

West Oso ISD  
Special Education Handbook  
For Parents  
2018-2019



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## The History of Special Education Law

***Much of the following information was taken from the September 2005 document “It’s a New IDEA! The Manual for Parents and Students about Special Education Services in Texas” published by The ARC of Texas and Advocacy Incorporated. A complete copy of the document is available online at [www.thearcoftexas.org](http://www.thearcoftexas.org) and [www.advocacyinc.org](http://www.advocacyinc.org).***

In 1975, Congress passed Public Law 94-142, later called the Individuals with Disabilities Education Act (IDEA), to assure that all students with disabilities receive a free and appropriate public education. During the passage of this law, Senator Robert Stafford explained clearly what the law was intended to do when he said, “This thing we do, and then, is not only an act of law for equality of education, but an act of love for those extraordinary children wishing only to live ordinary lives”. In 1997, Congress passed the Amendments to the IDEA, reminding us that “Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living and economic self-sufficiency for individuals with disabilities.”

In 2004, Congress again amended the IDEA, now called IDEIA (Individuals with Disabilities Education Improvement Act) and once more raised the bar for expectations of students with disabilities. Congress found that: “Implementation of the IDEA has been impeded by low expectations and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities. The education of children with disabilities can be made more effective by having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom to the maximum extent possible in order to meet developmental goals and to the maximum extent possible the challenging expectations that have been established for all children and be prepared to lead productive and independent lives to the maximum extent possible.”

In order to become an equal partner in planning your child’s educational program, you need to know about the laws, regulations and rules that affect special education for students with disabilities.



## **Laws, Rules and Regulations for Providing Special Education Services**

### **Individuals with Disabilities Education Act (IDEA)**

The Individuals with Disabilities Act guarantees every eligible student a “free appropriate public education,” sometimes called FAPE. The IDEA was most recently reauthorized by Congress in 2004. Though some provisions have changed, IDEA’s basic requirements remain the same.

The law says public schools must:

- find and identify students who have a disability;
- involve parents in decision making;
- evaluate (test) students in a nondiscriminatory way;
- develop an individualized education program (IEP) for each student that will help him/her be involved in and progress in the general curriculum;
- decide what special instruction and related services the school district will provide;
- provide services in the least restrictive environment (a placement that allows a student with disabilities to be educated to the maximum extent appropriate with students who do not have disabilities);
- maintain education records/files; and
- provide processes for resolving parent complaints and grievances.



## **Section 504**

Under Section 504 (of the Rehabilitation Act of 1973, 29 U.S.C.A. Section 794), no program or activity receiving federal money may discriminate against any qualified person with a disability. These regulations apply to all schools, including private schools that receive or benefit from federal funds. Each district is required to have a 504 officer. You can get more information on Section 504 from:

U.S. Office for Civil Rights, Dallas Office

1999 Bryan Street, Suite 1620

Dallas, Texas, 75201

(214) 661-9600

Web site: <http://www.ed.gov/OCR>

E-mail: [OCR\\_Dallas@ed.gov](mailto:OCR_Dallas@ed.gov)

Some students who do not qualify for special education services under the IDEA may get services under Section 504. Students with Attention Deficit/Hyperactivity Disorder and some students with dyslexia are good examples. Section 504 also requires that all students have an equal opportunity to participate in activities and services at school, including: school clubs, athletic programs, social activities, transportation, health and counseling services and vocational programs.



## **(ADA) Americans with Disabilities Act**

The ADA is a federal law passed in 1990 which gives people with disabilities, including students, protections like those provided to people on the basis of race, sex and national origin. All public schools must comply with the ADA. The ADA bans discrimination based on disability in the areas of public accommodations, state and local government services, employment, transportation and telecommunications.



## **No Child Left Behind Act of 2001 (NCLB)**

NCLB is the title given to the last reauthorization of the 1965 Elementary and Secondary Education Act (ESEA). NCLB was signed into law by President George W. Bush in 2002. Its goal is to ensure that every child in America is able to meet its state's high learning standards. NCLB requirements and standards also apply to special education programs and services. When Congress reauthorized the IDEA in 2004, they aligned parts of these two federal laws. For more information, go to: [www.nochildleftbehind.gov](http://www.nochildleftbehind.gov)



## **The Family Educational Rights and Privacy Act (FERPA)**

FERPA, 20 U.S.C.A. § 1232(g), is the federal law which gives parents of students under age 18 the right to see, make copies of and request corrections of their child's records. If the school refuses to let you see, copy or correct the records, or violates confidentiality by failing to get your consent before releasing the records to non-school personnel, you may send a written complaint to:

FERPA Office  
U.S. Department of Education  
Room 4074, Switzer Building  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-61 86.

File your complaint as soon as possible after the incident occurs and keep a copy of your letter. It is also appropriate and considerate to send a copy of the complaint to your child's school.

## **Confidentiality of Records**

A student's records are private, and school districts, with some exceptions, must get parental consent before showing the records to anyone not involved in the student's education. The school should have a list of the names and positions of school employees who can see your child's records without your consent. At no time should other students have access to private records.

## **Getting Records Changed**

If you think something written in the education records is wrong or misleading, or violates your child's rights, ask school officials to change it. Within a reasonable time, they must decide

whether they will make the change. If school officials refuse to make the requested change, they must tell you they have refused and let you know about your right to a hearing. This hearing is different from the due process hearing mentioned elsewhere in this manual. If the hearing shows the records are wrong, school officials must change the records and let you know in writing what changes they made. If the hearing shows the school district does not have to change the records, they must allow you to add your own statement to the records explaining why you disagree or why you think the statements are unfair. The school district must keep your statement with the records. Whenever the school district shows the records to other people, they must show your statement also. If you have questions about getting information in your child's records changed, contact the Director for Special Education.





## Words to Know

**Accommodations:** Adjustments made in how a student with a disability is taught or tested. Accommodations do not change what the student is taught or what he is expected to know. Common examples of accommodations are: highlighted textbooks, extensions of time for a student who writes slowly, or seating close to the teacher. Assistive technology is a common accommodation.

