



Houston Gateway Academy, Inc.

Special Education Procedural Manual

Developed by Special Education Department

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MISSION STATEMENT

At Houston Gateway Academy, we believe that Special Education services shall meet the needs of all the students identified as having learning disabilities, cognitive impairment or psychological issues that prevent them from making adequate progress in general education classrooms.

We believe that students with special needs can benefit from additional educational services such as different approaches instruction and , use of technology, a specifically adapted teaching area, or resource room and that these services are to be consistently provided and tailor-made to meet the needs of these students.

The mission of Special Education services providers at HGA is in alignment with that of the school district at large; “We believe that a world-class education is the birthright of every individual, that all children can learn and that every child should be challenged to reach their full potential”. We believe this lofty goal is achievable with the right mix of resources and commitment from all stakeholders.

Preface

As a condition for funding under the individuals with Disabilities Education Act (IDEA), local educational agencies are required to establish written policies and procedures for implementing federal special education laws. In addition, there is a requirement by the Texas Education Code (TEC) §26.0081 regarding the Right to Information Concerning Special Education. This document is in response to these laws as well as a means for Houston Gateway Academy (HGA) to meet its obligation to establish and implement special education requirements. The document may also be used as a reference tool and for staff development activities to promote an understanding of compliance with special education requirements.

The state of Texas Special Education law, *19 TAC §89.1001(a)*, is in alignment with the Federal IDEA Act (*34 CFR §300.1(a)*) which is “to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living”.

The State law also provides that “Special education services shall be provided to eligible students in accordance with all applicable federal laws and regulations, state statutes, rules of the State Board of Education (SBOE) and commissioner of education, and the State Plan under Part B of the Individuals with Disabilities Education Act (IDEA)”. In the light of this therefore, the HGA Special Education Procedural Manual is derived primarily from the State of Texas Special Education law and IDEA regulations.

1. Definitions

For the purpose of this procedural manual, the following definitions apply:

- “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 a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.
- 34 CFR § 300.5
- 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—
 - The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child’s customary environment;
 - Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
 - Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
 - Training or technical assistance for a student with a disability or, if appropriate, that student's family; and
 - 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 that child.
- 34 CFR § 300.6
- "Autism" means a developmental disability significantly affecting:
 - Verbal communication
 - Nonverbal communication; and
 - Social interaction
 - A child may not be considered to be a child with autism if the child's educational performance is adversely affected primarily because the child has an EMOTIONAL DISTURBANCE
- 20 U.S.C. §§ 1401, 1414; 34 C.F.R. Part 300; 19 T.A.C. Chapter 89
- Charter school has the meaning given the term in section 5210(1) of the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 6301 et seq. (ESEA).
 - 34 CFR § 300.7
 - An open-enrollment charter school has the powers granted to schools under this title. State Laws § 12.104. Applicability of Title.
 - "Business day" means Monday through Friday except for federal and state holidays unless holidays are specifically included in the designation of business day
 - 34 CFR § 300.11
 - "Child with a disability" means a child evaluated in accordance with §§ 300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as "emotional disturbance"), an orthopedic impairment, autism, traumatic brain injury, and other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.
 - 34 CFR § 300.8
 - Special education services. To be eligible to receive special education services, a child must be a "child with a disability," as defined in 34 Code of Federal Regulations (CFR), §300.8(a), subject to the provisions of 34 CFR, §300.8(c), the Texas Education Code (TEC), §29.003, and this section. The

provisions in this section specify criteria to be used in determining whether a child's condition meets one or more of the definitions in federal regulations or in state law.

- A child is eligible to participate in a school district's special education program if the child:
 - is not more than 21 years of age and has a visual or auditory impairment that prevents the child from being adequately or safely educated in public school without the provision of special services; or
 - is at least three but not more than 21 years of age and has one or more of the following disabilities that prevents the child from being adequately or safely educated in public school without the provision of special services:
 - ✓ physical disability (PD);
 - ✓ mental retardation (MR);
 - ✓ emotional disturbance (ED);
 - ✓ learning disability (LD);
 - ✓ autism; (AU)
 - ✓ speech disability (SPI); or
 - ✓ Traumatic brain injury.

- State Laws § 29.003. Eligibility Criteria.

If the local educational agency determines through an appropriate evaluation that a child has one of the impairment listed above but only needs a related service and not special education, that child is not a child with a disability. Subject to paragraph (a) (2) (ii) of this section, if it is determined, through an appropriate evaluation under §§ 300.304 through 300.311, that a child has one of the disabilities identified in paragraph (a) (1) of this section, but only needs a related service and not special education, the child is not a child with a disability under this part.

