas Education Agency.

### **Withdrawal Of Member District**

A member district may withdraw from the Shared Service Arrangement by notifying the other member districts of its intention to withdraw by January 1 preceding the last fiscal year the member district intends to remain in the SSA. All instructional materials and assets located on the campuses of the withdrawing member district as of the withdrawal notification date shall become the property of the withdrawing district.

### **Dissolution Of Shared Service Arrangement**

Dissolution of this SSA agreement shall require the affirmative vote of five of the nine member districts. Upon dissolution, the SSA's funds, after any charges and liabilities, will be divided among the member districts on a prorated share based on each school's FTE% as determined by the prior year's PEIMS data review-summer collection. The dissolution will take effect on the July 1 after the first January 1 following the dissolution vote.

All instructional materials and assets located in the individual campuses shall become the property of that respective district.



### **Adopting Policies and Operating Guidelines**

The required state and federal policies and administrative procedures will be presented by the special education director and adopted by the Management Board. The Operating Guidelines will be developed by the special education director and presented to the Management Board for approval, change, or rejection. The policies/administrative procedures/ operating guidelines shall address all aspects of the Shared Service Arrangement administration and operation including but not limited to all matters relating to personnel, fiscal responsibilities, and programs.

A copy of these policies/administrative procedures/operating guidelines shall be filed with each administrator of the Shared Service Arrangement schools. All schools in Tri-County will abide by the policies/administrative procedures/ operating guidelines adopted by the Management Board.

### **Fiscal Responsibility**

Fiscal responsibility is that of the fiscal agent for the Co-Op. The fiscal agent will be responsible to the member districts and Texas Education Agency for fiscal accounting. The fiscal agent shall be responsible for financial matters on behalf of the Shared Service Arrangement including applications, reports, and/or accounting for Shared Service Arrangement personnel and Shared Service Arrangement operating expenses.

Indirect costs shall be computed by use of the fiscal agent's indirect cost percentage.

Each district shall pay its prorated share to the fiscal agent on a monthly basis for ten (10) months beginning with September and ending with June with the provision that any amount above the monthly payment may be made in advance if the member school so desires. Payments will be sent to Tri-County Co-Op for deposit to the account established for such funds by the fiscal agent. Expenditure of such funds will be according to budgeted items approved by the Management Board and accounted for by TEA accounting procedures. Such accounts will be audited annually by the independent auditor who audits the fiscal agent's books in accordance with procedures required by the Texas Education Agency.

Audit exceptions will be handled by agreement of the Management Board. Other fiscal matters not specifically outlined in these policies will be the responsibility of the Management Board.

Federal funds will be managed by the special education director with the approval of the Management Board. Expenditures will be prepared and paid by the SSA office.

### **Personnel Records**

Maintenance of special education personnel records for support staff as required by state and local guidelines shall be the responsibility of the Tri-County Director. Personnel records of those

employed in each member district shall be the responsibility of the respective districts with assistance provided by the Tri-County Director.

### **CHILD IDENTIFICATION (Child Find)**

All children ages 0-21 residing within the jurisdiction of our Independent School District(s) who have disabilities, regardless of severity of their disability, and who are in need of special education and related services, will be identified, located, evaluated and ensured an appropriate education.

Identification:

Our Special Education program in conjunction with Region 14 ESC and Early Childhood Intervention (ECI) programs shall maintain a system for identifying, locating, and evaluating individuals residing within its jurisdiction who are in need of special educational services ages 0-21 including highly mobile children with disabilities (such as migrant and homeless children), school-age individuals with disabilities attending private schools, including religious school children, school-age individuals with disabilities residing in nursing facilities, Texas Department of Mental Health and Mental Retardation (TXMHMR) group homes, Texas Youth Commission (TYC) group homes, detention facilities, or other residential care and treatment facilities within the district boundaries. . The system includes the areas of

- public awareness
- referral
- evaluation
- interagency coordination resources.

Designated staff will develop/update Child Find materials for awareness distribution to various locations within the community, service organizations, parents, local residential facilities, private schools within our jurisdiction, school personnel and others. This information will describe:

- characteristics of students with an educational disability as defined by Federal and State Law
- referral process for students with special needs
- contact person(s)
- information regarding availability of services.

Information will be made available in English and Spanish or in other language(s) as needed.

Information of services provided by ECI agencies and other community services will be made available to parents upon request or identified need.

Information of services provided by the Texas School for the Deaf or Texas School for the Blind and Visually Impaired will be made available to parents of auditorially impaired or visually impaired students at each appropriate ARD meeting (at least annually).

Region XIV will provide a current data bank of resources available within the Region 14 ESC area. A copy of the ESC Directory will be available at each campus and at the district/SSA office.

**Timelines:**

On or before September of each school year, all information for distribution will be reviewed and/or updated reflecting current Federal and State Requirements.

**Outcomes:**

Copies of all information disseminated during the past and present school year and a list of various distribution sites will be on file in the Director's office.

**For Referral of Students Ages 0-21:**

Referral of students for possible special education services shall be a part of the district's overall regular education referral or screening system.

The referral process may be initiated by the child's parent(s) or legal guardian, the student (If the student has reached the age of majority), a staff member, school personnel, ESC personnel, ECI personnel, or other individuals who believe a child is having any kind of educational problem. If a school-age adult (18-21 years of age) requests services at a campus, the principal will initiate the referral process and will contact the special education department.

A student who transfers into a district, who reports that he/she has been in special ed services will cause the following actions on the part of the district to take place: 1) a telephone call will be made to the previous district to attempt to confirm this information, 2) A temporary ARD meeting will be held, 3) records will be requested, 4) evaluation will be reviewed, 5) additional testing will be done as necessary, and 6) a second ARD will be held within the appropriate time frame.

The district may choose to follow regulations which allow for the school to review an IEP which is presented by the parent/student and accept in full without an ARD meeting. Before exercising this second option, the district will have the principal, special education teacher, and the diagnostician review the IEP.

All referrals will be submitted to the principal on each school campus. The principal will involve the diagnostician, speech therapist / and or LSSP at the child's home school. Assessment personnel will be responsible for completing the "Child Find" form, which will be collected by the director at the

end of the school year. The principal will refer parents of children who may be eligible for services to the appropriate service agencies.

The district is responsible for ensuring compliance with the Memorandum of Understanding Concerning Interagency Coordination of Special Education Services to Students with Disabilities in Residential Facilities. The district will coordinate with residential facilities to ensure that the following are implemented appropriately: 1) responsibilities and programs, procedures and policies for implementation, and 3) procedures for resolving disputes.

### **Referral Information**

Referral Information To Be Submitted in Writing Will Include:

- (1) the student's current educational status, including attendance records, grades and achievement data, student's use of the English language, and classroom observation;
- (2) results of the home language survey;
- (3) the recommendations of the language proficiency assessment committee shall be included in the data for all limited English proficient students;
- (4) documentation of previous educational efforts and strategies provided or considered for the student and the results of those efforts, including participation in or consideration for other special and compensatory education programs operated by the district;
- (5) documentation of recent vision and hearing screening, including available reports from evaluations done by vision or hearing specialists;
- (6) Information reported or provided by parents.

### **ECI Coordination on Child Find Referrals**

If a parent/guardian of a child between the ages of 0-3 requests services at a campus, the principal will initiate the referral process, or will refer the parent/guardian to the Special Education Office. The Director of Special Education, or Designee, is responsible for ensuring that the child is added to their tracking system list and referring the child to ECI within two days. The Director, or Designee, will maintain communications with ECI personnel to assure that assessment and services, if appropriate, are provided.

If a child is referred to either the district or to the ECI program close to his/her third birthday, the district and ECI will coordinate and follow these procedures: 1) The agency which takes the referral will inform the other agency within two days, 2) The agencies will determine how many days remain until the child's third birthday, 3) The child will be evaluated by the agency based on the chart following, 4) The district and ECI will coordinate and hold IFSP or IEP meetings as appropriate for the child's age at the time of meeting.

Days till the child's 3 <sup>rd</sup> birthday	Agency	Action
More than 90	ECI	Conduct evaluation, convene IFSP meeting, and provide services as necessary 1
More than 45 days less than or equal to 90 days	ECI and District	Conduct evaluation, convene IFSP meeting, and provide services as necessary 1
45 days or less	District	Conduct evaluation, convene IEP meeting, and provide services as necessary 1, 2

1 some children receive services from the school district from birth. These procedures would not apply to those children.

2 Services to the child would begin on or after the child's 3<sup>rd</sup> birthday as determined appropriate by the IEP team

Early Childhood Intervention program staff will work closely with the Director of Special Education, or Designee, in the notification/referral of children becoming 3 years of age and to be referred for educational service in the school's Preschool Program for Children with Disabilities.

All phone calls, parent contacts, or agency referrals regarding children with possible disabilities shall be documented in the Child Find/Referral Tracking System. Copies of referrals will be maintained in student folders.

The completed referral packet is returned to the principal for processing as a part of the district's overall, regular education referral/screening system.

Special education personnel may participate in, but not be assigned primary responsibility for, district referral/screening committees or campus study teams.

Special education personnel may be involved directly in collecting referral data only for the following students:

- (1) pre-kindergarten students;

- (2) multiply handicapped (severely and profoundly handicapped);
- (3) eligible handicapped students new to the district;
- (4) students referred to special education during the summer; and
- (5) students who are hospitalized, institutionalized, or admitted to treatment centers.

### **Assessments**

Evaluation will be tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient. Tests and other evaluation materials used to evaluate the child must be validated for the specific purpose for which they are used.

Tests will be selected that include in the normative sample persons with the same disability, linguistic, racial, socioeconomic, or other cultural characteristics as the student population of the Tri-County Education Co-Op Shared Service Arrangement.

Instruments will be used as intended and be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.

A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent and information related to enabling the child to be involved in and progress in the general curriculum of for a preschool child, to participate in appropriate activities that may assist in determining whether the child is a child with a disability and the content of the child's IEP.

The diagnostician and the ARD committee will ensure that no single procedure is used as the sole criterion for determining whether a child has a disability and for determining an appropriate educational program for the child.

### **Suggested Test Batteries**

Each individual child must be evaluated based on his/her individual profile and needs. It is not possible to have a one size fits all set of test batteries. However, we start with this initial set of suggested test batteries. If the diagnostician feels that the student's individual profile necessitates the use of another instrument, then the diagnostician informs the director of that need and the reason for the deviation, and implements the necessary testing.

## **Initial Referral**

- Wechsler Intelligence Scale for Children III, Woodcock-Johnson Cognitive Battery III or Stanford-Binet, 4<sup>th</sup> Ed.
- Wechsler Individual Achievement Test II or Woodcock-Johnson Achievement Battery III
- Bender Gestalt or Beery Test of Visual Motor Integration

Achievement testing will include evaluations in the areas of oral expression, listening comprehension, basic reading, reading comprehension, math calculation, math reasoning and written expression. Additional subtests may be given at the diagnostician's discretion.

If measured intelligence is in the mentally retarded range or if mental retardation is suspected, an adaptive behavior scale is required. This score may be obtained through the Vineland Scales of Adaptive Behavior, Hawthorne Adaptive Behavior Scale, or other appropriate instruments.

## **When Is Additional Testing Warranted?**

- A psychological evaluation is warranted when information suggests emotional and/or behavioral problems which adversely affect educational performance. Such information, including other evaluation data or testing will be reviewed by co-op staff for indicators of emotional disturbance. Specific parental consent is required in order for a psychological evaluation to be conducted.
- Evaluations for ADD/ADHD are warranted when obtained information suggests the need OR at the diagnostician's discretion.
- Medical evaluations are necessary for a variety of conditions including visual impairment, hearing impairment, orthopedic impairment, etc. when a need is indicated through the referral process. Intelligence and achievement testing by the diagnostician may or may not be necessary in these instances and are at the diagnostician's discretion.

## **Reevaluations**

- A PAARD is necessary prior to any reevaluation. This is best done at the annual ARD prior to the reevaluation date.
- Testing instruments for reevaluation purposes may include any of those listed above. If a current measure of intelligence is needed, the Comprehensive Test of Nonverbal Intelligence or other appropriate instruments may be chosen.
- For eligibility purposes, prior testing may be readopted if the committee believes that it continues to be valid.\* Usually, the committee will want to gather additional information even if no formal testing is needed. In this instance, information can be gathered and a report written to coincide with the three year anniversary of the previous FIE date.
- If, through the PAARD, the ARD committee determines that no additional information is needed, an FIE can be completed on the spot. In this instance, the ARD date becomes the new FIE date.

\*A thorough assessment is needed in order to drive a student's educational program. Formal testing may or may not be needed to accomplish this and every evaluation decision must be based on the needs of the individual student. From a legal standpoint, the critical questions are:

1. Is there enough information to determine a child's strengths and weaknesses?
2. Is there enough information to develop an appropriate IEP?

If the answer to these questions is YES, formal testing would not be required.

### **Dismissal Considerations**

- A PAARD is necessary prior to any dismissal including graduation.
- Students may be dismissed from Special Education when they no longer meet criteria for a specific eligibility or when an educational need no longer exists.

### **Timelines:**

All students referred will have been assessed and a report written on or before 60 calendar days from the date of the initiation of the referral. The initiation date of the referral is understood to be the earliest date in the referral packet on any of the following forms:

- (1) Information from Educational Records
- (2) Information from Classroom Teacher
- (3) Health Information



(4) Information from Parents

On receipt of a Child Find telephone call, the diagnostician assigned to that district will distribute referral forms to appropriate persons, within 5 days.