**ADA (American with Disabilities Act):** A federal law passed in 1990 that prohibits discrimination against persons with disabilities. Public schools are covered by the ADA.

**Adapted Physical Education (APE):** An appropriate physical education plan for students with special needs not able to participate in regular PE with modifications.

**Adequate Yearly Progress (AYP):** Under the accountability provisions in the No Child Left Behind (NCLB) Act, all public school campuses, school districts, and the state are evaluated for Adequate Yearly Progress (AYP). Districts, campuses, and the state are required to meet AYP criteria on three measures: Reading/Language Arts, Mathematics, and either Graduation Rate (for high schools and districts) or Attendance Rate (for elementary and middle/junior high schools).

**Adult Student:** Students age 18 and over are considered to be an adult student unless the student's parent or other individual has been granted guardianship of the student under the Texas Probate Code.

**Alternate Education Programs (AEP):** A disciplinary placement for students who violate the district's student code of conduct or engage in behaviors that would result in an AEP placement. Placement of students with a disability is determined by the ARD committee.

**ARD Committee (Admissions, Review, and Dismissal Committee):** In Texas, the name for the group made up of a student's parents and school staff who meet at least annually to decide whether or not the student has an eligible disability and what special education and related services will be provided. Its major responsibility is the development of the individual education program (IEP) for students receiving special education services. In Texas, these meetings are called "ARD meetings", and the committee develops the ARD document.

**Assessment:** Testing done by school staff to gather information about a student. All students are required to take the statewide assessment called the TAKS (Texas Assessment of Knowledge and Skills). Students receiving special education services take the same state and district-wide assessments given to all students, unless their ARD committee determines a particular test is not appropriate. In that situation, the student will take an alternative test.

**Assistive Technology (AT):** An assistive technology device is any item, piece of equipment or product used to increase, maintain, or improve the functioning of a student with a disability. Assistive technology devices for students with disabilities include those used for seating and positioning, mobility, augmentative communication, computer access and instruction, environmental control, adaptive toys and games, visual and listening aids and self-care.

**Behavior Intervention Plan (BIP):** A written plan, based on a Functional Behavior Assessment, designed to identify and address, through specific supports and services, behaviors that prevent appropriate social interactions and learning.

**Case Manager:** A special education teacher assigned to a student. The case manager is responsible for monitoring a student's progress and is a liaison between the school and home.

**Code of Student Conduct:** The rights and responsibilities of each member of the school community in establishing and maintaining good discipline at district schools. A copy of the

Code of Student Conduct is sent home at the beginning of school in your child's Student Handbook.

**Community Based Instruction (CBI):** A service beginning as early as elementary age when students go into the community to learn functional life skills.

**Consent:** Written permission given by a parent to have his or her child evaluated for Special Education services or for the initiation of special education services.

**Co-Teach:** A model of instruction where a general education and special education teacher jointly teach in the classroom.

**Diagnostic Specialist:** A person certified to assess students for special education eligibility. They are qualified to administer intelligence and academic testing used to formulate recommendations for instruction. The Diagnostic Specialist maintains the ARD paperwork and records of the students.

**Developmental Delay:** A disability where milestones of motor, mental and/or social progress are not achieved at normal ages.

**Early Childhood Intervention (ECI):** A statewide program for children from birth to age three who have developmental delays. Services are available for eligible children in their natural environment (home, day care, preschool, etc). An Individual Family Service Plan is developed for each child.

**Education Service Centers (ESC):** Education Service Centers are located in each of 20 geographic regions covering the state of Texas. Their main function is to provide training and technical assistance to the school districts located in their region. ESCs must also include parents in some of its trainings.

**Eligibility:** The determination of whether or not a child has a disability and an educational need that qualifies him or her for special education services.

**Evaluation:** An Initial Full and Individual Evaluation is done to decide if a student is eligible for special education services. Reevaluations are completed within 3 years (or sooner if needed) to determine continued eligibility and current needs. Evaluation includes a gathering of information about a student by various means (observation, objective, testing, etc.) by the school's professionals and parents.

**Extended School Year (ESY):** Special education services offered beyond the regular school time to students who have difficulty retaining skills and require a significant amount of time to recoup the skills. The determination of ESY services is made by the ARD committee.

**Family Education Rights and Privacy Act (FERPA):** Federal law protecting the confidentiality of students and parents. FERPA requires written parent consent prior to releasing records (except to another district to which the student has moved), and allows parents the right to access and request changes to their child's records.

**Free Appropriate Public Education (FAPE):** Special education and/or related services designed to meet the individual needs of each student at no cost to the parents, guaranteed to all students with disabilities by the Individual with Disabilities Education Act.

**Full Individual Evaluation (FIE):** A comprehensive evaluation that is conducted on individual students to determine the presence of a disability and need for special education services.

**Functional Behavioral Assessment (FBA):** An assessment of why a student behaves as he/she does, given the nature of the student's disability and considering environmental factors. The FBA is used by the ARD committee in developing a student's Behavior Intervention Plan (BIP).

**Homebound:** An in-home program established for students whose illness or injury prevents them from attending school for four or more weeks as determined by a physician and an ARD Committee.

**IDEIA (Individuals with Disabilities Education Improvement Act):** The federal law requiring school districts to provide students with disabilities a free appropriate public education. Formerly

known as the Individuals with Disabilities Education Act (IDEA), the Education of All Handicapped Children Act and P.L. 94-142

**Inclusion:** A service delivery option in which a student receives instruction in the general education classroom with the support of a teacher or paraprofessional from the special education department on a full time, part time or consult basis. Grades are given by the general education teacher or jointly by the special education and general education teacher as determined by the ARD Committee.

**Independent Educational Evaluation (IEE):** Educational evaluation of a student by an evaluator who does not regularly work for the school district. Parents who are not satisfied with the school's evaluation can request an IEE.

**Individual Education Program (IEP):** A written plan that details the special education and related services that must be provided to each student who receives special education services. Parents and school personnel work together at the ARD meeting to write the IEP. It must be reviewed and revised every year.

**Initial Placement:** The initial educational setting or placement of a student needing special education services. An initial placement requires written consent by the parent.