- Consent means that—
 - The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
 - The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
 - The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.
 - If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).
 - If the parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's

education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

- 34 CFR § 300.9
- “Core academic subjects” means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.
 - 34 CFR § 300.10
- “Day” means calendar day unless otherwise indicated as business day or school day.
 - 34 CFR § 300.11
- Elementary school means a nonprofit institutional day or residential school, including a public elementary charter school; that provides elementary education, as determined under State law.
 - 34 CFR § 300.13
- “Equipment” means machinery, utilities, and built-in equipment, and any necessary enclosures or structures to house the machinery, utilities, or equipment; and all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.
 - 34 CFR § 300.14
- Evaluation means procedures used in accordance with §§ 300.304 through 300.311 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.
 - 34 CFR § 300.15
- Free Appropriate Public Education or FAPE means special education and related services that :
 - Are provided at public expense, under public supervision and direction, and without charge;
 - Meet the standards of the SEA, including the requirements of this part;
 - Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
 - Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§ 300.320 through 300.324
 - 30 CFR § 300.17
- “General curriculum” means the same curriculum for nondisabled children
 - 30 CFR § 300.320(a)(1)(i)

- Qualifications of Special Education, Related Service, and Paraprofessional Personnel.
 - All special education and related service personnel shall be certified, endorsed, or licensed in the area or areas of assignment in accordance with 34 Code of Federal Regulations (CFR), §300.156; the Texas Education Code (TEC), §§21.002, 21.003, and 29.304; or appropriate state agency credentials.
 - A teacher who holds a special education certificate or an endorsement may be assigned to any level of a basic special education instructional program serving eligible child 3-21 years of age, as defined in §89.1035(a) of this title (relating to Age Ranges for Child Eligibility), in accordance with the limitation of their certification, with some exceptions
 - Commissioner's/SBOE Rules § 89.1131.
- "Individualized Education Program or IEP" means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with §§ 300.320 through 300.324.
 - 30 CFR § 300.22
- "Individualized Education Program team or IEP Team" means a group of individuals described in § 300.321 that is responsible for developing an Individualized Education Program for a child with special needs.
 - 30 CFR § 300.23
 - Behavior Intervention Plan
 - Least Restrictive Environment
 - Pre-referral committee, ARD,
 - Response to Intervention (RTI)
 - Transition services
 - Local Educational Agency (LEA e.g. HGA),

2. Full Educational Opportunity Goal

It is the goal of every local education agency to provide full educational opportunity to all children with disabilities in the area served by the local educational agency. The HGA is committed to making available to all its children with disabilities the variety of educational programs and services available to nondisabled children within the school system, including art, music, industrial arts, consumer and homemaking education, and vocational education or any program/activity in which nondisabled children participate. HGA schools shall provide supplementary aids and services determined appropriate and necessary by the child's IEP Team, to ensure that children with disabilities have an equal opportunity to participate in nonacademic and extracurricular services and activities available to all students.

3. Enrollment

Houston Gateway Academy as an open enrollment Charter School abides by all federal laws and regulations including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA). Houston Gateway Academy accepts every student who applies and ensures that all students, regardless of ability, show academic improvement.

4. Free Appropriate Public Education

It is the law to provide all students with disabilities for whom the local education agency is responsible with a free appropriate public education. Special education and related services are provided to these students with disabilities, including as required by 34 CFR § 300.530(d), students with disabilities who have been suspended or expelled from school. Students with disabilities entitled to a free appropriate public education are students' age three, but not yet 21 who have not graduated from high school with regular high school diploma and, for the duration of a term, persons who become 21 years during that school term and who have not graduated from high school with a regular diploma. The special education and related services to be provided to students by HGA schools shall address all their special education and related services needs and are to be provided by personnel qualified as required by 34 CFR § 300.156.

5. The Essence of IDEA

The Individuals with Disabilities Education Act (IDEA) is a federal law. It was enacted in 1990 and reauthorized in 1997. The act is designed to protect the rights of students with disabilities by ensuring that everyone receives a free appropriate public education (FAPE), regardless of ability. Additionally, IDEA goes beyond granting equal access to students with disabilities, it is also designed to provide additional special education services and procedural safeguards. IDEA governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children and youth with disabilities. Under IDEA Part C, families with infants and toddlers up to age two receive early intervention services. Children and youth receive special education services and related services from ages 3-21, under IDEA Part B.

Special education services are individualized to meet the unique needs of students with disabilities and are provided in the least restrictive environment. Special education may include:

- individual or small group instruction,
- curriculum or teaching modifications,
- assistive technology,
- transition services and other specialized services (physical, occupational, and speech therapy)

These services are provided in accordance with an Individualized Education Program (IEP), which is specifically tailored to the unique needs of each student. IDEA also grants increased parental participation and protection for students. HGA shall ensure that all employees, academic, paraprofessional and nonacademic staff will comply with all federal regulations as outlined under IDEA.

6. Referral Process for Special Education and Related Services

To initiate a referral or request for evaluation a teacher or any professional working with the student may request that a student be evaluated to determine if the child does have a disability. Parents may also initiate contact with the child's teacher, or the school to request that their child be evaluated. This request from parents may be verbal or in writing. Written parental consent must be obtained before an evaluation may be conducted. HGA will uphold this request. Evaluation must be completed within **60 days** after the parent has consented to testing (CFR § 300.9; TEC 29.003).

The purpose of the evaluation is to assess the student in all areas related to the suspected disability. After the evaluation is completed, the results will be used to decide whether the student is eligible to receive special education services, or related services. In addition, the results will also be used to determine the appropriate educational placement for the student. If the parents disagree with the results they have the right to take their student for an Independent Educational Evaluation (IEE). They may also request that the school pay for the IEE. Parents may also request that the school hold a due process hearing to challenge the school's evaluation.