**Child Find Tracking System**

The status of an initial referral or a reevaluation will be monitored by a child find tracking system, which includes the following information, if applicable:

- |                                 |   |
|---------------------------------|---|
| 1. Name of school               | 2. Test date                                    |
| 3. School year                  | 4. CIA date                                     |
| 5. Name of assessment personnel | 6. ARD date / IFSP date                         |
| 7. Student name                 | 8. Qualified – yes, no / handicapping condition |
| 9. Grade                        | 10. Last assessment date                        |
| 11. Initial referral date       | 12. Reevaluation packet date                    |

When considering a referral from the district, the term “district” also includes a public charter school. Child Find requirements apply to highly mobile children with disabilities (such as migrant and homeless children); and children who are suspected of being a child with a disability and in need of special education, even though they are advancing from grade to grade.

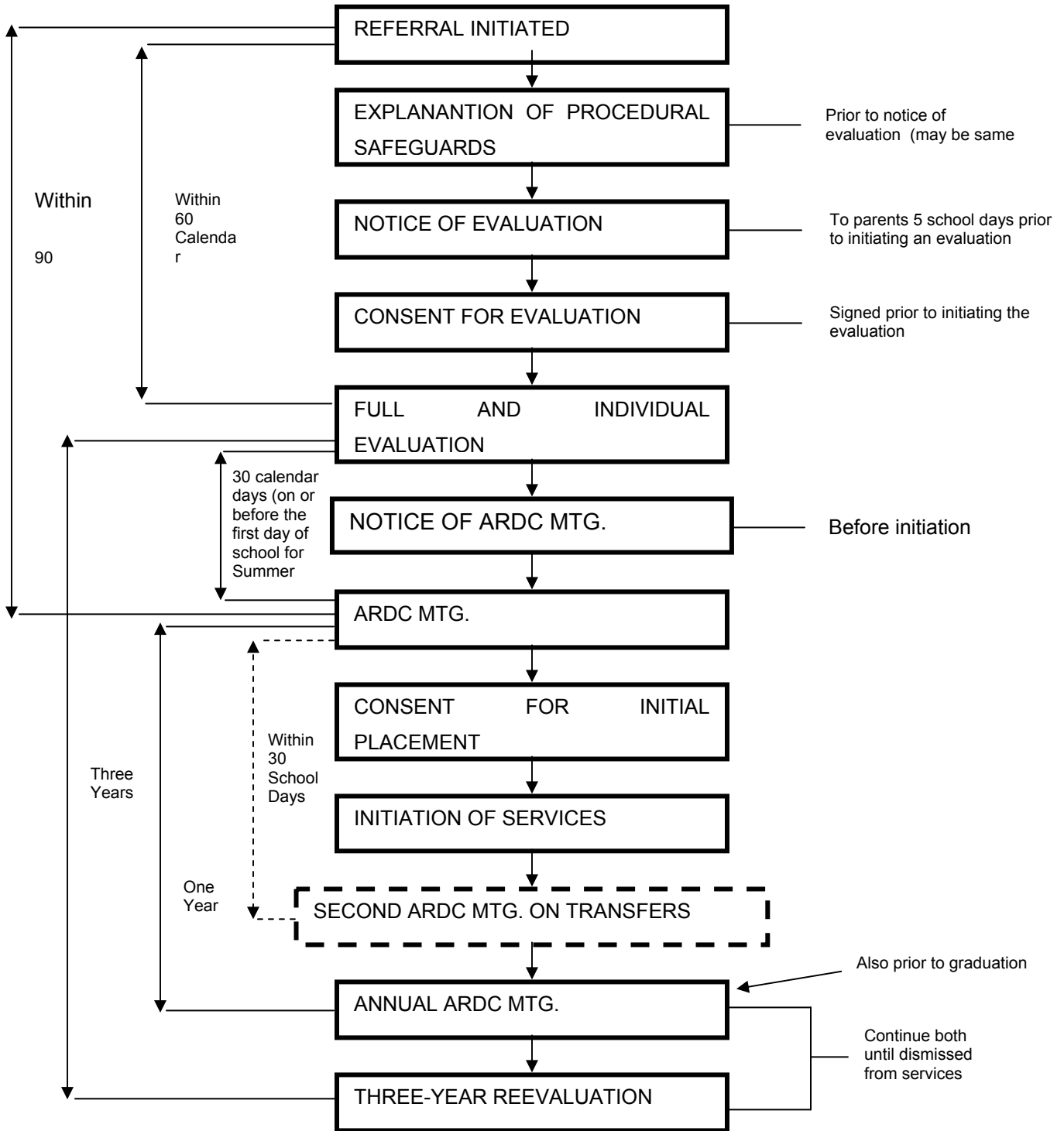
The staff will receive staff development on all aspects of the referral process annually.

Outcomes:

- (1) The Child Find/Referral Tracking System will document the information required by State/Federal Guide-lines.
- (2) Individual student folders will have current up to date records as required by the Federal and State Law.
- (3) All students referred will be assessed within federal timeframes.

## TIME LINES CHILD-CENTERED EDUCATIONAL PROCESS

Note: Early Childhood Intervention (ECI) transitioning requires a meeting be held 120 days prior to the child's third birthday.



## **PROCEDURAL SAFEGUARDS**

- Yearly, the Director of Special Education or Designee will provide current, updated copies of the TEA document, “Explanation of Procedural Safeguards” for distribution to parents/guardians, or adult students with a disability.
- As needed, the Director of Special Education or Designee will train school personnel as to the interpretation and intent of the procedural safeguards document to insure the rights of students with disabilities.

### General Notice

- The Principal or Designee will provide a copy of the TEA publication “Explanation of Procedural Safeguards” to parents/guardians or adult students referred for an individual comprehensive assessment for the first time. School personnel will give full explanation and respond to all questions related to the procedural safeguards handout. The “Explanation of Procedural Safeguards” document will also be given at the following times:
  - Notice of Comprehensive Individual Assessment
  - Notice of the Admission, Review, and Dismissal (ARD) Committee Meeting
  - Consent for Initial Placement
  - Notice of Refusal to Provide Services
  - Notice for Release/Consent to Request Confidential Information
  - Admission, Review, and Dismissal (ARD) Committee Meeting
- The Special Education Director or Designee will inform school personnel that the current rights document is available in Braille and on cassette tape in English, and Spanish. The document may be provided in other languages for parents upon request.

## **CONFIDENTIALITY OF RECORDS - Personally Identifiable Information**

### Confidentiality of Student Information - Notification of Rights

1. Parents and eligible adult students (eligible students are defined as persons 18 years of age or older who have not waived their right to represent themselves in educational decisions or who have not been determined by an appropriate court to be incompetent to make decisions) will be informed, at the time of referral to special education and annually thereafter, in their primary language of the confidentiality procedures of the Tri-County Education Co-Op, “A

Shared Service Arrangement”, and of their right to file a complaint for alleged failure of the Shared Service Arrangement to comply with the procedures.

2. The notice will be disseminated through the local school districts served by the Shared Service Arrangement by the provision of a copy of “Explanation of Procedural Safeguards”, or its TEA replacement, at the time of initial referral, all Admission, Review, and Dismissal (ARD) Committee Meetings, Notice for Release/Consent to Request Confidential Information, Notice of Comprehensive Individual Assessment, Notice of the Admission, Review, and Dismissal (ARD) Committee Meeting, Consent for Initial Placement, and Notice of Refusal To Provide Services. At the initial ARD and at each annual ARD thereafter, the “Confidentiality of Records Letter to Parents” will be distributed. Notice shall be posted in each Local Education Agency within the cooperative of the location where copies of confidentiality policies may be obtained by parents/students.
3. Copies of the local school’s policies/procedures may be obtained from the superintendent’s office upon request. Copies of Tri-County Education Co-Op’s policies/procedures/operating guidelines may be obtained through the Tri-County Education Co-Op Office, 128 S. Swenson, Stamford, Texas, 79553 ( phone 915-773-3637) upon request.
4. The Director of Special Education will review and/or update the annual notification of confidentiality rights for parents of students with disabilities. Copies of the notice, in the parent’s home language, will be distributed to parents at the initial and each annual ARD. Documentation of the distribution of the public notice will be included on the ARD form.

### **Inspection and Review of Records**

1. Individual student records that are collected, maintained, or used by the district may be inspected and reviewed by parent/adult student during regular business hours by submitting a written request to the Director of Special Education at the Tri-County Education Co-Op office, 128 S. Swenson, Stamford, Texas 79553. Parents may request that a representative inspect and review the records. The representative(s) should be accompanied by the parent or have a signed statement that the individual is to be allowed to review the student’s folder. The statement is to be filed in the student’s folder for future reference.
2. Each request must specify the name of the student and the type of record(s) to be reviewed.

3. Permission to access the records will be granted within a reasonable period of time, not to exceed forty-five (45) days from the date of the written request.
4. The staff shall comply with a request without unnecessary delay and before any meeting regarding an individual education plan (IEP) or hearing relating to the identification, evaluation, or placement of the child. The staff will place information in the student's folder of the parent's review of records before any meeting with school personnel and inform the Director of the concerns indicated by the parent.
5. Copies of records may be obtained at a cost of five cents (5¢) per page. This fee will be waived if requesting party states they are financially unable to pay.
6. All reasonable requests for explanation and interpretation of the contents of the records will be provided by contacting the Director of Special Education at 915/773-3637 for an appointment.
7. Tri-County Education Co-Op will assume the natural/biological parents to have custody and therefore have access to student records unless there is evidence of a legal action awarding custody to other than natural parents.
8. Tri-County Education Co-Op will permit parents/eligible students to review records of their child/self only. On records where more than one student's record appears, information pertaining to the student in question will be transferred to a separate page for review by the parent.
9. The Local Education Agency shall deny access to records when such a release of information would be:
  - (a) of danger to the child's welfare or when there is no legal right on the part of the individual requesting to view the records,
  - (b) of such a nature that the information concerns more than one child,
  - (c) copies of personal student treatment records created and maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional are not disclosed to anyone other than by the individuals providing the treatment. Upon request by parents/students or guardian, these records can be personally reviewed by a physician or other appropriate professionals who see the student/parent as a client.

### **Types and Locations of Records**

At the beginning of each school year, the Director of Special Education will submit to the LEA Record Designee a list of the types and locations of all education records by titles. The information will also include the names of personnel responsible for student folder maintenance. The list will include the staff member(s) name, title, address, and office phone number. The Co-Op will provide the parents, upon request, a list of the types and locations of education records collected, maintained, or used by the district.

### **Types of records**

Types of records maintained by the Tri-County Education Co-Op may include the following:

1. Attendance Records
2. Test Scores
3. Grades
4. Disciplinary Records
5. Counseling Records
6. Psychological Records
7. Applications for Admission
8. Health and immunization information
9. Teacher and counselor evaluations, and
10. Reports of behavioral patterns

(Texas Education Code S. 26.004)

### **Applicant Agency**

The applicant agency provides the parent/legal guardian on request a list of the types and locations of education records collected, maintained, or used by the applicant agency.

### **Location of Records**

Individual student records will be located, housed, and maintained in file cabinets in designated locations at the Tri-County Education Co-Op Office at 128 S. Swenson, Stamford, Texas 79553.

### **Confidentiality Officer**

The director of Tri-County Education Co-Op, 128 S. Swenson, Stamford, Texas 79553 is designated as the Confidentiality Officer responsible for the security of the student records.

### **Accessibility to Records**

#### Individual Student Classroom Files

These files will have an access sheet in the file which will include the following information:

1. A record of the parties obtaining access.
2. The date access was given.
3. The purpose for which the party is authorized to access the records.

A current list of those who have access will be affixed in close proximity to files. The list will include the names and positions of those who may have access to personally identifiable information; all others will sign and complete the access sheets.

### **Individual Student Eligibility Files**

A listing of the names and positions of those who may have access to personally identifiable individual student records including eligibility records or administrative records will be posted within the Tri-County Education Co-Op Office at 128 S. Swenson, Stamford, Texas 79553 and will be available upon request. Other persons eligible for access to the student files include:

1. Parent or other persons with the primary legal obligation for care, control and custody of eligible students.
2. School officials in the attending district with a legitimate educational interest. School officials with a legitimate education interest are defined as administrative, supportive and instructional personnel responsible for the development and implementation of the student's individual educational plan and/or educational program when they are working with the student; considering disciplinary or academic actions; the student's case; or an individual education plan for a student with disabilities; compiling statistical data; or investigating or evaluating programs.
3. "School officials" for the purposes of this policy, shall mean any employees, trustees, or agents of the District, of cooperatives of which the District is a member, or of facilities with which the District contracts for placement of students with disabilities. The term also

includes attorneys, consultants, and independent contractors who are retained by the District, by cooperatives of which the District is a member, or by facilities with which the District contracts for placement of students with disabilities.

4. A school district in which a student has enrolled. Upon receiving a request from a school for the confidential records of a student with a disability who was previously enrolled, the Special Education Director, or Designee, shall release the requested records. A record of the information transmitted will be maintained with the student folder.
5. Authorized Texas Education Agency personnel from the Special Education Division, Special Education Funding and/ or Audit.
6. Authorized Education Service Center Staff for preparing information reports requested by state statute.
7. Other persons in emergency situations which require the needed information to protect the health or safety of the student.

When receiving a court issued subpoena, the Director of Special Education will comply with the stated instructions of confidentiality. For example, refrain from disclosure of the existence or contents of the subpoena to anyone. The Director may seek legal opinion and/or assistance from a school attorney.

A signed parent permission form is required prior to the release of any educational records to all parties except those listed above and only for the purpose stated.