**Least Restrictive Environment (LRE):** The right to an education, to the maximum extent appropriate, in a setting with non-disabled peers, with access to the general curriculum.

**Limited English Proficiency (LEP):** Through the student's Home Language Survey and assessment, it is determined that a student has limited proficiency in the English language.

**Licensed Specialist in School Psychology (LLSP):** A person certified to assess students to determine eligibility for special education services. They are qualified to administer intelligence, academic and psychological assessments used to formulate recommendations for academic and behavior instruction and provide counseling as a related service.

**Manifestation Determination Review (MDR):** A review of the relationship between a student's disability and behavior that is subject to disciplinary action.

**Modifications:** Modifications, unlike accommodations, change the level of instruction provided or tested. Modifications create a different standard for the student receiving them. The most common modifications are those made to the general education curriculum for a student with a cognitive disability. Curriculum modifications should be in the student's IEP.

**Occupational Therapy (OT):** A related service for students with physical, emotional, developmental or cognitive disabilities in the area of fine motor skills, developmental independence, or daily living skills needed for their education.

**Paraprofessional:** The term paraprofessional is assigned to a variety of campus support positions such as educational assistants, library assistants, office assistants and administrative assistants.

**Parent:** IDEA 2004 expands the definition of parent to include: natural, adoptive or foster parents; guardians (unless the child is a ward of the state); individuals acting in the place of natural or adoptive parents such as grandparents, stepparents, other relatives with whom the child lives; individuals responsible for the child's welfare; and assigned surrogates.

**Physical Therapy (PT):** A related service that serves students with physical disabilities or movement difficulties. The goal of physical therapy is to maximize physical independence and gross motor skills needed in the school setting.

**Positive Behavior Supports:** Activities and strategies that are positive in nature that support the student in learning appropriate behaviors.

**Preschool Program for Children with Disabilities (PPCD):** A continuum of services for eligible children 3 through 5 years of age. This program focuses on improving physical, language, cognitive, self-help, social and emotional skills.

**Referral Process:** A formal notification that a student is experiencing difficulties which may require screening and evaluation to determine if the student needs Special Education services.

**Resource:** A service delivery option to instruct students with academic needs that cannot be addressed fully in the general education classroom because their instructional level is below grade level.

**Section 504 (Section 504 of the Rehabilitation Act of 1973):** Federal law that protects people with disabilities to assure that they are not discriminated against because of their disability.

**Speech and Language Pathology (SLP):** An instructional service for students who have a communication disorder which affects educational performance. Speech or Language Impairment services can begin at 3 years of age. Services include therapy to improve fluency, articulation, or language.

**STAAR-**The State of Texas Assessments of Academic Readiness (STAAR™) will replace the Texas Assessment of Knowledge and Skills (TAKS), which is the criterion-referenced assessment program that has been in place since 2003. STAAR™ includes the 5 end-of-course (EOC) assessments mandated by SB 1031 and the grade 3–8 assessments mandated by HB 3.

**Texas Education Agency (TEA):** The state agency ultimately responsible for making sure every student with a disability receives a free appropriate public education.

**Texas Assessment of Knowledge and Skills (TAKS):** The state required test of basic skills in reading, writing, math, science and social studies developed by TEA. This test is required for graduation unless exempted by the ARD.

**Texas Essential Knowledge and Skills (TEKS):** The required curriculum for each grade level used in Texas public schools. TEKS should be considered the “general curriculum” referenced in IDEA. The TEKS may be accessed by going to [www.tea.state.tx.us/teks](http://www.tea.state.tx.us/teks)

**Transition:** The process and planning for a student moving from elementary school to junior high, junior high to high school, then high school to adult life.

**Vocational Education:** Training and instruction designed to prepare students to work in a certain trade or profession. The programs that the district provides are the VAC (special education setting) and the VOC (the general education setting).





## **Acronyms**

Commonly used in Special Education

- ADA** American with Disabilities Act
- ADD** Attention Deficit Disorder
- ADHD** Attention Deficit / Hyperactivity Disorder
- AEP** Alternate Education Programs
- AI** Auditory Impaired
- APE** Adaptive Physical Education
- ARD** Admission / Review / Dismissal
- AT** Assistive Technology
- AU** Autism
- AYP** Adequate Yearly Progress
- BIP** Behavior Intervention Plan
- CBI** Community Based Instruction
- CBVI** Community Based Vocational Instruction
- CMC** Content Mastery Center
- CP** Cerebral Palsy
- CPI** Crisis Prevention Intervention
- DARS** Department of Assistive and Rehabilitative Services
- DB** Deaf Blind
- ECI** Early Childhood Intervention
- ED** Emotionally Disturbed
- ESY** Extended School Year

**FAPE** Free and Appropriate Public Education  
**FBA** Functional Behavior Assessment  
**FERPA** Family Education Rights and Privacy Act  
**IDEA** Individuals with Disabilities Education Act  
**IDEIA** Individuals with Disabilities Education Improvement Act  
**IEP** Individualized Education Program  
**ISS** In School Suspension  
**LD** Learning Disability  
**LEP** Limited English Proficiency  
**LRE** Least Restrictive Environment  
**LSSP** Licensed Specialist in School Psychology  
**MD** Multiple Disabilities  
**MHMRA** Mental Health and Mental Retardation Agency  
**MR** Mental Retardation  
**OCD** Obsessive Compulsive Disorder  
**ODD** Oppositional Defiant Disorder  
**OHI** Other Health Impairment  
**OI** Orthopedic Impairment  
**OT** Occupational Therapy  
**PAC** Parent Advisory Committee  
**PASS** Positive Approach to Student Success  
**PDD** Pervasive Development Disorder  
**PDD-NOS** Pervasive Development Disorder – Not Otherwise Specified  
**PPCD** Preschool Program for Children with Disabilities  
**PT** Physical Therapy  
**RDSPD** Regional Day School Program for the Deaf  
**SI** Speech Impairment  
**SLP** Speech Language Pathologist  
**STAAR** State of Texas Assessments of Academic Readiness  
**TEA** Texas Education Agency  
**TEKS** Texas Essential Knowledge and Skills  
**VI** Visual Impairment



## Eligibility Categories for Special Education Under IDEA

If the full individual evaluation shows that a student meets one or more of the following, an ARD committee will meet to determine if he / she is eligible to receive special education services under the IDEA. In Texas, students are assigned to one of the following eligibility categories as defined by the Code of Federal Regulations, Section 300.7:

- **Autism (AU):** a developmental disability significantly affecting verbal and nonverbal communication and social interaction that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.
- **Deaf-Blindness (D-B):** visual and hearing impairments that occur or exist concurrently, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.
- **Auditory Impairment (AI):** includes deafness which means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance. This category also includes an impairment in hearing, whether

permanent or fluctuating and that affects the student's educational performance but who is not included under the definition of deafness.