Procedural Steps for Referring Students for Special Education and Related Services:

1. If a student is suspected of having a disability and need for evaluation for Special Education, Dyslexia or 504 services, HGA shall implement a **6-9 weeks** instructional intervention. After **6-9 weeks** and upon documentation of Interventions provided the Pre-referral Committee shall meet to determine if there is need to go forward to the requested Educational referral.
2. The Pre-referral Committee shall make a formal referral for evaluation or recommend further instructional interventions within **2 weeks** of receiving all documentations.
3. Notice of Consent to Test shall be sent home to parents within **2 weeks** from the date of the formal referral

4. HGA shall conduct a full Individual Evaluation other forms of evaluation within **60** days of receipt of consent to test from the parents
5. If there is need for further evaluations HGA shall utilize the original parental consent as long as it falls within **60 days**.
6. After the completion of evaluation, HGA shall within **30 days** convene an ARD/IEP Meeting to develop an Individualized Education Plan or Individual Accommodation Plan for students recommended for services under Section 504.
7. Parents must be notified of the ARD/IEP or Evaluation meeting **5 days** prior to the meeting date or sign a waiver.

Steps towards referral

1. General education teacher of the student meets with campus level Pre-Referral Committee.
2. Pre-Referral Committee reviews data and recommend a high- quality; research based intensive instructional strategies aligned to the needs of the particular student. The plan will be implemented for a **6-9 weeks** period.
3. The campus Pre-referral Committee will reconvene to review the results of the high quality instructional and behavioral support and interventions implemented for the student.
4. Based on the assessment data and failure to achieve adequately appropriate to the students age, the committee will then decide if a referral should begin for a learning disability evaluation of the student.
5. The Special Education Department shall provide written materials informing parents of their right to refer their child at any time for special education evaluation as guaranteed under IDEA 2004
6. The Special Education Department will obtain written consent for an initial Full Individual Evaluation from the parents.
7. Once parental consent has been obtained, the Special Education Department will start the process of evaluation to determine a pattern of strengths and weaknesses. The student will be evaluated in specific areas of cognitive and academic achievement.

The pre-referral committee shall include members with knowledge of the following:

- the student being assessed
- The Federal and State Guidelines for assessment
- Knowledge of Special Education and related disorders
- Assessments being used
- the meaning of the data collected
- Intervention strategies being proposed

7. Evaluation Timelines and Procedures

Upon the receipt of parental consent for testing, the next step is to gather the parent's information regarding their child as well as the teacher's information

regarding the student. Subsequently, a diagnostician licensed in the state of Texas shall be engaged to conduct a Full Individual Evaluation of the students' academic strengths and weaknesses. The results of this evaluation will determine if the student qualifies for special education services as defined by applicable federal and state laws.

In Texas, the students' intelligence quotient, achievement in reading and math, parent information, and student information is considered during the Full Individual Evaluation. The evaluation must be completed within **60 days** of receipt of consent to test (TEA, 2010). If the diagnostician determines that further evaluations such as psychological, medical, occupational or physical therapy, are warranted, the original parental consent would continue to be in effect, as long as it falls within those 60 days. If a student is found to have a disability, as defined by IDEA, the student would be eligible for special education services and/ or related services.

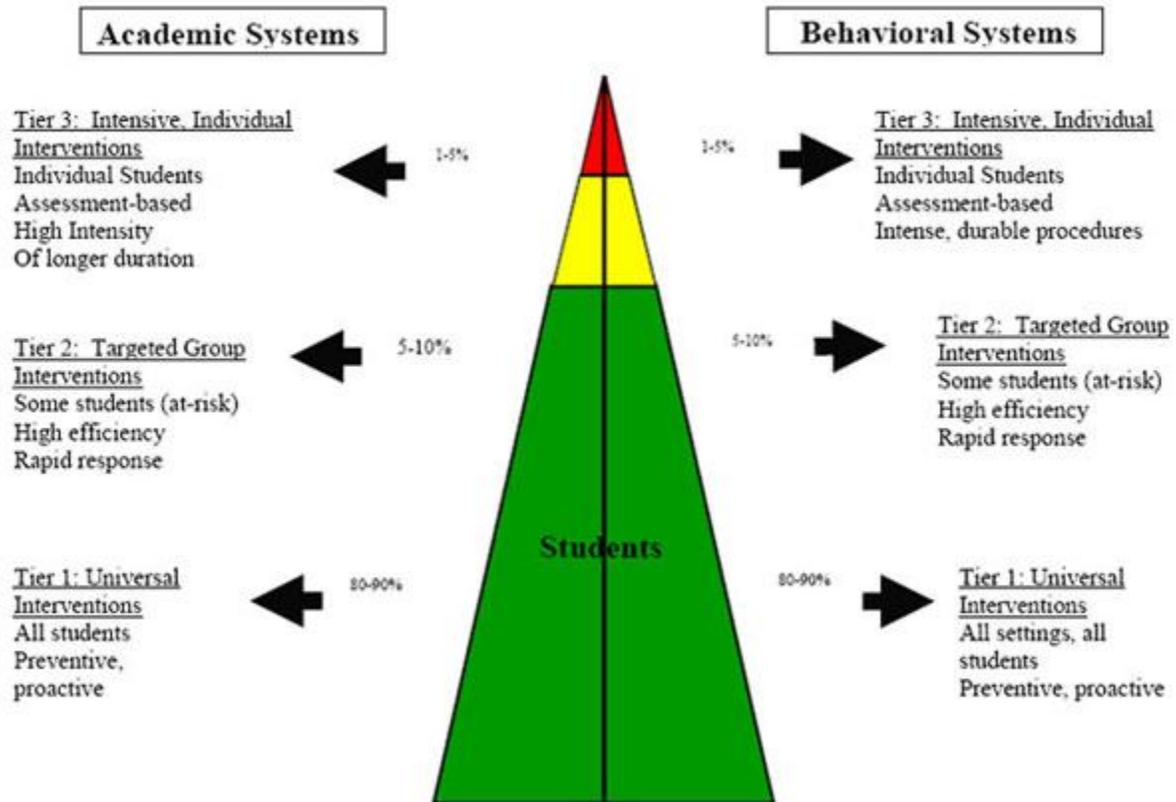
The ARD committee must meet within **30 days** of the evaluation being completed (CFR § 300.8; TEC 29.005). Before any placements can be initiated, a parent must give consent for Special Education services to begin. Parents may disagree with the placement, and may ask for mediation or to reconvene the meeting. At a minimum, once a student qualifies for special education, a Full Individual Evaluation must be re-administered every three years (CFR § 300.9; CFR § 300.300 CFR § 300.303).