The following information is considered to be directory information which does not require prior written consent of the parent or eligible student for disclosure:

1. Student name, address and phone number
2. Parent's name, address and phone number

The Director of Special Education, or Designee, will respond by letter to written request for information for a student's application for financial aid.

Data accessibility logs in the form of an access sheet in the student folder will be maintained by the Confidentiality officer and/or data clerk on all student records.



The access sheet will contain the signature of person(s) other than authorized Tri-County Education Co-Op personnel or authorized LEA personnel accessing the record, date, and reason for accessing the record.

### **Amending Records**

1. Parents or eligible students have the right to contest information contained in the records maintained by Tri-County Education Co-Op.
2. Requests to amend a record must be submitted in writing to the Director of Special Education.
3. The request shall identify the portion(s) of the record the requesting party desires to be amended.
4. The Director will notify the requesting party in writing within ten working days of receipt of request and shall decide whether to amend the record as requested within a reasonable period of time.
5. If the department refuses to amend the record, the requesting party will be informed of their right to request a hearing before the Management Board of the Tri-County Education Co-Op.
6. Hearing requests must be made in writing to Tri-County Education Co-Op's Special Education Director.
7. Hearings before the Tri-County Education Co-Op Management Board will be held at the next regularly scheduled meeting of the Management Board following the receipt of a request, but not more than 45 days from receipt of the request.
8. Parents or eligible students will be notified in writing of the date, time and location of the hearing in a reasonable time prior to the hearing. They will receive a minimum of five days notice.
9. Parents or eligible students will be permitted to present evidence on behalf of their position and be represented by counsel at their expense.
10. The board will reach a decision based upon the evidence presented at the hearing and notify the parent or eligible student of the decision in writing within fifteen (15) working days of the conclusion of the hearing.

11. An official of the district who did not have a direct interest in the outcome of the hearing conducted the hearing.
12. The district's decision was based solely on the evidence presented at the hearing, and the summary of evidence and the reasons for the decision were included in the written report of the hearing.
13. If the decision of the board is to amend the record, the notice of decision will specify the portions of the record to be amended and restate the amended portions.
14. A copy of the amended record may be obtained according to the provisions under inspection and review of records.
15. All other provisions of this confidentiality procedure will be applicable to the amended record including the maintenance and disclosure of the record.
16. If the decision of the board is to refuse to amend the record because the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the notice of decision will summarize:
  - (a) evidence presented, and
  - (b) the reason for the decision.
17. The Management Board, upon deciding to refuse to amend the information in accordance with the request, shall inform the parent/legal guardian of the refusal, and advise the parent/legal guardian of the right to a hearing.
18. If the amended record is the result of a hearing which decided that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, a copy of the amended information will be given to the parent(s) or guardian in writing.
19. The parent or eligible student may place statement(s) in the record, clarifying the information within the record and/or setting forth their reasons for disagreeing with the decision of the Tri-County Education Co-Op Management Board.
20. This/these statement(s) will be maintained and disclosed according to the same provisions as all student record information covered by this procedure.
21. Information placed in the student's record as a result of a hearing is included whenever the record is disclosed by the Co-Op to a third party.

### **Storage Of Records / Destruction**

1. Original student records to be destroyed will be shredded, bagged and placed in a receptacle to be disposed of by the refuse and sanitation company seven (7) years after cessation of services.
2. In accordance with Section 4, Article 657b, Vernon's Civil Statutes, the confidentiality officer will verify the records to be destroyed.
3. The Shared Service Arrangement will maintain/destroy records in accordance with the Local Records Retention Schedules filed with the Texas State Library and Archives Commission.
4. No record will be destroyed if there is an outstanding request to review and/or inspect that record.
5. Parents will be informed at the initial ARD and at each annual ARD that all special education records will be destroyed 7 years after the cessation of services.
6. The local education agency shall destroy records at the parent's request when records are no longer needed to provide the educational services to the child and if the above criteria are met.
7. The Director of Special Education, or Designee, may maintain a specific record of information on students whose permanent folder has been destroyed. The information if maintained without a time limitation will be the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed.

### **Video Tapes And Recordings**

The Director/Designee will provide staff with a form for obtaining parent/guardian permission for video taping and/or recording of student(s). Copies of the signed permission form will be located in the student's folder.

### **Safeguards / Training In Confidentiality Procedures**

1. The Director of Special Education, Confidentiality Officer of the Shared Service Arrangement, will coordinate efforts with the District's designated Confidentiality Officer to ensure the confidentiality of personally identifiable information.
2. Training and/or instruction in confidentiality procedures will be provided by the Director of Special Education or Designee/LEA personnel.

3. The Director will provide a current listing of the names and positions of employees who may have access to confidential information.

### **EVALUATION (FIE)**

The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility must include, but is not limited to, a licensed specialist in school psychology (LSSP), an educational diagnostician, or other appropriate certified or licensed practitioner with experience and training in the area of the disability, and the student's parent(s).

The diagnostician will assure that the student referred for evaluation is evaluated in the child's dominant language. If the primary language used in the student's home is not English, the district's language proficiency testing determines the student's dominant language.

A student between the ages of 3-5 who is evaluated as having mental retardation, emotional disturbance, a specific learning disability, or autism may be described as noncategorical early childhood. The ARD committee will determine on an individual basis if NCEC is the appropriate classification instead of the specific disability indicated.

### **SUPPLEMENTAL EVALUATIONS**

When the ARD committee determines that it is necessary to have a supplemental evaluation done, the following information applies.

1. A supplemental evaluation does not require that the FIE be completely rewritten. The ARD committee may use the supplemental evaluation, in conjunction with the information they have from the previous FIE to make educational decisions.
2. The diagnostician may choose to completely rewrite the FIE in order to keep all evaluations in the same cycle. If the diagnostician wants to do this, then it is necessary to PAARD and indicate so.
3. If the supplemental evaluation is done and the FIE is not rewritten, then the diagnostician should place the new evaluation behind the current FIE in the eligibility folder. Also, the evaluation should be noted in the ARD committee document, including the date of the supplemental evaluation. The ARD committee should consider what action, if any, is necessary for the student based on the evaluation. ARD minutes should state that the committee considered the supplemental evaluation along with current FIE information in making their decision.

4. A student who has a supplemental evaluation done, but does not have his/her FIE rewritten, does not get a new FIE date. In other words, the only way to reset the 3 year clock on the FIE, is to complete a new FIE. (Any new FIE should be preceded by a PAARD.)
5. When the next FIE is due for a student who has had a supplemental evaluation in the interim, it is a good practice to redo, or readopt as appropriate, all evaluations so that they are all on the same time-line from that point forward. This action, of course, would be outlined first in the PAARD preceding the new FIE.

## **INDEPENDENT EDUCATIONAL EVALUATION**

### **Policy on Independent Evaluations**

It is the policy of the Tri-County Educational Cooperative to provide for independent evaluations at the request of parents in keeping with the requirements of IDEA. As such, if a parent disagrees with an evaluation that was done by or for the Tri-County Educational Cooperative, then the parent may request an independent evaluation. The following procedures will be used in providing for that evaluation.

1. The evaluation will be provided at no cost to the parent.
2. The parent will be given an opportunity to select an independent evaluator from a list of providers/evaluators that the Co-Op keeps available.
3. The group of providers will be developed by the Co-Op and adjusted over time. As the list is developed, the following items will impact who is placed on the list:
  - a. Geographic distance from Stamford
  - b. Track record of providing services and reports in a timely manner
  - c. Negotiated fee for evaluation services
4. The list will be developed with providers being within a 100 mile radius of Stamford. A secondary list will be developed with providers up to 160 miles distant for more difficult to find services.
5. If, in the case of an individual student's needs, the Co-Op cannot provide an independent evaluator from its existing lists, then the Co-Op will search out and find an appropriate evaluator using the standards listed in #3 above, but expanding the geographic areas as necessary, inside the State of Texas.
6. The Co-Op director will maintain the updated list of independent evaluators.

## **General**

(1) The parents of a handicapped child have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section.

(2) Each public agency shall provide to parents, on request, information about where an independent educational evaluation may be obtained.

(3) For the purposes of this part:

(i) “Independent educational evaluation” means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question; and

(ii) “Public expense” means that the public agency either pays for the full cost of the evaluation or insures that the evaluation is otherwise provided at no cost to the parent.

(b) Parent right to evaluation at public expense. A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. However, the public agency may initiate a hearing to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

(c) If the district has not conducted an evaluation, the parent does not have a right to an independent evaluation at public expense. Only one IEE may be reimbursed for each comprehensive evaluation obtained by the district. The results of a parent-initiated IEE will be considered by the district, but such consideration does not make the district liable for reimbursement for the IEE.

(d) A request for an independent educational evaluation (IEE) should be made to the ARD Committee or the Director of Special Education within 180 school days after the date of the evaluation report in question. Requests made after the 180 day time limit may be denied.

(e) Parent-initiated evaluations. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

(1) Must be considered by the ARD Committee in any decision made with respect to the provision of a free appropriate public education to the child; and

(2) May be presented as evidence at a hearing under this subpart regarding that child.

(f) Requests for evaluations by hearing officers. If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

(g) Agency criteria. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the public agency uses when it initiates an evaluation.”

(h) Criteria for IEE setting:

(1) The Shared Service Arrangement will pay a fee for IEE which allows a parent to choose from among the qualified professionals in the area.

(2) The Shared Service Arrangement will pay fees of no more than 25% above the prevailing fees in the area for the specific evaluation being considered.

(3) An ARD will be convened to consider payment of an IEE fee in excess of Shared Service Arrangement guidelines. Failure of the ARD to reach consensus, would allow either party to request a hearing.

(4) Parents will be allowed the opportunity to demonstrate to an ARD Committee that unique circumstances justify an IEE that does not fall within the SCI’s operating guidelines.

(5) When service providers have a sliding scale fee based on parent income, the school district will pay the amount charged to the parent.

(6) In the event that a parent pursues an IEE independently, an original billing form must be submitted within 90 days of completion of the evaluation to the district prior to payment. Before reimbursement or direct payment is authorized, criteria must be met and a written report received.

(7) Travel costs for examiners or parents will not exceed district rates for travel as established by state guidelines.

(i) The IEE must be obtained within the State of Texas.

(j) The results of an IEE at public expense will be considered whenever assessment data is discussed.

(k) Informal assessment evaluation will be made by the Tri-County Staff to ascertain whether the request and completion of an IEE has been done consistently and to measure the results

of the initial request for an IEE; if deficiencies are found, operational guidelines will be revised.

**ARD COMMITTEE**

**REQUIRED MEMBERS OF THE ADMISSION, REVIEW, AND DISMISSAL COMMITTEE (ARDC)**

The chart on the page following shows who is required to attend ARD meetings.