- **Emotional Disturbance (ED):** A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance: an inability to learn that cannot be explained by intellectual, sensory or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; a tendency to develop physical symptoms or fears associated with personal or school problems.

- **(Intellectual Disability (ID):** A student with mental retardation exhibits significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behaviors that manifested during the developmental period that adversely affect the student's educational performance. In Texas, a student with mental retardation is one who is functioning at two or more standard deviations below the mean on individually administered scales of verbal ability and either performance or nonverbal ability and who concurrently exhibits deficits in adaptive behavior.

- **Multiple Disabilities (MD):** concomitant impairments (such as mental retardation and blindness, mental retardation and orthopedic impairments, etc.) the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include students who have deaf-blindness.

- **Orthopedic Impairment (OI):** a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments due to the effects of congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments due to the effects of disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

- **Other Health Impairment (OHI):** A student with an other health impairment

exhibits limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever or sickle cell anemia and that adversely affects the student's educational performance.

• **Specific Learning Disability (SLD):** The term 'specific learning disability' means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. In Texas, a severe discrepancy exists when the student's assessed educational achievement is more than one standard deviation below the student's intellectual ability.

• **Speech Impairment (SI):** a communication disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment that adversely affects the student's educational performance.

• **Traumatic Brain Injury (TBI):** an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment or both that adversely affects the student's educational performance. The term includes open or closed head injuries resulting in impairments in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual and motor abilities; psychosocial behavior, physical functions, information processing, and speech. The term does not include brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

• **Visual Impairment (VI):** an impairment in vision that, even with correction, adversely affects the student's educational performance. The term includes both partial sight and blindness.

• **Non-Categorical Early Childhood (NCEC):** for students ages 3 – 5 who may have mental retardation, emotional disturbance, a learning disability or autism. (This is a disability category only in Texas. Its intent is to prevent inaccurately assigning a very young child to one of these four disability categories.) The child must be re-evaluated before their 6th birthday to determine eligibility under the previous categories.



## Steps in the Special Education Process – An Overview

### Step 1: Referral

Is the student suspected of having a disability? If so, a parent, legal guardian, teacher, or other professional involved in the care or education of the student may refer the student to special education. The school will gather information to decide if the student should be evaluated (tested) for special education eligibility.

### Step 2: Notice of Rights and Consent

During the referral process, and at other significant decision-making steps after the referral, the district must send you written information (called “notice”) telling you about the actions the school wants to take (or is refusing to take) regarding your child’s education and about your rights.

If the school does not think your child needs to be evaluated for special education, they must give you notice that tells you why they made that decision and what you can do if you disagree. If the school does want to evaluate your child, they must give you written notice of your rights and get your written consent. The evaluation process will not begin

until you have consented in writing. If you do not consent to testing, the district may ask for a due process hearing and ask a hearing officer to allow them to evaluate your child without your consent.

### **Step 3: Full and Individual Evaluation**

If the referral process indicates that a student may need special education and related services, the school must, after obtaining the parent's consent, do a full and individual initial evaluation to determine if the student has a disability and needs special education services. The school must complete the evaluation process **within 45 calendar days** from the date the school receives written consent for testing signed by the parent or legal guardian. When the evaluation is completed, the school will contact you to schedule an ARD meeting. This meeting should be held within 30 calendar days of the completion of the evaluation. Current rules say that the school must give you written notice of the meeting at least five (5) school days before the ARD meeting so you can prepare. At the first ARD meeting after the evaluation, the team will decide whether your child is eligible to receive special education services. You must be a part of that decision. Your child may not qualify for special education services but might need some extra support from their classroom teacher. There are teachers or specialists that can suggest ways to help your child be more successful in the classroom.

### **Step 4: The ARD Meeting**

The Admission, Review and Dismissal (ARD) committee meets at least once a year to develop your child's IEP (Individualized Education Program). You, the parent, are an important member of your child's ARD committee. The ARD committee must include a parent, the student (if appropriate), an assessment representative (if evaluation results are being discussed, a campus administrator (Principal or Assistant Principal), a special education teacher or representative, and a general education teacher. Other required support personnel that provide services to your child (speech pathologist, occupational therapist, physical therapist, etc...) may also be a part of the ARD committee. An annual ARD will be scheduled each year to review your child's placement, services and IEP.



## **Step 5: The IEP**

The Individualized Education Program (IEP) is a written plan designed specifically for your child. It is an agreement between the school and parents on how the student will be educated. The IEP must be reviewed at least annually. The most important function of the ARD committee is the development of the IEP. Your participation and input is important. Remember, you know your child better than anyone else. Note: There are seven additional considerations for students with Autism. The ARD committee must consider Extended Year Service, Daily Schedules Reflecting Minimal Unstructured Time, In-Home Training or Viable Alternative, Prioritized Behavioral Objectives, Parent Training, and Suitable Staff to Student Ratio.

## **Step 6: After the ARD Meeting**

- Make sure you have a copy of the ARD document and the IEP.
- It is important to keep in constant contact with your child's teachers. Find out the best way to communicate with the teacher (email, notebook, phone calls, etc...)
- Read all progress reports and other notes sent home during the school year.
- Schedule parent-teacher conferences as needed. Many parents meet with the teachers every six weeks.
- Request additional ARD meetings, if needed.