A chart of Timeline/ Student -Centered Educational Process shown below has the following key steps:

1. Response to Intervention (RTI) - **CFR § 300.306(b)(1); CFR § 300.309(b)(1); TAC §89.1011**

According to 34 CFR §§300.307, 300.309 and 300.311, HGA will implement the RTI module in our District. RTI is a requirement that employs a process based on a child's response to scientific, research-based intervention when determining that a particular student qualifies as a student with a specific learning disability.

RTI is not a form of eligibility criteria for special education services rather; it is a process that provides high quality systematic research-based interventions to at-risk students so their potential academic and behavioral problems could be resolved before they become severe as to impede the student's progress. RTI is a problem-solving process that needs to be implemented in the general education setting before a student is referred for special education evaluation. Therefore issues about special education eligibility and/or qualification should not arise until a student has failed to respond to the RTI process or RTI has proven unsuccessful in resolving the student's educational needs.



Adapted from *Response to Intervention: Policy Considerations and Implementation* (Batsche, et al 2005).
Note: Percentages are approximations and may vary by district.

Tier 1: Here all students are screened for potential reading problems at the beginning of the school year and again in the middle of the year. Students are regularly monitored for progress and to determine students who are at elevated risk for developing reading disabilities. Students may be identified as being “at risk” through the use of universal screenings and/or results from state- or district-wide assessments. The length of time for this step can vary, but it generally should last for between 8 – 9 weeks. During that time, student progress is closely monitored using a validated screening system. At the end of this period, students showing significant progress are generally returned to the regular classroom program and students that do not show adequate progress are moved to Tier 2.

Tier 2: Under this module, students that did not make adequate progress in the regular classroom in Tier 1 are provided intensive instruction that promotes the development of the various components of reading on a daily basis. Student’s progress is monitored at least once every month in Tier 2. Data collected in Tier 2 is used to determine whether students still require intervention. Tier 2 interventions are provided in small-group settings in addition to instruction in the general curriculum.

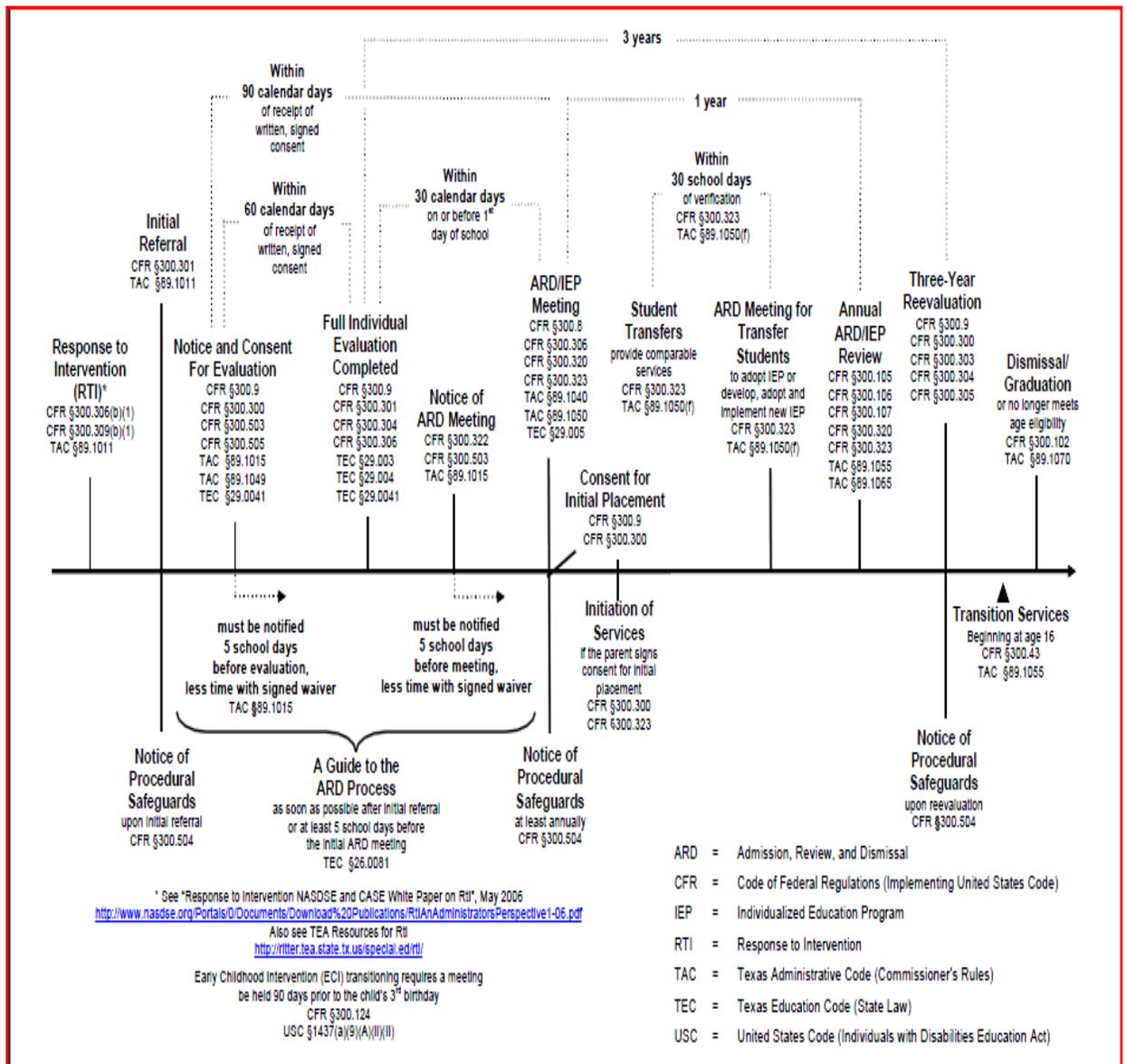
Tier 3: Students who continue to show too little progress at of intervention are then considered for more intensive interventions as part of Tier 3. Tier 3 requires more intensive interventions and more frequent progress monitoring. Tier 3 services are considerably longer than the 10 to 12 weeks of intensive instructions provided in Tier 2.