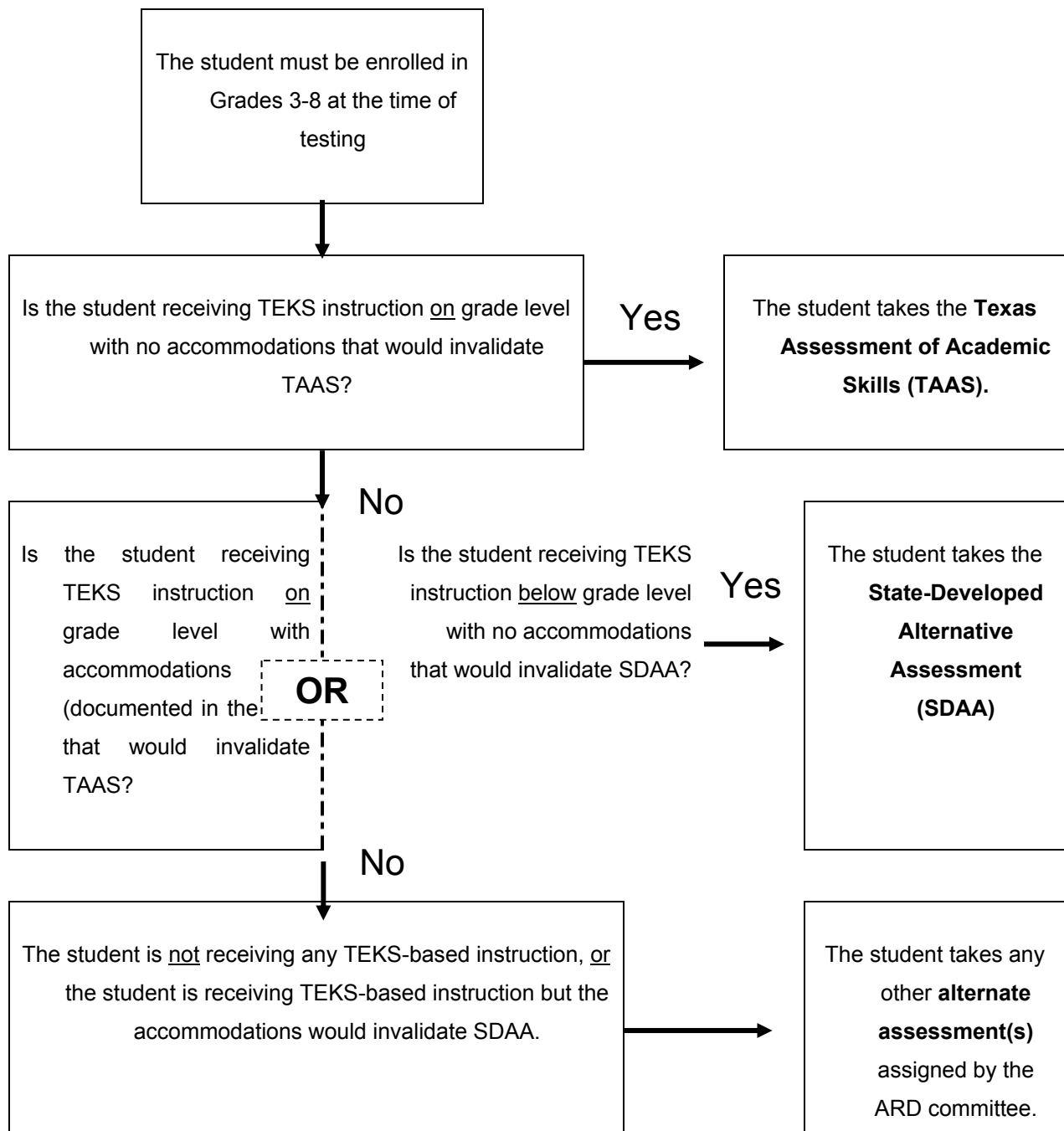
INSERT ARD MEMBERSHIP PAGE

- A. **Public Agency Representative**—Each State or local agency may determine which specific staff member will serve as the agency representative. However, the representative should be able to ensure that whatever services are set out in the IEP will actually be provided and that the IEP will not be vetoed at a higher administrative level within the agency. Thus, the person selected should have the authority to commit agency resources (i.e., to make decisions about the specific special education and related services that the agency will provide to a particular child).
- B. **The Child’s Teacher**—In deciding which teacher will participate in meetings on a child’s IEP, the district shall consider the following possibilities:
- (a) For a child with a disability who is receiving special education, the teacher must be certified in the child’s suspected areas of disability. When a specific certification is not required to serve certain disabilities categories, then the teacher must be qualified to provide the educational services the child may need. The teacher could be the child’s special education teacher. If the child’s disability is a speech impairment, the teacher could be the speech-language pathologist.
  - (b) At least one general education teacher of the child (if the child is, or may be, participating in the general education environment)
  - (c) If the child is not in school or has more than one teacher, the agency may designate which teacher will participate in the meeting. Either the teacher or the agency representative should be qualified in the area of the child’s suspected disability.
- C. **Evaluation Personnel**—An individual who can interpret the instructional implications of evaluation results.
- D. **LPAC Representative**—A person who is a member of the Language Proficiency Assessment Committee (LPAC).
- E. **Career and Technology Education Representative**—Career and Technology Education personnel when considering a student’s initial or continued placement in vocational education or someone knowledgeable about the CATE programs.
- F. **Other**—See chart on previous page.

- G. **Parent**—The term “parent” means a parent, foster parent, guardian, a person acting as a parent of a child, or a surrogate parent who has been appointed in accordance with 34 CFR §300.515. The term does not include the state if the child is a ward of the state.
- H. **Student**—The person whose identification, evaluation, and/or placement is being determined.

As part of the ARD process, the committee will consider what state assessment is appropriate for each child, if appropriate. The following chart will be used in considering this issue.

## Choosing The Appropriate Assessment For Student Receiving Special Education Services



August 2001-ARD Committee Decision-Making Process for the Texas Assessment Program (Grades 3-8)

### **Extended Year Services**

1. Extended year services (ESY) are defined as individualized instructional programs beyond the regular school year for eligible handicapped students who are enrolled in a school district's special education program.
  - a) The need for ESY must be determined on an individual student basis by the ARD Committee.
  - b) The need for ESY must be documented from formal and/or informal evaluations provided by the district or the parents. The documentation shall demonstrate that in one or more critical areas addressed in the current IEP objectives, the student has exhibited, or reasonably may be expected to exhibit severe or substantial regression that cannot be recouped within a reasonable time period. Severe or substantial regression shall mean that the student has been, or will be unable to maintain one or more acquired critical skills because of the absence of ESY.
  - c) The reasonable time period for recoupment of acquired critical skills shall be determined on the basis of needs identified in each student'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 student or to others, ESY may be justified without consideration of the time period for recoupment of such skills. In any case, the time period for recoupment shall not exceed eight weeks.
  - d) A skill is critical when the loss of that skill results, or is reasonably expected to result, in any of the following unplanned occurrences during the first eight weeks of the next regular school year:
    - i) placement in a more restrictive instructional arrangement;
    - ii) 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;
    - iii) 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

- iv) loss of access to on-the-job training or productive employment as a result of regression in skills.
- e) If the district does not propose ESY for discussion at the annual review of a student's IEP, the parent may request that the ARD Committee discuss ESY.
- f) If a student for whom ESY was considered and rejected loses critical skills because of the decision not to provide ESY, and if those skills are not regained after the reasonable time period for recoupment, the ARD Committee shall reconsider the current IEP if the student's loss of critical skills interferes with implementation of the IEP.
- g) For students enrolling in a district during the school year, information from the prior school district as well as information collected during the current year may be used to determine the need for ESY.
- h) The provision of ESY is limited to the educational needs of the student and shall 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 student's IEP. No student shall be denied ESY because that student receives care and treatment services under the auspices of other agencies.
- i) Districts are not eligible for reimbursement for ESY provided to students for reasons other than those set forth in this section.
- j) Personnel responsibilities for ESY:
  - i) The special education teacher/diagnostician will notify parent of the consideration of ESY at the annual ARD.
  - ii) The special education service provider/diagnostician will provide formal or informal documentation of the need for ESY including expected recoupment data.
  - iii) At the annual ARD, the special education service provider/diagnostician will describe the critical areas, if any, in the current IEP objectives which may be expected to show severe or substantial regression and recoupment problem unless ESY is provided.

- iv) The ARD Committee members will consider the consequences listed below if ESY is not provided:
  - a) placement in a more restrictive instructional arrangement
  - b) 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
  - c) loss of access to community-based independent living skills instruction, or independent living environment provided by noneducational sources as a result of regression in skills
  - d) loss of access to on-the-job training or productive employment as a result of regression in skills
  - e) none of the above
- v) The ARD Committee will determine the need for ESY.
- vi) The ARD Committee will develop a revised IEP for ESY which includes a daily schedule.
- vii) The ARD Committee will determine the location, instructional option, and frequency and amount of time necessary for the ESY services.
- viii) Tri-County staff will measure informally whether ESY has been considered and assigned consistently and properly; steps will be taken to address problems if found.

## **ASSISTIVE TECHNOLOGY**

### **Assistive Technology Device**

As used in this part, “assistive technology device” means 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 the functional capabilities of children with disabilities.

### **Assistive Technology Service**

As used in this part, “assistive technology service” means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes-

- (a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- (b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- (c) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing assistive technology devices;
- (d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- (e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and
- (f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of children with disabilities.

#### **Assistive Technology Devices And Services**

- (a) Assistive technology devices and services are used to adapt conditions to improve the student's functioning when needed to implement the student's individual educational plan.
- (b) The admission, review, and dismissal committee shall review recommendations for assistive technology devices and services from the comprehensive assessment report and include in the individual educational plan devices and services determined to be educationally necessary.
- (c) Assistive technology devices and services assigned in the individual educational plan do not replace necessary medical treatment or individually fitted or prescribed prosthetic or corrective devices such as hearing aids and glasses.



## **Staff Responsibilities**

### **Referral**

1. For the initial referral, the referring teacher will complete the assistive technology information portion of the referral.
2. For students already receiving special education services, a request for an assistive technology evaluation may be recommended through the ARD process.

### **Evaluation**

1. The designated diagnostician/speech pathologist will review the referral information and complete the Assistive Technology Checklist to determine if a referral to the Assistive Technology Team needs to be completed.
2. Upon receipt of an Assistive Technology Team referral, the technology team chairperson shall arrange for appropriate personnel to complete an in-depth evaluation.
3. The Assistive Technology Team will submit a written report within the designated timelines for ARD committee consideration.

### **ARD / IEP Responsibilities**

1. The ARD will consider assistive technology data presented by assessment personnel.
2. The ARD /IEP committee will determine if assistive technology devices / services are needed for the student's appropriate education, related services, or supplementary aids and services.
3. When appropriate, annual goals and short term objectives relating to assistive technology will be developed.
4. When appropriate, the ARD Committee will note devices / services as a modification, related service, as supplementary aids and services.
5. Technology needs will be considered at least annually.
6. The ARD Committee may refer a student for an in-depth assistive technology assessment.

### **Implementation**

1. The appropriate instructional personnel will carry out the goals and objectives as written in the IEP.

2. Instructional personnel will assure that devices / services are utilized in all appropriate settings as prescribed by the ARD / IEP.
3. Teachers should refer a malfunctioning device to the principal.
4. The principal will notify the special education director.

#### **Reevaluation**

1. As a part of the 3 year reevaluation data gathered, both regular and special education teachers will complete the assistive technology information portion of the reevaluation packet.
2. The designated diagnostician / speech pathologist will review the reevaluation information and complete the Assistive Technology Checklist to determine if a referral to the Assistive Technology Team needs to be completed.
3. Upon receipt of an Assistive Technology Team referral, the technology team chairperson shall arrange for appropriate personnel to complete an in-depth evaluation.
4. The Assistive Technology Team will submit a written report within the designated timelines for ARD Committee consideration.

#### **Program Evaluation**

The Tri-County Shared Service Arrangement staff will assess informally to determine if the operating guidelines are being implemented correctly or if revisions are necessary.

#### **TRANSFER OF RIGHTS**

- At least one year before a student reaches 18 years of age, inform the student that, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, Guardianship:
- The adult student will have the same right to make educational decisions as a student without a disability.
- The parental rights once accorded to the parent under the IDEA will transfer to the student upon reaching age 18, other than the right to receive any notice required under IDEA, Part B.
- Any notice required under the IDEA, Part B will be provided to both the parent and adult student, unless the student is incarcerated in an adult or juvenile, state or local correctional institution.
- At the time the student reaches the age of 18, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, Guardianship:

- Inform parent and student that parental rights have transferred to the student.
- Inform parent and student that the adult student has the same right to make educational decisions as a student without a disability.
- Inform parent and student that the parental rights once accorded to the parent under the IDEA have transferred to the adult student
- Inform parent and student that any notice required under the IDEA will be provided to both the parent and adult student, unless the student is incarcerated in an adult or juvenile, state or local correctional institution.
- Provide contact information for the parties to use in obtaining additional information.
- A notice under IDEA, Part B, that is required to be given to an adult student and parent does not create a right for the parent to consent to or participate in the proposal or refusal to which the notice relates. For example, a notice of an ARD committee meeting does not constitute invitation to, or create a right for, the parent to attend the meeting. However, the adult student or the school district may invite individuals who have knowledge or special expertise regarding the student, including the parent.
- Nothing prohibits a valid power of attorney from being executed by an individual who holds rights under IDEA, Part B.
- A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability, except that the school district shall provide any notice required by IDEA, Part B to both the student and the parents. All other rights accorded to parents under IDEA, Part B transfer to the student. All rights accorded to parents under IDEA, Part B transfer to students who are incarcerated in an adult or juvenile, state or local correctional institution.

### **TRANSITION SERVICES**

- (a) As used in this part, “transition services” means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including post-secondary education, vocational training, assistive technology, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation which should enable the student to be competitively employed.

- (b) The coordinated set of activities described in paragraph (a) of this section must-
  - (1) Be based on the individual student's needs, taking into account the student's preferences and interest's; and
  - (2) Include needed activities in the areas such as but not limited to:
    - (i) Instruction;
    - (ii) Community experiences;
    - (iii) The development of employment and other post-school adult living objectives, and
    - (iv) If appropriate, acquisition of daily living skills and functional vocational evaluation.
    - (v) Assistive technology
- (c) Transition services will be provided for all students who are 16 years of age and older. Transition services may begin at an earlier age depending on individual student needs and handicapping condition.

#### **Participants In Meetings**

- (c) Transition services participants
  - (1) If a purpose of the meeting is the consideration of transition services for a student using state/MOU timelines, The Tri-County's diagnostician assigned to the student shall invite using the appropriate Tri-County form-
    - (i) The student;
    - (ii) The parent, guardian or surrogate;
    - (iii) A representative of any other agency that is likely to be responsible for providing or paying for transition services;
    - (iv) At least one representative from special education; and
    - (v) One other educational representative which may be general, special education or vocational education.
  - (2) Other representatives from community resources may be invited.
  - (3) Other interested individuals may be invited by any other participant.
  - (4) If the student does not attend, Tri-County's transition coordinator shall take other steps to ensure that the student's preferences and interests are considered; and

- (5) If an agency invited to send a representative to a meeting does not do so, Tri-County's transition coordinator shall take other steps to obtain the participation of the other agency in the planning of any transition services.

### **Individualized Transition Plan Requirements**

1. The ITP shall be developed apart from and before the individual education plan.
2. Representatives from agencies shall attend ITP meetings for students they are currently serving.
3. Content of the ITP.
  - (a) Services for identified needs
    - (1) Services identified as the responsibility of the school shall be presented to the ARD for inclusion in the IEP.
    - (2) The elements of the student's individual transition plan to be accomplished by an agency shall be included in the agency's individualized plan of service for the student.
    - (3) The individual transition plan may include identification of and referral for potential services, but may not include commitment of services for agencies not attending the meeting.
  - (b) Decisions at the individual transition planning meeting shall reflect the intent of a collaborative planning process.
  - (c) A copy of the individual transition plan shall be given to the student and his or her parent, guardian, or surrogate. A copy shall be provided to other participants on request.
  - (d) Elements of the individual transition plan that are the responsibility of the student and family shall be identified at the individual transition planning meeting.
4. If a participating agency fails to provide agreed upon transition services contained in the IEP of a student with a disability, the public agency responsible for the student's education shall, as soon as possible, initiate a meeting for the purpose of identifying alternative strategies.
5. Nothing in this part relieves any participating agency, including state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that

the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

### **Content Of The Individualized Education Program**

1. Transition services.
  1. The IEP for each student, beginning no later than age 16 (and at a younger age, if determined appropriate), must include a statement of the needed transition services including, if appropriate, a statement of each public agency's and each participating agency's responsibility or linkages, or both, before the student leaves the school setting.
  2. If the IEP team determines that services are not needed in one or more of the specified areas, the IEP must include a statement to that effect and the basis upon which the determination was made.