## **Explanation of Procedural Safeguards**

When your child has been referred for testing, you will receive a document that explains your rights regarding your child's education. This document is called "**Notice Procedural Safeguards: Rights of Parents of students with Disabilities**" and they will be given to you whenever the following happens:

- Your child has been referred to special education for the first time
- At your child's annual ARD meeting
- Any time a change of placement occurs
- A MDR (Manifestation Determination Review)

Procedural Safeguards explain the following information:

- All information has to be in your native language or an interpreter must be available to help you read the information.
- In order to evaluate your child, the school must have written consent for the assessment and placement into special education. Before the initial placement, the consent can be revoked at any time.
- Any time action is taken that would impact a child's education, the child is being evaluated for special education or the program changes, prior written notice has to be given. The school must provide information on what evaluation procedures will be followed and you will be given a contact person's name, phone number and address to contact with any questions about this process.
- During the evaluation time, a collection of information about your child's special learning needs, strengths and interests will occur. The evaluation will insure that there is no bias to race, culture or native language. As a parent, you will receive a copy of the evaluation report.
- A parent is one of several members of the ARD committee. As a parent, you are to have a written notice of an ARD five (5) school days prior to the meeting. You can waive the five (5) school days if you would like to have the ARD sooner. If you cannot attend the ARD, you can request a phone ARD or have the committee proceed without you and mail home the results of the meeting. The school must have an ARD meeting once a year but you can request a meeting anytime during that year.
- The school has 45 days to provide copies of your child's education records and at any time you can request a change in the records if you disagree with them. If the school does not make the change, you can include a statement regarding your disagreement. To ensure your child's privacy, the school is to keep a record of everyone who views your child's special education records.
- Students who attend a private school in the boundaries of the West Oso Independent School District have certain rights to special education services.



## **The ARD Process**

Use the following ideas and suggestions to help you better plan for and participate in the IEP process and ARD meetings for your child.

### **Opening Remarks and Introductions**

- Remember you are a member of the ARD committee. Make sure you know everyone at the meeting and why they are there. Introduce any friend, relative or advocate you have brought. It is appropriate to notify the school **BEFORE** the meeting if you plan to bring anyone other than your spouse.
- Read the agenda and add any items you want to discuss.

### **Reviewing Present Level of Educational Performance**

- Share your ideas about your child's progress; show pictures or other documentation about what he/she can do outside of school, including assistive technology solutions that are helpful. Remind the team you want your child's program to help the child use and build on his/her strengths and abilities.
- Share any reports you have from outside therapists, tutors, consultants or doctors.
- Make sure you understand whether your child has made progress on IEP objectives as a result of the services received.
- Ask questions if something is not clear. At this point, you should have a clear picture in your mind about how your child is doing.

- If your student attends the meeting, this is a good time for them to share their likes, dislikes, hopes and dreams. Their portfolio may also be presented at this time.

### **Developing Measurable Annual Goals and Short-term Objectives or Benchmarks**

- Talk about what you want for your child when he/she leaves school. Make sure the goals and objectives you include will lead to the outcomes you want for him/her as an adult.
- Ask what students without disabilities his/her age will learn and how he/she might also learn that information
- If the school has developed a draft of goals and objectives/benchmarks ahead of time, remember you and school staff make up the ARD committee. The IEP should not be written in advance so that your participation is only to come to the meeting and sign it. Talk about all the goals and objectives/benchmarks suggested by you and school staff. Working collaboratively, the ARD committee decides which ones should be included, keeping in mind the long-term outcomes for your child.
- As you review the draft of the goals and objectives/benchmarks, remember that the IEP must be designed to meet your child's educational needs and that you and the school staff make up the ARD committee. The ARD committee's responsibility is to revise, add or delete goals your child should achieve in the coming year and the benchmarks toward achieving those goals.
- Ask questions if you do not understand how your child's progress will be measured or what services he/she will receive during the school day or who will provide the services.
- Be as specific as possible when writing the goals.

### **Deciding on Related Services**

- Make sure related services, supports or modifications needed to implement the IEP goals are discussed before the placement is decided. Review all evaluation reports to see which related services are being considered for your child. Find out before the ARD meeting if you will need a doctor's letter or other medical referral before the school will provide a particular related service. Lack of money or personnel cannot be used as reasons to deny the student any related services he/ she needs. If the district lacks the necessary personnel, they can contract with outside professionals to provide related services.

### **Deciding on Placement**

- Discuss all supports, modifications or accommodations your child needs to reach his/her IEP goals and be involved in and progress in the general curriculum.

Examples include but are not limited to:

1. specific learning and teaching strategies
2. adapted expectations, curriculum or materials
3. help from a paraprofessional aide
4. other related services provided in the typical classroom
5. adaptive equipment
6. assistive technology devices (simple or "high-tech")
7. Ask questions like:
8. What is needed to implement the IEP in regular classes?
9. What would the student's daily schedule look?
10. Who will provide support, adaptations or modifications?
11. When would the student and/or teacher need these supports?
12. If necessary, remind committee members that your child cannot be excluded from regular classrooms for the lack of:
  - a. related services
  - b. special equipment
  - c. modifications to the general education
  - d. o more intensive services (smaller student / teacher ratio)
  - e. o support staff
  - f. conveniences such as transportation, sufficient space and building/classroom accessibility

### **Coming to Mutual Agreement**

- If all are in agreement with the IEP and the recommended placement, sign and indicate your agreement, then congratulate the team on a job well done!
- If you disagree with any required elements of the IEP, the school must offer you a recess of no more than 10 school days. You and other ARD members must agree on a time, date and place for the next meeting
- During the recess, you may gather more information, think of new options, work on documentation or get other people involved.

Keep in mind that if you are not in agreement with the student's IEP or placement after the recess, the school can implement the IEP unless you file for a due process hearing.

### **Closing the Meeting**

• Tell the ARD committee the ways you will be a supportive member of your team. You can provide support to your team by:

1. saying you want to be involved and are willing to help
2. giving positive feedback to teachers and administrators about things that work well for your child
3. becoming involved and visible by volunteering in the classroom, library, or other school programs; attending school functions; joining the P.T.A. and participating in site-based management teams and meetings and special events
4. communicating regularly with teachers throughout the year (notebooks, phone calls, meetings) and/or sharing articles and other resources of interests. Ask your child's teachers the best way to communicate with them (email, notes, phone calls, etc.).