Tier 3 interventions are more individualized, intensive and they target the students' area of deficits. Students who still fail to achieve the desired level of progress in response after these targeted interventions are then referred for a comprehensive evaluation and considered for eligibility for special education services under the Individuals with Disabilities Education Improvement Act of **2004 (IDEA 2004)**.

2. Initial Referral - **CFR § 300.301; TAC §89.1011**
 - a. Notice of Procedural Safeguards (upon initial referral - **CFR § 300.504**)
3. Notice and consent for evaluation - **CFR § 300.9; CFR § 300.300; CFR § 300.503; CFR § 300.505; TAC §89.1015; TAC §89.1049; TEC §29.0041**
 - a. ARD/IEP Meeting within **90 calendar days** of receipt of signed consent as per law referenced above
 - b. Full Individual Evaluation Completed within 60 calendar days of receipt of written signed consent
 - c. Must be notified 5 school days before evaluation, less time with signed waiver - **TAC §89.1015**
4. Full Individual Evaluation Completed - **CFR § 300.9; CFR § 300.301; CFR § 300.304; CFR § 300.306; TEC §29.003; TEC §29.004; TEC §29.0041**
 - a. ARD/IEP Meeting within 30 calendar days on or before 1st day of school as per law referenced above
5. Notice of ARD Meeting - **CFR § 300.322; CFR § 300.503; TAC §89.1015**
 - a. Must be notified 5 school days before meeting, less time when signed waiver
6. ARD/IEP Meeting - **CFR § 300.8; CFR § 300.306; CFR § 300.320; CFR § 300.323; TAC §89.1040; TAC §89.1050; TEC §29.005**
 - a. Notice of Procedural Safeguards – at least annually - CFR § 300.504
 - b. HGA shall conduct 1 year – Annual ARD/IEP Review
7. Consent for Initial Placement - **CFR § 300.9; CFR § 300.300**
 - a. Initiation of services (if the parent sign consent for initial placement - **CFR § 300.300; CFR § 300.323**)
8. Student Transfers (provide comparable services - **CFR § 300.320; TAC §89.1050(1)**)
 - a. HGA shall conduct ARD Meeting for transfer students with 30 days of verification - **CFR § 300.323; TAC §89.1050(1)**
9. ARD Meeting for Transfer Students (to adopt IEP or develop new IEP - **CFR § 300.323; TAC §89.1050(1)**)
10. HGA shall implement a three Year Reevaluation for qualified students- **CFR § 300.9; CFR § 300.300; CFR § 300.303.**
 - a. Notice of Procedural Safeguards (upon reevaluation - **CFR § 300.504**)
 - b. Conducted 3 years after Full Individual Evaluation

11. Transition Services – Beginning at age 16 - **CFR § 300.304; TAC §89.1055**
12. Dismissal Graduation (or no longer meets age eligibility - **CFR § 300.102; TAC §89.1070**
13. **Early Childhood Intervention (ECI) transitioning requires a meeting be held 90 days prior to the student’s third birthday - CFR § 300.124; USC § 1437(a)(9)(A)(ii)(II)**

In compliance to the above stated Federal and State laws, Houston Gateway Academy shall undertake the following timeline:



8. ARD Meetings/ IEPs/ Lesson Plans

A. Admission Review Dismissal Committee (ARD)

By federal law all ARD committees must consist of the student's parent, general education teacher, special education teacher, and an administrator who must be physically present at every ARD meeting. If testing results are to be discussed, the diagnostician or someone qualified to interpret the testing results must be present at the meeting. In some cases, the student is required to attend the meetings.