### **Implementation Monitoring**

The director of special education in conjunction with the transition coordinator and diagnosticians will review records to determine:

1. That an ITP was developed for each eligible student in a timely manner.
2. That needed transition services were provided as required.
3. A need for operating guidelines revision.

### **Graduation Of Handicapped Students**

#### **Graduation Requirements**

The secondary program of a student receiving special education services shall terminate either with graduation or when the student no longer meets the age requirement for eligibility in the Texas Education Code. A student receiving special education services who is younger than 22 years of age on September 1 of a scholastic year shall be eligible for services through the end of that scholastic year or until graduation, whichever comes first.

1. Graduation constitutes a release from services and is a change in placement. A student may be graduated according to the provisions specified in either paragraph (2), (3), or (6) of this subsection.
2. A student receiving special education services may graduate upon satisfactorily completing the minimum academic credit requirements for graduation applicable to students in regular education, including satisfactory performance on the exit level assessment instrument.
3. A student receiving special education services may also graduate upon the admission, review, and dismissal (ARD) committee determining that the student has completed requirements specified in the individual educational plan (IEP), including minimum credit requirements, which have resulted in one of the following:
  - (a) full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district;
  - (b) demonstrated mastery of specific employability skills and self-help skills which do not require direct ongoing educational support of the local school district; or
  - (c) access to services which are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program.
4. When considering graduation under paragraph (3) of this subsection, the ARD committee shall, when appropriate, seek in writing and consider written recommendations from appropriate adult service agencies and the views of the parent and, when appropriate, the student.
5. Employability and self-help skills referenced under paragraph (3) of this subsection are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment.
6. A student receiving special education services may also graduate upon the ARD committee determining that the student no longer meets age eligibility requirements and has completed the requirements specified in the IEP.
7. For students who graduate according to paragraph (3) of this subsection, the ARD committee shall determine whether educational services will be resumed upon the request of the student or parent, as appropriate, so long as the student meets the age eligibility requirement.

## **GRADUATION ARDS**

A graduation ARD is an ARD for a high school student in which the ARD committee will be planning for the graduation of the high school student and his/her exit from the high school setting. In order to be a graduation ARD the exit from high school would take place within one year of the meeting.

### **What is the proper notice required for a student who is going to graduate?**

#### **Notice**

A graduation ARD is discussing a change in placement. The ARD notice should contain information which tells the parent that the ARD committee will be considering:

- 1) Graduation,
- 2) Change in placement, and
- 3) Exit from special education services.

(Federal Regulation 300.122 (a) (3) (iii) clearly identifies that graduation is a change in placement.)

According to federal regulation 300.503 (b) (1-7), a graduation ARD must notice the following items. Tri-County will notice as shown above and cover all of these issues in ARD meeting.

- 1) Notice of graduation and exit from services should be given in the native language.
  - a. *The graduation with transition supplement gives this notice.*
- 2) Include a description of the proposed graduation.
  - a. *The graduation with transition supplement gives this notice, as does the body of the ARD.*
- 3) An explanation of the reason why the district proposes to take this action.
  - a. *The minutes of the ARD should reflect the reasons that support that the student is ready to graduate. Also, the parent and teacher input of competencies often discusses the student's preparedness to graduate.*
- 4) Any options that the district considered and the reasons why those options were rejected.
  - a. *The minutes of the ARD should state the options that were considered, and the reason that those options were rejected. (Two possible options are: 1) stay in school one additional year, and 2) transfer to another educational institution.)*



- 5) A description of each evaluation procedure, test, record, or report the district used as a basis for the proposal.
  - a. *This information would be contained on page 1 in the section under assessments considered.*
  - b. *This information will be further supplemented by the PAARD document.*
- 6) Other factors relevant to the proposal.
  - a. *This information would be in the minutes or elsewhere in the ARD.*
- 7) Sources to contact to obtain assistance.
  - a. *This information is on the ARD notice, and in the Procedural Safeguards form. Diagnosticians often provide additional information from the TRC and this should be noted in the ARD.*

### **PAARD**

**Does the ARD committee have to do a PAARD in order to meet the requirement that the ARD committee consider evaluations?**

**Part (b) and (d) graduates *NO***

According to Federal Regulations 300.534 (c) (2) and state commissioners rules, a district does not have to do an evaluation, i.e. PAARD, in order to exit a student from special education at graduation with a regular high school diploma, or if the child ages out. If a special education student meets these requirements, then a PAARD is not required.

**Part (c) graduates *YES***

The commissioner’s rules state that a student who is going to graduate under section C below must receive an evaluation and have it considered by the ARD committee before the student graduates.

Special Education students in Texas graduate under 3 sections of commissioner’s rules. These rules are:

89.1070 (b) Regular High School Diploma

No PAARD or evaluation necessary

89.1070 (c) Mastery of IEP and Employability skills

**PAARD or evaluation ARE NECESSARY**

89.1070 (d) Age Out

No PAARD or evaluation necessary

### **Graduation Evaluation Procedures**

Given that you have a student who is expected to graduate under part (c) in the next school year (generally 11<sup>th</sup> graders) the ARD committee will conduct a PAARD in order to consider the necessary assessment to have available for the annual/graduation ARD for the 12<sup>th</sup> grade student. At the 12<sup>th</sup> grade annual/graduation ARD, the ARD committee will review the FIE presented based on the PAARD and consider that information as it makes its decisions with respect to the student's readiness for graduation.

While this is our general procedure, it is also possible to conduct a PAARD as a part of the 12<sup>th</sup> grade student's ARD. If the committee accepted the current testing and additional information as presented, then the committee could accept the PAARD as the FIE, and make their decisions with respect to the student's proposed graduation using that evaluative information.

### **ECI COORDINATION**

#### **COORDINATION OF SERVICES WITH EARLY CHILDHOOD INTERVENTION (ECI) SERVICE PROVIDERS**

The SSA:

1. ensures that all LEAs, ESCs, TSD, and RDSPD immediately upon receipt of a referral for children under three years of age, transfer referral information to the Tri-County Education Co-Op SSA. The director will transfer the information to the appropriate agency in order to meet the IFSP timelines;
2. ensures that the level of state and federal funding and resources used to provide services for children, birth through two years of age, with visual impairments or auditory impairments will be maintained or increased unless changed by federal or state statutes and regulations;
3. Under the MOU and in accordance with federal law, services are to be provided according to regulations under IDEA Part C, **NOT** under IDEA Part B. ECI monitors its programs for compliance with the Part C regulations. TEA monitors districts for coordination with ECI, the specific services outlined in the MOU, and for compliance with the state laws specific to students with visual and/or auditory impairments.
4. ensures that the LEA will provide for all children, birth through two years of age, referred with an identified or suspected visual impairment as a result of the screening process;

- a. a functional vision evaluation and learning media assessment required to determine if a child has a need for services related to visual impairment,
  - b. an orientation and mobility evaluation,
  - c. a teacher with a Visually Handicapped Endorsement to consult with the ECI assessment team in planning all aspects of the child's assessment,
  - d. a teacher with a Visually Handicapped Endorsement to participate as a member of the interdisciplinary team to determine eligibility and to develop the IFSP, and
  - e. the capacity to provide services 48 weeks per year.
5. ensures that the LEA will provide for children with an identified visual impairment birth through two years of age;
- a. a teacher with a Visually Handicapped Endorsement to participate as member of the interdisciplinary team at each IFSP meeting,
  - b. services and materials by a teacher with a Visually Handicapped Endorsement and an orientation and mobility specialist, as specified by the IFSP,
  - c. materials that are available through Quota Funds as specified by the IFSP, and
  - d. registration of each child on the Annual Registration of Students with Visual Impairments.
6. ensures that the LEA will provide for all children, birth through two years of age, referred with an identified or suspected auditory impairment as a result of the screening process;
- a. assessments required to determine the need for services or adaptive equipment related to the auditory impairment,
  - b. a teacher with a Hearing Impaired Certificate to consult with the ECI assessment team,
  - c. a teacher with a Hearing Impaired Certificate to participate as a member of the interdisciplinary team to determine eligibility, to develop the IFSP, and to serve as service coordinator when designated by the IFSP,
  - d. *capacity to provide services 48 weeks per year, and*
  - e. necessary instructional support to ensure that children with auditory impairments have access to ASL, information about deaf culture and all educational options, including TSD, as appropriate.

7. ensures that the LEA, TSD and RDSPD will provide for children with identified auditory impairments birth through two years of age;
  - a. services by a teacher with a Hearing Impaired Certificate as specified by the IFSP,
  - b. a teacher with a Hearing Impaired Certificate to participate as a member of the interdisciplinary team at each IFSP meeting, and
  - c. coordinated service delivery with the local ECI program.
8. ensures that each LEA and RDSPD will adopt and meet all part H requirements, including, but not limited to: a family-focused process, flexible hours, full-year services, timelines, and procedural safeguards.
9. ensures that each LEA will enroll all children, birth through two years of age, with a visual and/or auditory impairment who need specialized services and include them in PEIMS; and
10. recognizes that the Individualized Family Service Plan and IFSP team meeting will replace the Individualized Education Plan (IEP) and the Admission, Review and Dismissal (ARD) committee meeting, for children, birth through two, with visual and auditory impairments.

#### **Identification And Tracking System (Age 0-3)**

Persons wishing to refer a child 0-3 who is suspected of having a developmental delay are referred to the local Early Childhood Intervention (ECI) program within 2 working days. Children 0-3 with auditory and or/or visual impairments will be enrolled with both ECI and the SSA. The Cooperative staff tracks referrals on children 0-3 suspected of having a developmental delay or disability by recording the name and demographic information in the Child Find records.

#### **Referrals From ECI**

The ECI program Coordinator provides the Special Education Director with referrals for children in ECI. These referrals are made after the parent has given permission for ECI to release information to the SSA. ECI invites the special education director or designee to a face-to-face meeting approximately 120 days before the child's third birthday.

School districts should accept referrals at least 90 days before the child's third birthday. In order to ensure continuity of services, the SSA should accept appropriate assessments from infant programs, and if the information is sufficient develop the IEP through the ARD process in order to begin serving the student by his or her third birthday. If additional assessment is needed to determine eligibility, the SSA should conduct necessary assessments and convene an ARD committee meeting on or before the child's third birthday.

#### **Determination Of Children Receiving Needed Services (Ages 0-21)**

The following methods are used to ensure that all eligible students between the ages of 0 and 21 who reside within the boundaries of the Cooperative are receiving needed special education and related services.

#### **Determination Of Children Receiving Needed Services (Ages 0-3)**

As children 0-3 are identified by the special education cooperative, they are referred to ECI for services and tracking. Upon reaching their third birthday, ECI refers these children to the Cooperative and services for eligible students are provided locally. Children 0-3 with visual or auditory impairments are dually enrolled and served by the Cooperative and ECI and are entered in the Co-Op database. These children are not reported on the Child Find count submitted by the Cooperative.

#### **Timeline**

The total referral and assessment process will be completed within 60 calendar days from the date recorded on the Referral to Special Education form.

Children referred for services after their third birthday will be subject to regular referral process and timelines.

#### **Three-Is-Three**

Preschool children eligible for services under IDEA-B receive the necessary services as determined by the ARD/IEP committee beginning on their third birthday.

#### **Location**

The Cooperative works closely with ECI program staff to ensure a satisfactory transition between that program and the public school. The ECI program staff notifies the Cooperative of students prior to their third birthday. This notification will allow Co-Op and district staff to meet with parents and begin the transition process.

## **PERSONNEL DEVELOPMENT**

- The Director of Special Education, will encourage Principals to include special education personnel on appropriate campus committees
- The Director of Special Education, or Designee, will be available to meet with LEA personnel for development and implementation of the ISD Personnel Development Plan (CSPD).
- The plan, based upon current needs assessment data, will include specialized in-service training for teachers of students with disabilities including those with visual and/or hearing impairments, regular teachers, support staff, related service personnel, parents, and administrators.
- Documentation will be maintained including:
  - copy of current personnel development plan
  - copies of all contracts and resumes of individuals who performed in-service training
  - copies of in-service evaluation
  - record of reimbursement for travel, registration fees
  - all staff will participate in continuous professional development.

## **DISCIPLINE MANAGEMENT**

Each member district has developed a Discipline Management Plan for all students, which includes provisions for handicapped students. This plan meets all state and federal requirements regarding student discipline.

As a part of the district's over-all discipline policy, each handicapped student's IEP addresses the student's specialized needs and the appropriate discipline management techniques to be used with the student.

A Behavior Management Plan shall be developed by the ARD Committee for each student identified as Emotionally Disturbed or Mentally Retarded.

For all identified special education students, it is the responsibility of the ARD Committee to determine if a student can follow the district's discipline management plan. If not, an individual Behavior Management Plan will be developed.