## **A Parent Checklist for ARD Preparation**

You are an important member of the ARD committee. You know your child better than any other member of the committee and can provide important information and insight about your child. Just as the other members will prepare for the ARD meeting, you must also take time to prepare. Use this list as a guideline to prepare for the meeting.

- Read your notice to see what issues will be discussed and who will attend.
  - Be sure enough time is allotted for the meeting.
  - Ask the school for copies of any relevant information you do not already have, including:
    - o latest comprehensive individual assessments and any new testing the school has done;
    - o progress notes or updates on IEP objectives;
    - o teacher progress notes (if necessary, talk with the teacher(s) and others for information on the student's progress);TEKS for your child's age-appropriate grade level;  
Student Code of Conduct;
  - Gather any reports you have from outside therapists, tutors, consultants or doctors, and provide a copy of these to the school to review prior to the ARD meeting.
  - Make a list of your child's gifts and talents.
  - Read the TEKS and list the ones you think your child could learn "as is" or with modifications.
- The TEKS can be found at <http://www.tea.state.tx.us/teks>

- Make a list of questions of things you don't understand about special education.
- Make list of other things you would like your child to learn during the year. How is this going to help him / her? Will he / she be able to participate more fully in school life? Will he / she become more independent? How will his / her life change or improve?
- Review the lists and mark 4-5 things you think are most important for your child. These will be the basis for developing her/his IEP goals and objectives during the ARD meetings.
- Make a list of his / her areas of functioning which would increase with Assistive technology (communication, mobility, etc.) or accommodations. Be prepared to make requests for Assistive technology and / or accommodations if it is needed.
- Make copies of each list to bring to the meeting.
- Decide who you will bring to the ARD meeting. You must notify the school if you will be bringing an attorney to your ARD. The school district will want to have their attorney present as well.
- Decide if you want to meet with the teacher(s) or Diagnostic Specialist before the ARD meeting.
- If you want to tape record the ARD meeting, gather equipment, including: recorder, several high-quality tapes, new batteries and an extension cord. It would be a good idea to let the school know that you are going to record the ARD so they can have their tape recorder ready before the ARD.

## **A Parent Checklist for the ARD Meeting**

### **Be sure the IEP for your child includes:**

- A statement of progress your child has made on previous IEP objectives.
- Information about current educational performance and how the disability affects the child's involvement and progress in the general curriculum (TEKS).
- Specific and measurable annual goals.
- Short-term objectives or benchmarks for each annual goal.
- Method for measuring progress toward goals and objectives and how progress will be reported to you.
- Special education and related services to be provided.
- Positive behavior strategies or a behavior intervention plan, if needed.
- Modifications of the curriculum (TEKS) your child needs to participate in the same



learning activities as other students her/his age.

- Supplementary aids or services your child needs to participate in regular education classes and activities.
- Supports to be provided for school personnel.
- Date when services will begin, including related services.
- Specifics about each instructional and related service, including date to begin, minutes per session, frequency of sessions, location and personnel title (e.g., “special education teacher” “physical therapist,” rather than someone’s name), responsible for each service in the IEP.
- Special accommodations, materials, equipment, resources and/or assistive technology needed, and when they will be made available.
- Amount of time each day your child will be with typical students (including nonacademic and extracurricular activities).
- A statement of ANY academic or extracurricular activity in which your child will NOT participate with non-disabled students and the reasons why.
- Any accommodations he / she needs to take the TAKS, or the type of alternative test he/she will take instead of TAKS.
- Discuss the best way to communicate with the teachers on a regular basis (phone calls, email, 6 weeks conference, etc.)
- Signatures of the ARD committee members and statements of your agreement or disagreement with any part of the IEP.



• **Instructional / Related Services:** Many students who receive special education also need related services in order to benefit from the educational program. Though there are others, the most common related services are: assistive technology; speech therapy; physical therapy; occupational therapy; psychological services; counseling; special transportation; audio logical services; orientation and mobility training; rehabilitation counseling; school nursing services; and interpreter services. The ARD committee decides whether a student is eligible for each related service. Except for transportation, the decision will be based on written reports from related service professionals. Every service the school district provided must be written into the IEP, including information about how often the services will be provided, how long each session will last, the title of the related service professional needed and when the services will begin and end.

• **Considering other IEP Elements That May Apply to Your Child:** The ARD committee must also discuss the following special factors when applicable. The Diagnostic Specialist can further explain each element and the requirements upon request: Extracurricular activities; Statewide Assessments; Assistive technology; Autism Supplement; Transition; Extended School Year Services; Termination of Services / Graduation; Discipline / Behavior; Braille; Communication Needs; Limited English Proficiency; Transportation.

• **Transition:** Transition services are those services and activities provided to students that specifically help them to move successfully from public school to life after public school. Transition activities should help your child make a successful transition to post-secondary education, employment and/or independent living. These services should be very individualized for your child and his/her likely needs as an adult. Transition services must be based on your child's strengths, preferences and interests. The student himself / herself must be invited to participate in the IEP meeting when transition services are discussed. Transition must be addressed in the IEP for the school year during which the student turns 14. For a transition-age student, the IEP must include: Measurable post-secondary goals that are based on assessments related to training, education, employment and, for some students, independent living skills. The IEP should also identify those courses a student should take in order to reach his transition goals. Transition goals should be reviewed and updated as needed at the annual review of the IEP.

• **Deciding on Placement in the Least Restrictive Environment:** After the ARD committee members agree on the IEP, the next step is to determine placement or where the special education and related services will be provided. Parents must be a part of any decision on placement.

Laws and regulations require placement decisions to:

- Be made at least once every year;
- Be based on the student's individual needs;
- Take into consideration any harmful effects to the student;
- Be made based on evaluation information and not on disability label or staff convenience.

In addition, first consideration should be given to placements that are:

- As close to home as possible;
- At the school the student would attend if he or she did not have a disability;
- In regular classes with the supplementary aids and services the student needs.