An Admission Review Dismissal Committee (ARD) meets for the following reasons:

- **Admission:**
 - to determine whether a student is eligible for services after a Full Individual Evaluation,
 - to determine the student's initial placement,
 - to develop the students Individual Education Plan as well as classroom accommodations
 - to help the students meet the goals of the IEP.
- **Review:**
 - to reconsider a student's initial placement,
 - to determine if the annual goals and objectives have been met, and
 - to rewrite the student's IEP. A review ARD can be held as many times as the parent or school request one.
- **Dismissal:** When a student has fully demonstrated a mastery of content level material, the ARD Committee may meet
 - to discuss the student's exiting from the Special Education Program;
 - However, a student may not exit without a licensed diagnostician conducting a formal evaluation that can determine if a student is working on grade level.

For an ARD meeting the special education coordinator must have the following documents ready:

- All State Assessments such as TAKS, STAAR , ITBS/Aprenda results
- All benchmark results
- All report cards and progress reports

B. ARD Committee Meetings

When an ARD Committee meeting is to be held, the parent must be given 5 school calendar days of advance notice. If a parent agrees to waive the five day rule in writing, the meeting can be held within fewer than five days of receiving the notice. All other participants must also be given notice. The parent must be told the purpose, time and location of the meeting, and everyone who has been invited to the meeting. The parent must also be informed that they may invite anyone that they feel have knowledge regarding the student or a special expertise.

A copy of A Guide to the Admission, Review, and Dismissal Process must be given to every parent at the initial ARD meeting. At subsequent meetings, the guide must be offered; but parents can refuse to accept it. The meeting must consist of the parent, general education teacher who is knowledgeable about the student, special education teacher, an administrator or their designee. The committee may also invite other members who have additional knowledge of the student. At the end of the meeting, everyone must be in agreement, in order for an IEP to go into effect.

C. Review of Existing Data

When re-evaluations are due within 12 months of the ARD date, a Review of Existing Data form must be filled out to determine the appropriate re-evaluation procedures for the student. During the ARD meeting, consent for the evaluation must be obtained.

D. Brief ARD Meetings

If the members of an ARD committee agree to make minor modifications to a students' IEP, a brief ARD may be held. Some examples of instances to hold brief ARDS are as follows:

1. Determining expected achievement levels on TAKS
2. Correcting clerical errors on a previous ARD
3. Adding special transportation
4. Modifying or adding a BIP
5. Adding or modifying a modification page
6. Minor schedule changes

For ARDs the following individual members must be present:

- General Education Teacher
- Administrative staff
- Special Education Teacher

E. Transfer ARDs

If a new student transfers to Houston Gateway Academy, Inc., a transfer ARD must be held to temporarily provide the student special education services. Once the parent has verified that the student was receiving special education services at the previous school, the Special Education Coordinator must call the previous school and verify that:

- ✓ the services were being rendered,
- ✓ make verification of the students' disability,
- ✓ Ascertain dates of the Full Individual evaluation, and areas in which the student had an IEP.

Parent permission is not required to request that special education record be forwarded be forwarded to HGA. The previous school has **30 days** to supply HGA with the student records.

Houston Gateway Academy has **30 days** to hold a second ARD meeting to develop or finalize a new IEP.

A **5 day** written notice is still required for parents, unless the parent signs a waiver.

F. Individual Education Plans (IEP)

An IEP is developed by the teacher, parents, administrators, special education teacher, and any other ARD committee member in attendance that is knowledgeable about the student. An IEP addresses:

- ✓ the specific academic needs of the student,
- ✓ most appropriate instructional setting,
- ✓ the number of hours the student will remain in the setting on a daily basis, and
- ✓ how the student will be assessed.

The IEP is a legally binding and confidential document. The parent, all of the student's teachers must receive copies of the IEP. The IEP supersedes any other document, curriculum, or plan. No changes may be made to an IEP or educational placement, without an ARD meeting and written parental consent. When teachers are given copies of the IEP, they must sign the verification of receipt of instructional modifications of the IEP

An IEP must clearly state and define the following criteria:

1. The student's name
2. The date that the draft was prepared
3. An indication that the IEP was accepted by the ARD committee
4. The subject for which is written
5. The present level of performance
6. IEP goals
7. The short term state curriculum objectives on the students functioning level
8. Expected percentage of mastery of goals and objectives
9. Schedule for evaluation
10. The method of evaluation

9. Grading/ Promotion Retention of students with special needs

The role of the ARD committee in making decisions about students subject to Student Success Initiative (SSI) requirements is defined in 19 TAC, §101.2003.

Students receiving special education services at Houston Gateway Academy who take TAKS, TAKS (Accommodated), or TAKS–Modified (TAKS–M) or any of the new STAAR assessment is subject to SSI requirements. The ARD committee will determine which assessment is appropriate for the individual student in each SSI content area and grade level. Furthermore, the ARD will make decision involving accelerated instruction and promotion. IEP accommodations developed by the ARD committee must be implemented by every teacher during classroom instructions, evaluations, and with state and district wide assessments.