When a Behavior Management Plan has been developed by an ARD, the diagnostician shall be responsible for disseminating copies of the BMP to the principal and to each of the student's teachers. A Behavior Management Plan takes precedence over the local school's Discipline Management Plan. Changes in the BMP can only be made by ARD action.

The Tri-County Shared Service Arrangement staff will assess informally if the operating guidelines are being implemented correctly or if revisions need to be made.

## **RESTRAINT, CONFINEMENT, SECLUSION, TIME OUT**

### **Time Out**

**Definition** – Education Code 37.0021 (b) (3)

Means a technique in which to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

- a) that is not locked
- b) from which the student is not physically prevented from leaving

### **Use**

Schools may use time-out as a behavior management technique. For general use with the entire student population it is not regulated. For use "utilized on a recurrent basis to increase or decrease a targeted behavior" it is allowable, but is regulated by commissioner's rules 89.1053 (g).

### **Important points**

You may not use a locked space for time out. Also, you may not use physical force or the threat of physical force to prevent a student from leaving a time-out area. If a school were to do either of these, then the school would be using confinement/seclusion which are prohibited by law 37.0021 (a) and 37.0021 (b) (2) and 37.0021 (c).

Training is required. Not later than April 1, 2003 general or special education personnel who implement time-out based on requirements established in a student's IEP and or BIP must

be trained in the use of time-out. Also, after April 1, 2003 those who are called on to implement time-out under these conditions must be trained on time out within 30 days of receiving the assignment.

Can school personnel escort a child to time-out? Laura Taylor, TEA, was very specific in her training. You cannot use physical force or the threat of physical force to get a child to time out. Doing so would be restraint, and you are not allowed to use restraint except in emergencies. Surely a school would not be taking a child to time out in response to an emergency situation.

### **Restraint**

**Definition** – Commissioner’s rules 89.1053 (b) (2), State Law 37.0021 (b) (1)

“Restraint means the use of physical force or a mechanical device to restrict the free movement of all or a portion of the student’s body.”

**Related Definitions** - Commissioner’s rules 89.1053 (b) (1)

#### *Emergency*

“Emergency means a situation in which a student’s behavior poses a threat of:

- a) imminent serious physical harm to the student or others; or
- b) imminent, serious property destruction”

### **Use**

State law requires that the Commissioner of Education provide rules for the use of restraint by school district personnel, volunteers, or contractor.

Commissioner’s rules 89.1053 (c) details that restraint may be used under only a very specific set of conditions. The rule also details four types of restraint, which are not restraint under the rule 89.1053 (f).

Restraint may be used in an emergency, as defined in 89.1053 (b) subject to conditions detailed in section (c), (d), and (e).

### **(c) Limits to Use**

- (1) limited to reasonable force necessary to address the emergency
- (2) discontinued at the point the emergency no longer exists
- (3) implemented in such a way to protect the health and safety of the student and others
- (4) restraint shall not deprive the student of basic human necessities

### **(d) Training Requirements**



- (5) a core team of personnel for each campus must have received training as proscribed by TEA by April 1, 2003
- (6) if personnel using restraint have not received training, then they must do so within 30 days of the first use of restraint
- (7) training must include prevention and de-escalation techniques and provide alternatives to the use of restraint
- (8) all trained personnel shall receive instruction in current professionally accepted practices regarding behavior management and restraint

**(e) Documentation**

- (9) on the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint
- (10) on the day restraint is utilized a good faith effort shall be made to verbally notify the parents regarding the use of restraint
- (11) written notification on the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint
- (12) written documentation regarding the use of restraint must be placed in the student's eligibility folder in a timely manner
- (13) documentation must include the nine elements listed in the rules

**Important Points**

According to TEA, Laura Taylor video conference 5/30/2002, to whom the property belongs is not an issue and does not matter with respect to this rule. 89.1053 (b) (1) (B)

Section 89.1053 (f) clarifies that there are some actions that school personnel might take, which while meeting the definition of restraint, are not subject to the rules imposed in sections 89.1053 (c)–(e). **This means that restraint that fits into the definitions described in section (f) do not require the district to follow the steps and procedures detailed above in {1-13}.**

For purposes of this section (f), restraint does not include:

- 1) physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
- 2) Limited physical contact with a student:
  - a) to promote safety (e.g. holding a students hand),
  - b) to prevent a potentially harmful action (e.g. running into the street),

- c) to teach a skill, or
- d) to provide comfort.
- 3) Limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors; or
- 4) Seat belts and other safety equipment used to secure students during transportation.

So, under these four specific types of circumstances the school is not:

- 1) bound to emergency only use (c)
- 2) required to provide training (d), or
- 3) Required to document any of these activities as describe in section (e).

Important training notes from video conference 5/30/2002:

- 1) A school cannot use restraint to make a child stay in time out.
- 2) A school can, in the course of regular class instruction, engage in proactive behavior to keep a student in the classroom, who is inclined to bolt from the classroom, thereby potentially endangering him/herself.
- 3) Remember that a school cannot use locks, physical force, or the threat of physical force to confine a student to a room.

(While it is clear that numbers 2 and 3 above are clearly contradictory, they are in fact not. There is a subtle difference. Gene Lenz spoke to this issue and specifically referred to the structure of the instructional setting as being manipulated to provide informal barriers to exit.)

### **Confinement**

**Definition** – State Law 37.0021 (a)

“ . . . to be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice of a behavior management technique.”

### **Use**

Schools are prohibited from using confinement.

### **Important Points**

In their video conference of 5/30/2002, TEA stated that based on a study of the law, legislative intent, and other factors, that the rules with respect to seclusion, confinement, and time-out combine to mean that a district cannot confine a special education student to a room, box, or space of any kind, shape or size using a lock, physical restraint, or the threat of physical restraint.

## **Seclusion**

**Definition** – State Law 37.0021 (b) (2)

“Seclusion means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that: a) is designed solely to seclude a person; and b) contains less than 50 square feet of space.

### **Use**

School districts are prohibited from placing a student in seclusion.

### **Important Points**

While the commissioner’s rules on seclusion were not enacted, this was due to a technical detail in the law which prevented the commissioner from making the rules. The law itself is still in effect.

## **Frequently Asked Questions**

Questions and Answers from Cynthia S. Buechler, Attorney

Questions and Answers are copied directly from materials produced by Buechler

### **Does an educator have any concerns for personal liability when dealing with restraint and time-out?**

The Texas Education Code S22.051(a) explicitly removes an educator’s immunity from suit in matters involving student discipline. The statute provides, in pertinent part, as follow:

A professional employee of a school district is not personally liable for any act that is incident to or within the scope of the duties of the employee’s position of employment and that involves the exercise of judgment or discretion on the part of the employee, except in circumstance in which a professional employee uses excessive force in the discipline of students or negligence resulting in bodily injury to students.

“Professional employee” includes 1) a superintendent,, principal, teacher, supervisor, social worker, counselor, nurse, or teacher’s aide; 2) a student in an education preparation program participating in a field experience or internship; 3) a school bus driver certified in accordance with standards and qualifications

adopted by Department of Public Safety; and 4) any other person whose employment requires certification and the exercise of discretion.

The statute allows parents, on behalf of their child, to sue the educator in his or her individual capacity. Thus, the personal assets of district personnel are at stake when a plaintiff files a lawsuit based on the use of excessive corporal punishment or injury during disciplining.

However, Section 9.62 of the Penal Code allows an educator to use force, but not deadly force, against a student if the following conditions apply:

If the actor is entrusted with the care, supervision, or administration of their person for a special purpose; and

When and to the degree the actor reasonably believes the force is necessary to further the special purpose or to maintain discipline in a group.

**Does time-out have to be in the student’s IEP?**

According to the rules, time out must be in the student’s IEP if it utilized on a recurrent basis to increase or decrease a targeted behavior.

**Is it considered restraint if the student must wear a harness on the bus due to safety concerns that arise from behavior?**

No. Subsection (f) specifically provides that it is not considered restraint when, "seat belts and other safety equipment" are used to secure students during transportation.

**If the parent insists at an ARD meeting that restraint can never be used with their child and does not want restraint in the BIP, is the district precluded from using restraint?**

No. Obviously, if the only time that school personnel are entitled to use restraint is during an emergency situation, then the school personnel must act to prevent injury to the child or others. Further, Texas Penal Code Section 9.62 specifically provides the following:

“Clearly, school personnel are entrusted with the safety of the children. Since this statute and the Penal Code allow school personnel to restrain when an emergency exists, the ARD committee should not preclude themselves from using restraint when there is a substantial likelihood that injury will occur to either the student or others or when significant property destruction is significant”

**What constitutes imminent serious property destruction?**

The proposed rule provided that imminent serious property destruction was existent if the destruction would constitute a felony under Section 28.03 of the Texas Penal Code. A felony under this section requires at least \$1500.00 in pecuniary damages. This requirement was removed from the adopted version of the rule. Obviously, a student breaking a pencil does not constitute serious property destruction. However, an attempt to break a computer, throw a chair or break a window does.

**Can a teacher use a Rifton chair to prevent a child from running around the room?**

Restraint is defined as the use of physical force or a mechanical device to restrict the free movement of all or a portion of the student's body. It does not include physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning. It would, however, include the use of adaptive equipment for the sole purpose of confining a child.

**If a student is placed in a study carrel to reduce the amount of stimulation, is that considered time-out?**

No. Time-out is a behavior management technique which is designed to allow the student the opportunity to regain self-control. Isolation, on the other hand, is a strategy that is used to assist the child to be able to receive instruction.

**PARENT INVOLVEMENT**

- The Director of Special Education and/or the Principals and Diagnosticians will collaborate to determine ways to increase parent participation in all aspects of their children's educational program.
- Efforts are made to gain parent participation in Admission, Review, and Dismissal (ARD) meetings.
- Parents are entitled to determine their individual need for translation services. State and Federal law and district policy require that a parent be provided a written or taped copy of the IEP document in their native language, if the parent does not understand English. Therefore, it is the policy of the district to allow the parent to inform the district of their need for these services.

## **SURROGATE PARENT**

Reasonable efforts shall be made to involve student's parent or guardian regarding the provision of special education services. When a student's parent cannot be identified or located after reasonable efforts, or the student is a legal ward of the state, a surrogate parent will be appointed.

A surrogate parent may be selected in any way permitted under state law. To ensure maximum objectivity and prevent possible conflict of interest, a person appointed as surrogate parent shall not be an employee of the state or public agency responsible for or involved in the education or care of the student whom that person represents. A person who otherwise qualifies to be a surrogate parent is not an employee of the agency solely because he or she is paid by the agency to serve as surrogate parent. The Tri-County office shall maintain documentation that the person appointed is competent to represent the individual, shall have knowledge and skills that ensure adequate representation of the child, and that he/she has no vested interest that would conflict with the interest of the student he or she represents. In accordance with the criteria in federal regulations, the local education agency shall determine when surrogate parents are to be assigned and provide for their assignment.

Responsibilities of the Surrogate Parent are:

- visit the child and the child's school;
- consult with persons involved in the child's education, including teachers, caseworkers, court-appointed volunteers, guardians ad Litem, attorneys ad Litem, foster parents, and caretakers;
- review the child educational records
- attend meetings of the child's admission, review, and dismissal committee;
- exercise independent judgment in pursuing the child's interests, and
- exercise the child's due process rights under applicable state and federal law. TEC §29.001(10)

The following information about each prospective surrogate parent should be obtained and considered before a prospective surrogate parent is selected as a surrogate parent:

1. Name of employer and relationship, if any, to public agency. (Non employee status should be verified.) Public office held, if any.
2. Educational and cultural background. (Cultural matching of surrogate parent and students is considered desirable.)
3. Basic knowledge of state and federal laws and regulations pertaining to special education a school services, willingness to become knowledgeable, or agreement to participate in surrogate parent training.
4. Willingness to assume the responsibilities of a surrogate including: (1) knowing the child, (2) becoming familiar with child's educational records, (3) contacting teachers, counselors, foster parents, and (4) willingness to make the commitment of time needed for service as surrogate parent.

### **Training**

Surrogate parents will be provided training on a variety of topics including:

1. The identification of a student with a disability
2. The collection of evaluation and re-evaluation data relating to a student with a disability
3. The admission, review, and dismissal committee process
4. The development of an individualized education program and for a student who is at least 16 years of age, an individual transition plan
5. The determination of the least restrictive environment
6. The implementation of the IEP
7. The procedural rights and safeguards available under 34 CFR §§300.403, 300.500-300.529, 300.560-300.577, and 300.660-300.662, relating to the issues described in 34 CFR §300.504(b)
8. The sources that the surrogate parent may contact to obtain assistance in understanding the provision of federal and state laws, rules and regulations relating to students with disabilities.  
19 TAC §89.1047 (a)(1)

In the event that a surrogate parents is appointed, training will be completed within the following time guidelines.

The individual assigned to act as a surrogate parent must complete the training program within 90 calendar days after March 6, 2001 or 90 calendar days after the date of the initial assignment as surrogate parent, whatever comes later.

The training program must be provided in the native language or other mode of communication used by the individual who is to serve as the surrogate parent. 19 TAC §89.1047(a)(2); TEC §29.015

**Staff responsibilities:**

1. The director, or designee, will provide surrogate parent training for qualified individuals.
2. Diagnosticians (speech pathologists if speech only student) will determine the need for and appoint a surrogate parent.
3. The special education personnel will ensure that the appointed surrogate parent is involved in all matters relating to the identification, evaluation, educational placement, and provision of a free appropriate public education. These include prior notice, consent and due process.
4. The surrogate parent will continue representing a student until:
  - a) Student's parent or guardians are located
  - b) Student or surrogate leaves the district
  - c) The LEA makes a change of assignment
5. A foster parent may act as a parent of a child with a disability, in accordance with 34 CFR 300.20, relating to the definition of parent, if he/she complies with the requirements relating to foster parents including the completion of the surrogate training program. 19 TAC §89.1047(b)
6. The director/diagnosticians/speech pathologists will assess informally whether surrogate parents have been assigned consistently and properly; if necessary, guidelines will be revised.