• **Coming to Mutual Agreement:** Once the IEP is written, all members of the ARD committee who are part of the decision-making team will sign it and indicate their agreement or disagreement. If any member disagrees, a statement of the disagreement and reasons for it should be attached to the IEP. If a parent or the adult student disagrees with one or more required elements of the IEP, the district must offer a recess of no more than 10 school days (with some exceptions for disciplinary ARDs). The committee members must also agree on a date, time and place to finish the meeting.

During the recess, both district and parent / student members of the ARD committee must think about other possible choices, gather more data, work on documentation and/or get other people involved.

***If, after the recess, parent or student members of the ARD committee still do not agree, school members can implement the IEP they think is best. When the district implements an IEP with which the parents or adult student disagrees, the district shall provide prior written notice to the parents or adult student.***

• **Closing the Meeting:** At the close of the meeting, the minutes of the meeting will be read and necessary revisions made. All participants of the ARD committee will be requested to sign the ARD document and indicate their agreement or disagreement. You should be given a copy of the IEP either at the ARD meeting or within a reasonable time thereafter. Upon later review of the ARD document, should you discover a change that needs to be made, you may contact the Diagnostic Specialist to request the change to be made.



## **Resources for Parents**

### **State Agencies**

#### **Health and Human Services Commission (HHSC)**

4900 North Lamar Blvd.

Austin, TX 78751-2316

512-424-6500

[www.hhsc.state.tx.us](http://www.hhsc.state.tx.us)

#### **Department of Assistive and Rehabilitative Services (DARS)**

4800 North Lamar Blvd., 3rd Floor

Austin, TX 78756

512-377-0800

[www.dars.state.tx.us](http://www.dars.state.tx.us)

#### **Department of Aging and Disability Services (DADS)**

701 W. 51st Street

Austin, TX 78751

512-438-3011

[www.dads.state.tx.us](http://www.dads.state.tx.us)

**Department of State Health Services (DSHS)**

1100 West 49th Street  
Austin, TX 78756-3199  
888-963-7111; 512-458-7111  
[www.dshs.state.tx.us](http://www.dshs.state.tx.us)

**Department of Family and Protective Services (DFPS)**

701 West 51st Street  
Austin, TX 78751  
800-252-5400 (hotline for abuse of children & elderly or disabled adults)  
[www.dfps.state.tx.us](http://www.dfps.state.tx.us)

**Texas Education Agency (TEA)**

1701 North Congress Ave.  
Austin, TX 78701  
512-463-9734 main number  
800-252-9668 Parent Information Line (included complaint management)  
512-463-9414 Division of IDEA Coordination  
[www.tea.state.tx.us/special.ed](http://www.tea.state.tx.us/special.ed)

**Texas Council for Developmental Disabilities (DD Council)**

6201 East Oltorf, Suite 600  
Austin, TX 78741  
800-262-0334  
[www.txddc.state.tx.us](http://www.txddc.state.tx.us)

**Texas Disability Advocacy Organizations**

**The Arc of Texas**

8001 Centre Park Drive, Suite 100\  
Austin, TX 78754  
800-252-9729; 512-454-6694  
[www.thearcoftexas.org](http://www.thearcoftexas.org)

**The Arc of Greater Houston**

3737 Dacoma, Ste. E

Houston, TX 77092

713-957-1600

[www.thearcofgreaterhouston.com](http://www.thearcofgreaterhouston.com)

**Attention Deficit Disorders Association (ADDA)  
Of Texas Southern Region**

12345 Jones Rd. Suite 287

Houston, Texas 77070

281-955-3720

**Brain Injury Association of Texas**

1339 Lamar Square Dr., Suite 103

Austin, TX 78704

512-326-1212; 800-392-0040

[www.biatx.org](http://www.biatx.org)

**Epilepsy Foundation**

2650 Fountainview

Houston, Texas 77057

713-789-6295

**Family to Family Network**

13150 FM 529 – Suite 106

Houston, TX 77041

713-466-6304

[www.familytofamilynetwork.org](http://www.familytofamilynetwork.org)

**Greater Houston Chapter Autism Society**

PO Box 2871

Houston, Texas 77252-2871

713-513-7575



**MHMRA of Harris County**

7001 Southwest Freeway  
Houston, Texas 77074  
713-970-7070

**Texas Commission for the Blind**

427 W. 20th St Suite 407  
Houston, Texas 77008  
713-880-0721

**Texas Commission for the Deaf**

7400 Harwin Dr. Suite 256  
Houston, Texas 77036  
713-917-0062

**Texas Parent to Parent**

3710 Cedar Street, Box 12  
Austin, TX 78705  
512-458-8600; 800-896-6001  
[www.txp2p.org](http://www.txp2p.org)

**Local Agencies**

Driscoll Children's Hospital  
3533 South Alameda St.  
Corpus Christi, TX 78411-1721  
361-694-5000

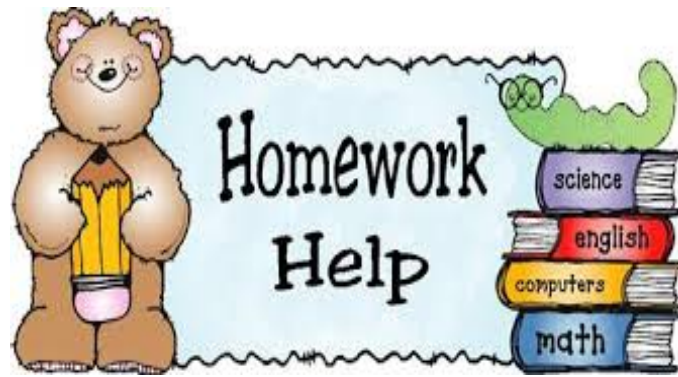
MHMR of Nueces County  
1502 South Brownlee Blvd.  
Corpus Christi, TX 78404-3132  
361-884-9854

Head Start  
101 South Padre Island Dr.  
Corpus Christi, TX 78414  
361-883-7201

Region 2 Education Service Center  
209 North Water Street  
Corpus Christi, TX 78401  
361-561-8400