When a student does not meet passing standards on the test recommended in his/her IEP, the ARD committee will serve as the GPC (Grade Level Placement Committee) and decisions and the committee will decide what is best for the student. The ARD committee will make the final determination as to whether the student will be promoted or retained. This decision does not have to be unanimous however Houston Gateway Academy will follow the general rules governing ARD committee decision-making as set forth in 19 TAC,

For any student taking TAKS Modified who does not meet the passing standards on the first test administration of TAKS, Houston Gateway Academy shall document the accelerated instruction needed either through an agreement to amend the student's IEP or through an ARD committee meeting.

10. Re-Evaluation Process

According to federal law (CFR300.9, CFR 300.300 CFR 300.303) a student must be re-evaluated every three years. The process is the same as an initial evaluation. Criteria to consider during the re-evaluation process are:

1. Parental consent must be obtained.
2. Information regarding the student's disability, progress and adaptability must be collected from the parents and the student's teacher/ teachers
3. The consent for testing, as well as the parent and teacher information must be considered the licensed diagnostician or Evaluation specialist. The diagnostician cannot complete the Full Individual Evaluation (FIE) without this information.
4. The diagnostician has **60 days** to complete the re- evaluation
5. Once the re-evaluation is complete notice is sent to the parent of an ARD Committee Meeting. Remember the notice be sent to the parent **5 days** prior to the meeting. Only the parent can waive this five day notice requirement, and it must be in writing.
6. The ARD committee convenes and the FIE results are reviewed and discussed.
7. New IEP is written at the meeting
8. The ARD committee agrees to implement the new IEP.
9. Members of the committee will then sign the ARD documents indicating that they are in agreement
10. The new IEP go into effect

11. Transitional ARDs

When a student reaches the age of 15, Houston Gateway Academy, Inc. will conduct a Transition ARD. This exercise must be held to facilitate the smooth transfer from high school to placements such as work, college, the Armed Forces, or other appropriate settings. During this meeting the student's interests will be explored and the school will provide support as indicated in the ARD. Areas where the school might provide student support would be:

- ✓ college information,
- ✓ Social Security applications,
- ✓ driver's education,
- ✓ voter's registration, and
- ✓ Selective Service registration.

The Transitional ARD Supplement must be a part of the complete ARD packet.

12. Manifestation Determination Meetings

Within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, Houston Gateway Academy, Inc., the student's parent, and relevant members of the ARD committee must review all relevant information in the student's file, including the student's IEP, any teacher observations, any relevant information provided by the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability
2. If the conduct in question was the direct result of the HGA's failure to implement the IEP

Under IDEA 300.530 (e) (2) and (f), when student conduct is found to be a manifestation of their disability by the ARD Committee must:

1. Conduct a functional behavioral assessment, unless one had been conducted prior to the behavior that resulted in the change of placement and implement a Behavioral Intervention Plan (BIP) for the student
2. If a behavioral intervention plan has already been developed, the school must review the BIP and modify it as necessary to address the behavior.
3. If the behavior is determined by the ARD committee to be a manifestation of the student's disability, the student must be returned to placement from which he was removed, unless the parent and the school agree to a change of placement as part of the modification of the behavioral intervention plan.

13. Behavior Intervention Plans

When a student has an IEP and they violate the school code of conduct. The ARD committee shall meet to develop a Behavior Intervention Plan. The plan will be explicit and the will be developed in accordance with the students functional level.

In **special circumstances**, the Houston Gateway Academy may remove a student form the educational setting to an alternative educational setting for not more than **45 days**. This may be done without regard to whether the student's behavior is determined to be a manifestation of the student's disability.

A. Special Circumstances

1. The student carries a weapon or possesses a weapon at school, on school premises, or to or at a Houston Gateway Academy, Inc. function
2. The student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function
3. The student inflicts serious bodily harm upon another person while at school, on school premises, or at a school function. IDEA has defined "Serious Bodily Injury" at 300.530(i)(3) as a bodily injury that involves:
 - a. A substantial risk of death
 - b. Extreme physical pain
 - c. Protracted and obvious disfigurement
 - d. Protracted loss or impairment of the function of a bodily member, organ, or mental faculty (71 Fed. Reg. 46723)

B. Stay Put Provision under IDEA's 300.533

When a parent or the school makes an appeal, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the 45 days expires, or unless the parent and the school agree otherwise.

14. Instructional Settings and Related Services

A. Instructional Settings

1. **00** No Instructional Setting
2. **01** Home Bound
3. **03** This instructional setting is for providing special education instruction and related services in a setting other than regular education for less than 50 percent of the student's school day.
4. **08** Vocational Adjustment Class Program: this instructional setting is for providing special education, academic, or job-related instruction to students who are placed on a job with regularly scheduled supervision by special education teachers
5. **40** Mainstream: This instructional setting is for providing special education instruction and related services according to a student's IEP. In this setting instructional and related services are provided in the regular education classroom with special education support This support may include direct instruction, helping teacher, team teaching, co-teaching, special education aides, curricular or instructional modifications, special materials or equipment, consultation, staff development, and monitoring a student's progress in regular education classes. This setting also includes other direct or indirect services needed to implement the IEP of students receiving special education services.
6. **41** Resource room < 21% : Content Mastery: The students IEP will state when and for what subjects students are allowed to leave the general education setting, and go to the special education setting for additional instructional support from the special education teacher.
7. **42** Resource room at least 21% and less than 50%
8. **43** Self-contained, regular class at least 50% and no more than 60% Students remain in the special education setting all day or over 50% of the day
9. **44** Self-contained, regular campus more than 60%

B. Related Services

In conjunction with special education services provided for instruction, or exclusively, Houston Gateway Academy, Inc. will also provide related services for students who qualify under IDEA.