**PARTICIPATION IN REGULAR EDUCATION PROGRAMS**

- Yearly, the Director of Special Education, or Designee, will review the PEIMS data to determine the percentage of students with disabilities receiving their education with regular students.
- The Director, or Designee, will present the information to superintendent/principals to aid in determining methods for increasing participation of students with disabilities with their peers in regular education classes.



- Upon request, the Director or Designee will provide training activities for all teachers, administrators, and/or private school personnel which will facilitate the inclusion of students with disabilities into regular education programs.
- The Director of Special Education and/or Designee will monitor special classes, separate campuses and/or other instructional arrangements that are removed from regular educational classes to determine what special supplementary aids and/or other services could be provided to increase participation of students in regular classes.
- The Director of Special Education and/or Designee will provide technical assistance to school personnel in creating a variety of alternative instruction arrangements and/or related services that will accommodate the educational needs as identified by the student's assessment reports or ARD committee.
- The Director of Special Education and/or Designee will review a predetermined number of student eligibility folders to determine compliance in educational placement of individuals with disabilities. Review will insure that:
  - placement was determined annually,
  - placement was based on the IEP data,
  - educational placement is on the student's home school campus unless the IEP requires some other arrangement,
  - instructional arrangement is in the least restrictive environment (LRE),
  - consideration was given to any potential harmful effects,
  - quality of instruction and/or services is appropriate based on instructional arrangement, and
  - participation in nonacademic, extracurricular services and activities with non-disabled individuals was considered.
- The Director of Special Education and/or Designee will assist in the collection of required data through the Public Education Information Management System (PEIMS). Student data will be analyzed for determining local, state, and/or federal reports at any time. The data will assist in determining educational program needs, personnel needs, student needs, alternative placement / instructional needs, etc.

## **INDIVIDUALIZED EDUCATION PROGRAMS (IEP)**

- The Director of Special Education and/or Designee will have a written Admission, Review, and Dismissal (ARD) agenda for school personnel to follow to ensure compliance in addressing all areas or functions required by State/Federal law.
- The process will be reviewed yearly and updated if necessary.
- Yearly, designated staff will conduct training sessions to update all school personnel in the ARD process including any changes of the forms to be used to record required data.
- The IEP contains a statement of the related service to be provided to the student.

### **Related Services**

- The need for related services is considered for each student with disabilities.
- The correlation between the need for the related service and the educational benefit is established.
- Related services are provided in a variety of service delivery options as determined by a multidisciplinary team.
- Related services are integrated into the curriculum to promote learning and to generalize skills.
- Related services are provided for the time specified in the IEP in a collaborative team approach.
- Gaps in the amount of time specified in the IEP in the provision of related services or speech therapy by the service personnel are to be made up in the following order as applicable to the related services by:
  1. utilizing any available time during regularly scheduled days in that district (for SLPs not lunch or duty free planning period. Ex. testing time).
  2. utilizing Stamford office days.
  3. utilizing speech substitutes.
  4. Saturday or summer delivery.
- A record of gaps in services and made up services by the related service and speech therapy personnel is to be turned into the special education director at the end of the school year.
- A doctor's prescription will be secured for all related services which are reimbursable under Medicaid, including: speech students who are eligible for Medicaid, all physical

therapy students, all corrective therapy students, occupational therapy students who are eligible for Medicaid, and other related services that are eligible for Medicaid which require a prescription according to Medicaid reimbursement rules.

#### **PRIVATE SCHOOLS**

- Yearly, the Director of Special Education will provide each \*private school with information on Child Find activities, referral for special education services, State policy on dual enrollment for obtaining services, and participation in teacher in-service. Designated staff members will be available to provide technical assistance in determining educational needs and referral to appropriate state, and local regional resources and service agencies (i.e., MHMR, C.R.C.G. Committees, etc.).

\*The term private schools includes religious schools and home schools.

(a) Each LEA shall locate, identify, and evaluate all \*private school children with disabilities, including religious-school and home school children residing in the jurisdiction of the LEA. The activities undertaken to carry out this responsibility for \*private school children with disabilities must be comparable to activities undertaken for children with disabilities in public schools.

(b) Each LEA shall consult with appropriate representatives of private school, religious school, and home school children with disabilities on how to carry out the activities described in paragraph (a) of this section.

#### **Information in an Application**

- Yearly, the Director of Special Education or Designee will contact each school and exchange the following information for inclusion in Standard Application System and for program projection planning:
  - General compliance statement of available services to school students with special needs.
  - Listing of eligible students enrolled in private schools who would benefit from special education.
  - Listing of students identified as eligible to benefit from special education.
  - Referral and assessment process used to select students.

- Identification of school personnel available to provide assistance to private school personnel and students who would benefit from special education.
- The differences between the benefits the SSA will provide to public and private school students and the reasons for the differences.

#### Consultation

- Yearly, the Director of Special Education of Designee will inform the staff of the private school(s) of the development and design of the project activities covered by the application. This information will include:
    - Eligible students to receive benefits of activities.
    - How the individual students needs will be identified.
    - What services will be provided.
    - How and where the services will be provided
    - Service delivery plan
    - Evaluation method.
  - Yearly, the Director of Special Education or Designee will report to private school representatives the evaluative results of services delivered to their eligible students(s).
  - Yearly, the Director of Special Education will solicit input of all the private school representatives concerning services available through SAS.
1. All state requirements concerning referral, assessment, and determination of eligibility are applicable to students placed by their parents in private schools once the students have been referred to the local school district. All state requirements concerning special education services are applicable to students admitted under the dual enrollment rule in subsection (5) of this section.
  2. When a handicapped child who has been placed by his or her parents directly in a private school or facility is referred to the local school district, the local district shall convene an ARD committee meeting to determine whether the district can offer to the student a free appropriate public education. If the district determines that it can, the district is not responsible for providing educational or related services to the student until such time as the parents choose to enroll the child in the public school full time or request services under the dual enrollment rule in subsection (5) of this section.

3. School districts shall use their established procedures and forms for the referral of students from private schools.
4. To the maximum extent possible, the district shall use referral and assessment information from the private schools' records in order to avoid unnecessary duplication of effort or services.
5. The SSA shall ensure that a representative of a \*private school attends each meeting held to develop, review and revise a service plan for the child. Moreover, if the representative cannot attend, the agency will use other methods to ensure participation by the private school, including individual or conference calls.
6. If the ARD committee determines that a private school student is eligible and in need of special education instruction or related services or both, the parent may choose to enroll the student full time in the public school. If the parent does not choose to do this, the school district shall make the special education services available only on the basis of dual enrollment. (Dual enrollment is only available to students ages 3-5.) Based on the services and amount of time needed to provide those services as set forth in each student's service plan, when parents choose to enroll a child under the dual enrollment provision, the school district shall use one of the following arrangements for dual enrollment:
  - (a) enroll the student for at least four consecutive hours per day and count the student eligible for full state ADA, for contact hours based on the instructional arrangement in which the student is served, and for full federal funding (in the annual child count);
  - (b) enroll the student for at least two consecutive hours per day and count the student eligible for one-half state ADA, for contact hours based on the instructional arrangement in which the student is served, and for full federal funding; or
  - (c) enroll the student for any amount of time needed less than two hours per day and count the student eligible and for full federal funding, but not for state ADA and for contact hours.
7. The SSA will spend on providing special education and related services to \*private school children with disabilities as specified in the federal regulations quoted below:
  - a. For children aged 3 through 21, an amount that is the same proportion of the SSA's total sub grant under section 611 (g) of the ACT as the number of private school

- children with disabilities aged 3 through 21 residing in its jurisdiction is to the total number of children with disabilities in its jurisdiction aged 3 through 21; and
- b. For children aged 3 through 5, an amount that is the same proportion of the SSA's total sub grant under section 619(g) of the Act as the number of \*private school children with disabilities aged 3 through 5 residing in its jurisdiction is to the total number of children with disabilities in its jurisdiction aged 3 through 5.
  - c. Expenditures for child find activities will not be considered in determining whether the SSA has met the "proportionate funds" requirement. (See the Child Find regulation for additional requirements.)
8. The location and procedures for delivery of the instructional or related service or both specified in the service plan shall be determined based on the requirements concerning placement in the least restrictive environment and the policies and procedures of the local district.
  9. A \*private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.
  10. Moving from the realm of substantive to procedural rights, another important requirement for \*private school students surrounds the service plan. The SSA shall ensure that a service plan is developed and implemented for each \*private school child with a disability who has been designated to receive special education and related services under this part. The SSA shall initiate and conduct meetings to develop, review, and revise a service plan for the child. A representative of the private, religious, or home school shall attend each meeting. The service plan will describe the specific special education and related services that the SSA will provide to the child and to the extent appropriate, meet the requirements consistent with procedures governing IEPs.
  11. For students served under the provision of this section, the school district shall be responsible for the employment and supervision of the personnel providing the service, providing the needed materials, and maintaining pupil accounting records. Materials and services provided shall be equivalent to those provided for students enrolled only in the public school and shall remain the property of the school district.

12. Transportation will be provided to private school students when they receive services at a site other than their private school if necessary to benefit from or participate in the offered services, such as from the child’s school or the child’s home to a site other than the private school and from the service site to the private school or to the child’s home, depending on the timing of the services. Under no circumstances will the SSA supply transportation from the child’s home to the private school. The cost of the transportation may be included in calculating whether the SSA has met the “proportionate funds” requirement.

#### Dispute Over Services

Parents should follow the due process procedures regarding disagreements that apply to Child Find activities including evaluations. All other disputes are subject to the state complaint procedures.

In addition, Tri-County Education Co-Op will:

1. Disseminate copies of applicable standards to each private school and facility to which a public agency has referred or placed a handicapped child; and
2. Provide an opportunity for private schools and facilities to participate in the development and revision of State standards, which apply to them.

\*The term private schools includes religious schools and home schools.

#### **PROTECTION IN EVALUATION PROCEDURES**

The Tri-County Educational Cooperative has determined as a policy that it will follow the information, rules, regulations, and laws contained in the legal framework promulgated by TEA on the Region 18 website. At any time that these rules/regulations/laws conflict with TCCP policies and procedures, the Co-Op will follow the law as delineated by TEA.

#### **OTHER REQUIREMENTS**

##### **Progress Reports / Grades**

The Director of Special Education, or Designee, will remind staff and administrators that all progress reports and grades for special education students will be issued at the same time as those of regular education students.

### **Regular Education Teacher Input**

The Director of Special Education or Designee will inform each teacher involved with a student with special education needs that:

- Teachers have an opportunity to provide input and request assistance regarding the implementation of the student's IEP.
- Each student's regular or special education teacher(s) has the opportunity to request further consideration of the IEP. Each request may be addressed through a formal ARD or an informal meeting. (Changes to an IEP may only be made through an ARD meeting.)
- Each regular and special education teacher will provide instruction to all students with disabilities as indicated on the current IEP (goals, objectives, modifications and adaptations).

### **Program Compliance Issues**

- Each SSA member will provide adequate facilities for the operation of a comprehensive special education program in the same manner that facilities are provided for other educational programs in the school district.
- All participating schools in the Tri-County Education Shared Service Arrangement will operate a comprehensive special education program in compliance with state and federal law.
- Each district shall insure that a continuum of alternative placements/services is available to meet the needs of handicapped children for special education and related services.
- The continuum includes the alternative placements in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions; and provides for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.
- Each member district within the Shared Service Arrangement shall be responsible for employment and dismissal of personnel who serve only that school district; the fiscal agent shall be responsible for employment and dismissal of all Shared Service Arrangement personnel. All grievances concerning employment or contract conditions shall be the responsibility of the employing Board. Itinerant personnel (personnel who serve or may serve more than one member district) shall be considered to be SSA personnel serving



under contract to the fiscal agent. Itinerant personnel shall be governed by the general policies of the fiscal agent unless otherwise approved by the Board. All personnel shall be subject to federal policies/procedures, Texas Association of School Boards policies, and Operating Guidelines.

#### **DIRECTOR'S ADMINISTRATIVE DUTIES**

1. The Director of Special Education will assure that Shared Service Arrangement personnel are appropriately certified, licensed, etc. Each member district is responsible for employment of district personnel.
2. The Director of Special Education/Designee will assist principals with training/staff development activities for personnel upon request.
3. The Special Education Director is responsible for assuring that Shared Service Arrangement personnel have appropriate staff development opportunities.
4. Yearly, the Director of Special Education or Designee will acquire information from PEIMS and other data for analysis of special education students' educational achievement.
5. Yearly, the Director of Special Education or Designee will schedule time for the staff to monitor students' folders for required compliance data. The eligibility folder for monitoring must include:
  - a. Copies of referral data
  - b. Documentation of notices and consents
  - c. Assessment reports and supporting data
  - d. Admission, review, and dismissal committee deliberation
  - e. Individual educational plan (IEP), etc.
  - f. Visually Impaired Resources
6. Yearly, the Director of Special Education or Designee will inform the staff serving visually impaired students of the availability of state/federal resources.
7. Contribute to the development of the total school philosophy of education.
8. Assist in the adaptation of District policies to include special education needs.
9. Recommend policies and programs essential to the needs of exceptional children.
10. Keep informed of all legal requirements governing special education.