Bayview Behavioral Hospital  
6629 Woolridge Rd.  
Corpus Christi, TX 78418  
877-742-9444  
361-986-9444

West Oso ISD Special Ed. Dept.  
5050 Rockford Dr.  
Corpus Christi, TX 78416  
361-806-5911



## **Homework Help**

### **Homework Tips**

**There are many things parents can do to help when it comes to homework:**

- Homework is a part of every child's school life. Just because your child has a disability does not mean they should not have homework (within their ability level).
- Set a regular time for doing homework. Take into account the need for having a break from schoolwork and the importance of getting work done early in the evening. For many families, right after dinner is a good time.
- Designate a regular place for doing homework that takes into account your child's learning preferences. Have needed supplies on hand.
- Make accommodations, modifications or use Assistive technology that works for your child to assist with homework completion and aide in the independent completion of that work.
- Model good work habits yourself. Be nearby, doing your own "homework" such as paying bills, sorting mail, etc.
- Coach your child at the beginning and end of an assignment and at check points along the way if he has difficulty with lengthier assignments.
- If your child has difficulty working independently on assignments he has the skills to complete, establish a schedule that includes time he is expected to work alone before asking for help. Discuss the kinds of help you will give him and the things you expect him to do alone.

- Schedule breaks and limit the number of spontaneous interruptions
- Break a long assignment into smaller, more manageable tasks. Coach him so that he can learn to do this for himself.
- Be available to spell words if this interferes with his flow of thought while writing or to dictate on lengthier assignments if handwriting is a hindrance.
- Make sure you and your child understand the expectations for homework. It may be helpful to review the directions and estimate the amount of time it will take.
- Request a homework tracker from your child’s teacher to help keep track of assignments.
- Establish the habit of using a planner to record assignments, directions, and due dates. Coach your child to seek clarification from the teacher if an assignment seems unclear. Coach your child by asking questions or reinforcing what’s been done. Help your child see how a particular assignment or skill fits into the curriculum. Make suggestions, but avoid doing the work for your child. Work together in a way that keeps the child responsible.

### **Examples of activities you can do if your child does not have assigned homework:**

- Read to your child often.
- Have your child read to you.
- Work on counting and money skills during everyday activities.
- Have kids help with preparing meals (measuring and counting skills)
- Assign chores and have the same expectations as you would if your child didn’t have a disability. Make accommodations if necessary.
- Practice using a communication or Assistive technology device.
- Work on skills you know they will need as an adult. (For many kids with cognitive disabilities, it will take a year or more for them to learn by constant repetition). Teach them when they are young to create lifelong habits!
- Remember, you play an important role in your child’s education. Be willing to “teach” your child at home. Don’t expect the professional teachers to teach every life skill your child will need to be successful throughout their life.



## **Success Stories**

Many people, who have struggles with dyslexia or other related learning disabilities in an academic environment, have become true success stories as adults. You may find it helpful to share some of these names with your child, with the message that having a learning disability and achieving success can go hand-in hand.

Hans Christian Anderson-Author of children fairy tales

Harry Anderson-Actor, magician, comedian

Stephen Bacque-Entrepreneur of the Year, 1998

Ann Bancroft-Explorer, lecturer, educator, first woman to travel across the ice to the North and South Poles

Harry Belafonte-Singer, actor, entertainer

Alexander Graham Bell-Inventor

Dale S Brown-Author, disability advocate

George Burns-Actor, comedian

Stephen J. Cannell-Screenwriter, producer, director

Gaston Caperton-Former Governor of West Virginia

John T. Chamber-CEO of Cisco Systems

Nola D. Chee-Award winning poet and author

Cher-Entertainer, actress

Agatha Christie-English mystery writer

Winston Churchill-Former Prime Minister of Britain

John Corcoran-Real estate millionaire

Tom Cruise-Actor  
Fred Curry-Navy pilot, CEO of Greyhound Lines  
Leonardo Da Vinci-Renaissance artist, sculptor, painter  
Walt Disney-Cartoonist, visionary founder of Disneyland/Disneyworld  
Dr. Red Duke-Physician, television commentator  
Frank Dunkle-Director of U.S. Fish and Wildlife Service  
Thomas Edison-Inventor, scientist  
Tomima Edmark-Author, entrepreneur  
Albert Einstein-Scientist, philosopher  
Gustave Flaubert-Writer  
Danny Glover-Actor  
John Grisham-Author  
Whoopi Goldberg-Actress  
Edward Hallowell-MD Author, psychiatrist, ADD specialist  
Ellie Hawkins-Record-breaking rock climber  
William Hewlett-Co-founder of Hewlett-Packard  
John Homer-Curator of paleontology, technical advisor to Steven Spielberg for Jurassic Park and The Lost World  
John Irving-Author and Screenwriter  
William James-Psychologist, philosopher  
Bruce Jenner-U.S. Olympic Gold Medalist  
David Jones-Stunt man, pioneer in helicopter aerial photography  
Thomas H. Kean-President of Drew University, former governor of New Jersey  
Sylvia Law –Professor of Law and Medicine, author  
Jay Leno-Comedian and TV show host  
Craig McCaw-Pioneer of cellular industry  
Edward James Olmos-Actor, community activist  
Paul J. Orfalea –Entrepreneur, founder of Kinkos  
George Patton-Military General  
Patricia Polacco-Author, illustrator of children’s books  
Robert Rauschenberg-Artist  
Nelson Rockefeller-Former governor of New York, former vice president of the United States  
Nolan Ryan-Professional baseball  
Charles Schwab-Founder of investment brokerage

William Simmons-MD Professor of anesthesiology  
Tom Smothers-Comedian  
Nancy L. Sonnabend-Researcher, inventor, author  
Jackie Stewart-Race car driver  
Richard Strauss-Real estate developer, banker  
Victor Villasenor-Award winning author  
Lindsay Wagner-Actress, author, "The Bionic Woman"  
Russell White-Professional athlete  
Roger W. Wilkens-Head of the Pulitzer Prize Board  
Woodrow Wilson-Former president of the United States  
Henry Winkler-Actor, director, humanitarian, "The Fonz"