Related services are:

1. Speech Therapy
2. Occupational Therapy
3. Physical Therapy
4. Counseling for Emotional Disturbances

15. Surrogate Parents

In the case of a student being enrolled in Houston Gateway Academy, Inc., and not having a parent or guardian to attend ARD meetings and make decisions based in the best interest of the student, the student shall be assigned a Surrogate Parent. The Surrogate Parent shall attend all ARD meetings and meet with the student and teachers and review student data in order to make sound decisions for the student. Houston Gateway Academy shall select two parents to fill this role, and shall be solely responsible for their training and professional development

16. Exiting Special Education

A student who qualified for special education services can exit if there is sufficient evidence from state assessment results, benchmark results and report card grades to indicate that the student will be successful. Houston Gateway Academy shall perform assessments in all areas of disabilities to show that the child no longer needs help. They also have to demonstrate that the child has met all of their IEP Goals and Objectives before the IEP Team can make a decision. A Full Individual Evaluation before any ARD decisions is recommended. Once the evaluation is complete, the ARD Committee must convene and make a decision to exit the student from the special education program. Once a student has exited the Special Education Program their progress must be tracked for three years.

17. Special Education Folder

All special education folders are to be divided into four sections:

1. On the front left hand side of the folder the Record of Access Form is to be attached. Any authorized person who removes a folder must complete the following information:
 - a. Name
 - b. Title
 - c. Purpose
 - d. Date

You must initial the form when you return the folder to the cabinet

2. Section 2 is for the Full Individual Evaluations
3. Section 3 is for all ARD documents past and present
4. Section 4 is for all assessment data that is applicable to the student such as TAKS and ITBS

18. Areas of Impairment

HGA schools shall handle the following areas of impairment on a case by case basis in accordance to the applicable federal and state laws in order to be in compliance.

- A. Autism
- B. Developmental Delay
- C. Cognitive Disability
- D. Mental Retardation
- E. Emotional Behavioral Disability
- F. Specific Learning Disability
- G. Hearing Impairment
- H. Orthopedic Impairment
- I. Other Health Impairment
- J. Speech and Language Impairment
- K. Traumatic Brain Injury
- L. Visual Impairment

Glossary

ARD committee: - This stands for Admission, Review and Dismissal committee. This is the name of the committee responsible for making the educational decisions for a student. The parents, or adult students, general education teachers, special education teachers, administrative staff and other school personnel are members of the ARD committee.

IEP: - The initials stand for Individual Education Program. The IEP is decided upon by the ARD Committee and describes the services and supports that a student will receive.

HGA – Houston Gateway Academy, Inc

ABLE – Academic and Behavior Learning Environment

ADD / ADHD – Attention Deficit Disorder / Attention Deficit Hyperactivity Disorder

AEP – Alternative Education Placement

AI – Auditory Impairment

APE – Adapted Physical Education

ARD Meeting – Admission, Review and Dismissal Meeting

AT – Assistive Technology

AU – Autism

AYP – Adequate Yearly Progress

BIP – Behavior Intervention Plan

CMC – Child Management Class

DARS – Department of Assistive and Rehabilitative Services

DB – Deaf-Blind

ECI – Early Childhood Intervention

ED – Emotional Disturbance

ESY – Extended School Year

FAPE – Free Appropriate Public Education

FBA – Functional Behavioral Assessment

FIE – Full Individual Evaluation

IDEIA – Individuals with Disabilities Education Improvement Act of 2004

IEP – Individual Education Program

IHMP – Individual Health Management Plan

JJAEP – Juvenile Justice Alternative Education Program

LD – Learning Disability

LEA – Local Education Agency

LEP – Limited English Proficient

LPAC – Language Proficiency Assessment Committee

LRE – Least Restrictive Environment

LSSP – Licensed Specialist in School Psychology

MAC – Mastery Assistance Center

MDR – Manifestation Determination Review

MR – Mental Retardation

NCLB – The No Child Left Behind Act of 2001

OHI – Other Health Impairment

OI – Orthopedic Impairment

OT – Occupational Therapy / Therapist

PALS – Preschool Articulation and Language Services

PASS – Preparing for Academic and Social Success

PC – Practical (ex. PC English & PC Math)

PLAAFP – Present Levels of Academic Achievement and Functional Performance

PPCD – Preschool Program for Children with Disabilities
PSF – Post Secondary Facilitator (Transition)
PT – Physical Therapy / Therapist
REED – Review of Existing Evaluation Data
RTI – Response to Intervention
SI – Speech Impairment
SLP – Speech Language Pathologist
SYEP – Summer Youth Employment Program
TAKS – Texas Assessment of Knowledge and Skills
TAKS-Accommodated – Texas Assessment of Knowledge and Skills-Accommodated
TAKS-Alt – Texas Assessment of Knowledge and Skills-Alternate
TAKS-M – Texas Assessment of Knowledge and Skills-Modified
TBI – Traumatic Brain Injury
TEA – Texas Education Agency
TEKS – Texas Essential Knowledge and Skills
TELPAS – Texas English Language Proficiency Assessment System
TYC – Texas Youth Commission
VAC – Vocational Adjustment Class
VI – Visual Impairment

References

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