11. Provide leadership in establishing new programs and developing improved understanding of existing programs.
12. Develop and initiate survey programs for continuous identification of exceptional students.
13. Supervise and coordinate special education classroom programs for any student who meets federal or state guidelines as handicapped.
14. Evaluate existing programs as an ongoing responsibility, and recommend changes and additions as needed.
15. Establish procedures for placement, evaluation, assignment, and reappraisal of students vis-à-vis the special education services program.
16. Develop procedures for referral, securing medical reports, psychological examination, and placement.
17. Supervise and coordinate home instruction for homebound or hospitalized students.
18. Evaluate and recommend for employment or promotion any personnel serving in the special education area.
19. Assist in recruitment, selection, and recommendation for hiring of any special education personnel.
20. Assume responsibility for compiling, maintaining, and filing all reports, records and other documents legally required or administratively useful.
21. Develop and maintain complete and cumulative individual records of all students receiving special services or enrolled in special classes.
22. Supervise preparation of attendance reports and similar data necessary for reimbursement of funds, collecting of tuition for out-of-district students, and similar fiscal matters.
23. Arrange for transportation of students and others involved as deemed necessary for education, recreation, and health purposes.
24. Develop budget recommendations and provide expenditure control on established budgets for special education.
25. Keep informed of the state of financial aid for special education.
26. Interpret the objectives and programs of the special education services to the board, administration, staff, and public at large.
27. Maintain a permanent inventory of equipment purchased for special education.

28. Establish procedures for requisitioning, ordering, and paying for special education equipment and supplies.
29. Approve all supplies, materials, and texts used by special education personnel.
30. Evaluate on an ongoing basis the total special education program, curriculum, procedures, and individual student's needs and achievements.
31. Make recommendations on design, furnishings, equipment, and location of new special education facilities.
32. Provide programs of a remedial nature to supplement regular classroom instruction for those students with learning or visual disabilities.
33. Consult with parents of students enrolled in the program.
34. Assume responsibility for own professional growth and development, for keeping current with the literature, new research findings, and improved techniques, and for attending appropriate professional meetings and conventions.
35. Yearly, the Director of Special Education or Designee will review with the special education staff:
  - a. The composition of the multidisciplinary evaluation team to be used when evaluating a student suspected of having a specific learning disability.
  - b. The criteria for determining the existence of a specific learning disability.
  - c. Responsibilities of the campus multidisciplinary evaluation team.
  - d. Written report requirements
  - e. Yearly, the Director of Special Education or Designee will review and update a list of persons available for assisting in the evaluation of students in their native language.
  - f. Yearly, the Director of Special Education or Designee will review with the LEA assessment staff the tests and evaluation materials used to:
    - g. Determine that validated tests are being used for individuals whose native language is other than English.
    - h. Schedule any needed training for updating the skill level of staff.
    - i. Review the availability of tests and other evaluation materials available to assess specific areas of educational need as well as just the general intelligence quotient.

- j. Review the availability of tests and other evaluation materials available to assess students with impaired sensory, manual, or verbal skills. Tests should accurately assess an individual's aptitude or achievement level, etc.
  - k. Review the composition and the function of the multidisciplinary team for needed training in specific areas of disabilities.
  - l. Review assessment procedures to determine if all areas related to the suspected disability are addressed including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
  - m. Review to ascertain that all visually impaired students have a functional vision evaluation and a learning media assessment that is current.
  - n. Yearly, the Director of Special Education or Designee will review the required time lines with assessment staff and principals or individuals representing administration.
  - o. Yearly, the Director of Special Education, or Designee, will review with assessment staff the requirements/timelines involved in the reevaluation process.
  - p. Yearly, the Director of Special Education or Designee will review a designated number of student folders for a compliance review.
36. Yearly, the Director of Special Education or Designee will review the local Child Centered Appraisal Process with support staff, principals, and others to determine that:
- a. The process in place insures that a student with a disability receives a full and individual evaluation of their education needs prior to initial placement.
  - b. Parental consent is acquired before initiation of the formal evaluation process and before the initiation of special education services.
  - c. Parents/legal guardians understand all assessment procedures and their rights in acquiring mediation or legal action.
37. Yearly, the Director of Special Education or Designee will evaluate and update local school and SAS policies/procedures/operating guidelines for compliance with federal/state law.
38. Perform other such duties as may be assigned.

## **TRAVEL REGULATIONS**

Tri-County will adhere to the same travel regulations as in Region XIV Education Service Center with the approval of the Management Board.

### **Authorization**

Employees shall be reimbursed for travel expenses incurred in the conduct of official Tri-County business. All reimbursement shall be approved in advance of payment by the Director. All Out-of-Region travel must have prior written approval by the Director.

### **Reimbursement Schedules**

#### **Travel**

Reimbursement for official mileage travel in personally owned conveyance shall be reimbursed at the current state rate per mile as adopted by the Region XIV Education Service Center. In all instances, mileage shall begin from the designated headquarters and mileage shall be calculated to the designation on the basis of the official Tri-County mileage chart. Official point to point travel within town and cities served by the Shared Service Arrangement or within a city of authorized travel shall be reimbursed on the basis of actual odometer readings documented on the travel voucher. Claims for mileage will not be allowed for travel from home to headquarters.

#### **Travel Outside the Region**

##### **Public Transportation**

Travel by public conveyance shall be reimbursable on the basis of actual cost of such transportation. Mode and class of transportation selected shall be the least expensive provided such accommodations are available and conform to work schedules.

##### **Airline Tickets**

To be reimbursed at actual cost when authorized in advance by the Director.

##### **Taxi and Limousine**

Actual costs incurred for taxi and limousine services used in conducting official Co-Op business will be reimbursed. Such charges must be itemized on a daily basis. Dates and destinations must be shown. No receipts are required.

## **Rental Cars**

Charges for rental cars will be reimbursed if such use is authorized in advance by the Director.

## **Per Diem Allowance**

### **Lodging**

The employee shall be reimbursed for the actual cost of lodging not to exceed the state rate as adopted by ESC XIV with valid receipts to verify lodging at the rate of single occupancy. In the case of double occupancy, the total cost cannot exceed twice the single rate as adopted by ESC XIV.

In the instance that a meeting is being hosted in a hotel, Co-Op staff may stay in the hotel hosting the meeting with the approval of the Co-Op director, even if the cost of the hotel exceeds the maximum rate shown above.

Employees are reminded that Co-Op employees are exempt from the payment of State sales tax if an exemption form is presented. The tax exempt number must be secured from the Administrative Office. If the exemption number is not secured the employee shall be responsible for paying for tax without reimbursement. City tax will be reimbursed.

### **Meals**

Employees who are required to travel out of town are eligible for reimbursement for meals up to the state rate as adopted by ESC XIV, currently \$30.00 per day with the following breakdown: \$6.00 for breakfast, \$9.00 for lunch, and \$15.00 for dinner. Meal reimbursement will be paid as per diem. Employees are entitled to breakfast if they depart prior to 6:00 a.m. and are entitled to dinner if they arrive after 6:00 p.m. Receipts are not required. No meals will be paid unless overnight travel is involved.

### **Meals As a Part of Registration Fees for Conferences, etc.**

If the meal part of the registration fee is optional, reimbursement for the meal will be made in accordance with the per day allowance. In those cases where meals are a part of the mandatory

registration fee and a separate cost is not identified, the total costs of registration will be paid or reimbursed as a registration item and not meals and lodging.

## **Reimbursement Procedures**

### **Travel Voucher**

Reimbursement for authorized travel expenses will be made monthly upon the receipt of a completed travel voucher. All information requested on the form must be complete before payment is made.

All travel vouchers are submitted to the Director for approval. Final approval for all travel reimbursement claims must be made by the Director.

### **Non-Staff And Special Travel**

#### **Contracted Consultants**

All claims for travel reimbursement by consultants contracted by the Shared Service Arrangement shall conform to all of the policies for Shared Service Arrangement personnel

#### **TASB**

All school districts within the Shared Service Arrangement utilize the TASB policy service; therefore, the Shared Service Arrangement is also bound to those guidelines as long as there is no conflict with the Shared Service Arrangement policies/administrative procedures.

#### **PERSONNEL APPRAISAL**

Personnel employed by a single district shall be appraised by that district. Appraisal of the support/itinerant personnel/speech therapists shall be the responsibility of the Director of Special

Education as directed by the management board. All procedures/timelines utilized by the fiscal agent, Stamford ISD, will be followed.

For professional personnel:

1. Speech therapy personnel will be evaluated utilizing the same evaluation procedures used by the fiscal agent to evaluate its instructional personnel.
2. There shall be one evaluation conducted by the director of Tri-County Education Co-Op using the evaluation instrument adopted by the management board until the State Board of Education adopts an appraisal process which will be utilized at that time.
3. There shall be one evaluation of the director conducted by those members of the management board present at the January meeting using the evaluation instrument adopted by the management board until the State Board of Education adopts an appraisal process which will be utilized at that time.

#### **SERS PROGRAM**

Instructional Materials Services:

1. The purposes of the SERS are:
  - (a) To provide instructional and support staff with media and materials for direct use with handicapped children at the local level;
  - (b) To assist local special education personnel in selection of appropriate media, materials, and other resources for handicapped students;
  - (c) To create a system for the management and accountability of resources in the local special education for handicapped students;
  - (d) To provide for in-service training in the area of proper use of materials to the special education instruction staff.
2. The SERS has been developed to serve the following eligible users:
  - (a) Handicapped students - the recipients of instructional materials, the beneficiaries of the services, and the persons whose progress is the central focus of the entire system;
  - (b) Special education teachers and aides - the recipients of instructional materials for use with handicapped students and technical assistance regarding other pertinent aspects of media and materials services;



- (c) Regular education teachers and aides working with handicapped children in the mainstream;
  - (d) Parents of handicapped students;
  - (e) Special education support staff;
  - (f) Student teachers;
  - (g) Special / regular education administrative personnel.
3. Information Retrieval System:
- The Tri-County Education Co-Op SSA provides an information retrieval system designed to match appropriate instructional materials to the learning needs of students. This consists of:
- (a) A manual system consisting of a card file;
  - (b) A computerized retrieval system;
  - (c) Consultants who are available to assist in the selection of materials for specific students.
4. Dissemination of Information Concerning SERS and materials include:
- (a) Newsletters;
  - (b) Office memos;
  - (c) Short term circulation to teachers in order to evaluate use with specific learners;
  - (d) Staff development meetings;
  - (e) Faculty meetings.
5. Training / Technical Assistance:
- SERS personnel will provide training and technical assistance at in-service meetings and individually with teachers upon request.
6. Staff Development:
- Staff development is an ongoing process at all levels in the Tri-County Education Co-Op SSA. The SERS operations manager will attend staff development training sessions communicate with SERS personnel from other school districts and SSAs and become more knowledgeable through other resources as available.
7. Materials may be selected / analyzed by instructional, support, or administrative personnel or a combination thereof based on student needs as documented in the IEPs of handicapped students.
8. Purchase of Materials and Equipment (Provision-Annual Inventory):

(a) All supplies and materials will be ordered on proper forms submitted to the Tri-County Education Co-Op SSA Office. The special education director will approve all purchases. Shipment of ordered merchandise will be to the Co-Op office. Invoices will be mailed to and processed through the Co-Op office.

(b) Items that are not expected to last more than one year will not be placed on inventory. Assets that are not considered consumable will be posted by the SERS clerk on inventory cards and added to the retrieval system. All assistive technology devices will be maintained on inventory.

(c) The SERS clerk will conduct an annual inventory by means of a count of all special education equipment and materials.

(d) All capital outlay items acquired by the Tri-County Education Co-Op SSA will be recorded on a capital outlay inventory control record and become a part of the fiscal agent's capital outlay inventory. The control record lists serial number, model number, purchase order number, vendor, additions or reductions and other important information on that item.

(e) Receiving, cataloguing, labeling, circulating, and inventorying materials shall be the responsibility of the SERS Clerk.

9. Budget::

The percent of funds to be allocated to materials is to be decided yearly by the Management Board.

10. Geographical Area:

The SERS will serve the member schools of Tri-County Education Co-Op SSA located in Jones, Fisher, Shackelford, and Stonewall Counties.

11. Upon dissolution of Tri-County Education Co-Op SSA by the Management Board, with the approval of the Texas Education Agency, the materials of the Cooperative shall be distributed as delineated in the current Contract for Shared Services.

12. The materials are housed in the LEAs on long-term checkout. Materials and equipment not in current use by the LEAs will be housed at the Tri-County office in Stamford and available for checkout.

13. All personnel in Tri-County SSA have access to the library and may check out materials according to procedures used. A library card filing system is the method used.

14. Materials may be checked out by support staff, the director, and by instructional personnel.
15. Tri-County Education Co-Op SSA cooperates with the local school districts and the ESC Region XIV in providing resource materials.
16. The director shall be responsible for providing training to special education personnel in the selection of appropriate instructional media materials and other resources for handicapped students.

#### **HOMEBOUND**

A student with a disability is placed by an ARD committee in the Homebound Instruction arrangement. It will be decided locally which teacher will carry out the required instruction. It is the responsibility of the member school district to pay the salary of the homebound teacher.

#### **PUBLIC AWARENESS**

Tri-County Education Co-Op has combined its public awareness efforts with Region XIV Education Service Center in order to inform the public annually of educational opportunities available to the handicapped in accordance with plans developed by the Texas Education Agency.