



Donna Independent School District

**Special Education
Department
Handbook
2021 - 2022**

"LEAD THE CHANGE"

Maintaining A Culture of Continuous Improvement

The **major goal** of the Special Education Department Team is to be one of the highest performing departments in the region and the state of Texas. We provide excellent service our students, parents, staff, and community.

OUR CONTINUING CHALLENGE IS TO:

- **BE POSITIVE, BE PREPARED, BE PROACTIVE, BE PRESCRIPTIVE, AND BE PROFESSIONAL**
- **ASSIST, GUIDE, TEACH OUR STUDENTS TO REACH THEIR MAXIMUM POTENTIAL FOR LEARNING**
- **ASSIST, GUIDE, TEACH OUR STUDENTS TO FUNCTION AS POSITIVE CONTRIBUTORS IN TODAY'S WORLD.**
- **ASSIST, GUIDE, TEACH, COLLABORATE WITH PARENTS AND FELLOW PROFESSIONALS TO UTILIZE OUR EXPERTISE TO APPROPRIATELY SERVICE OUR STUDENTS.**

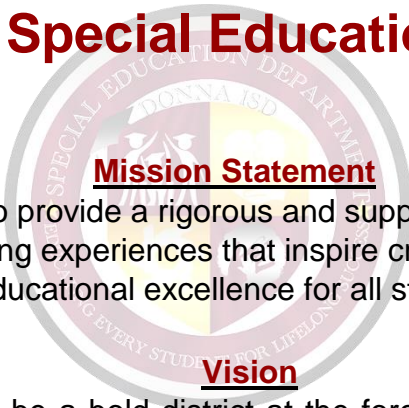
Every successful organization exhibits similar qualities: As a team and as a professional learning community, our emphasis is centered upon the following:

- **Exhibit Professionalism:**
 - (1) *Characterized by or conforming to the technical or ethical standards of a profession.*
 - (2) *Exhibiting a courteous, conscientious and generally businesslike manner in the workplace.*
- **Live by the Golden Rule**
- **Maintain AND Model a Positive attitude**
- **Model Composure**
- **Exhibit a strong Work Ethic**
- **Demonstrate Punctuality**
- **Maintain respectful dialogue with all stakeholders**
- **Gain the TRUST of our co-workers and stakeholders**
- **Lead through Teamwork and by example**
- **Improve Public Relations and provide excellent Customer Service**
- **Engage all stake holders professionally and positively**
- **Expand our level of expertise to be able to service our students more effectively**
- **Increase our capacity to service a greater number of exceptionalities**
- **Engage in Honest self-reflection**
- **Utilize Proper Communication**
- **Be effective and efficient**

This handbook of guidelines is provided to you as a reference source. Please understand that the Handbook is a work in progress. Any input, additions, suggestions that will make the DISD Special Education Team's service to all stakeholders will be much appreciated. Each year we will work to continually upgrade the handbook and edit it to meet our district's needs.

Sylvia Cardenas
Special Education Director
Fall 2021

DONNA ISD Special Education Department



Mission Statement

The mission of Donna ISD is to provide a rigorous and supportive learning environment with meaningful and relevant learning experiences that inspire creativity, character development, and critical thinking that ensures educational excellence for all students.

Vision

The vision of Donna ISD is to be a bold district at the forefront of educating all students to be passionate, motivated leaders who will be a powerful force for positive change in our community, state and nation.

Special Education Administration & Staff

Sylvia A. Cardenas, Director of Special Education
 Maritza G. Navarro, Special Education Supervisor
 Delia Peña, Special Education Administrative Assistant
 Marisela Blanco – PEIMS Clerk
 Jessica Gonzales Special Education Records Clerk

ASSESSMENT STAFF	SPEECH THERAPY TEAM
Laura Quiroz, Educational Diagnostician	Jannelly Rodriguez, SLP
Crystal Garcia , Educational Diagnostician	Ana Lisa Montelongo, SLP
Angela Villarreal, Educational Diagnostician	Sandra Panola Lopez, SLP
Julissa Esparza, Educational Diagnostician	Blanca Garcia, SLP-Assistant
Laura Champion, Educational Diagnostician	Evelyn Cardenas, SLP
Marissa Ramirez, Educational Diagnostician	Erica Cereceres, SLP-Assistant
Noelia Salazar, Educational Diagnostician	Diana Morrison, SLP
Olga Cisneros, Educational Diagnostician	Cristina Reyes, SLP-Assistant
Amanda Yarritu, Educational Diagnostician	Vanessa Elizondo Herrera, SLP
Monika Cuellar, Dyslexia Educational Diagnostician	Veronica Castillo, SLP-Assistant

Related Service Team	Teachers
Silia Robles, Occupational Therapist	Sylvia Pena, Homebound Teacher
Jerry Martinez, Certified OT-Assistant	Norma Govea, Homebound Teacher
Ester Rios, Social Worker	Eleuterio Chavez, Homebound Teacher
Monica Montanez, Physical Therapist	Jesus Melgoza, VI / O&M Teacher
Deborah Rutigliano, Occupational Therapist	Leonor Leyja, VI Teacher Assistant

Contracted Staff
Preferred Health Care

DONNA SPECIAL EDUCATION DEPARTMENT

116 North 10th Street Donna,
TX 78537
956-464-1600 ext. 1202
956-461-9047 (fax)

Campus	SE staff assigned to campus
Adame Elementary	Olga Cisneros, Educational Diagnostician Diana Morrison, SLP Cristina Reyes, SLP-A Daniela Rodriguez, LSSP
Caceres Elementary	Amanda Yarritu, Educational Diagnostician Sandra Panola Lopez, SLP Blanca Garcia, SLP-A Juan Perez, LSSP
Garza Elementary	Laura Quiroz, Educational Diagnostician Vanessa Elizondo-Herrera, SLP Veronica Castillo, SLP-A Jennifer Pugh, LSSP
Guzman Elementary	Marissa Ramirez, Educational Diagnostician Anna Lisa Montelongo, SLP Daniela Rodriguez, LSSP
LeNoir Elementary	Olga Cisneros, Educational Diagnostician Vanessa Elizondo Herrera, SLP Veronica Castillo, SLP-A Jennifer Pugh, LSSP
Munoz Elementary	Olga Cisneros, Educational Diagnostician Evelyn Cardenas, SLP Erica Cereceres, SLP-A Daniela Rodriguez, LSSP
Ochoa Elementary	Angela Villarreal Silva, Educational Diagnostician Sandra Panola Lopez, SLP Blanca Garcia, SLP-A Juan Perez, LSSP
T. Price Elementary	Crystal Cantu, Educational Diagnostician Anna Lisa Montelongo, SLP Jennifer Pugh, LSSP
Rivas Elementary	Amanda Yarritu, Educational Diagnostician Sandra Panola Lopez, SLP Blanca Garcia, SLP-A Juan Perez, LSSP

Runn Elementary	Crystal Cantu, Educational Diagnostician Evelyn Cardenas, SLP Erica Cereceres, SLP-A Juan Perez, LSSP
Salazar Elementary	Crystal Garcia, Educational Diagnostician Vanessa Elizondo Herrera, SLP Veronica Castillo, SLP-A Daniela Rodriguez, LSSP
Salinas Elementary	Amanda Yarritu, Educational Diagnostician Diana Morrison, SLP Cristina Reyes, SLP-A Daniela Rodriguez, LSSP
Singleterry Elementary	Laura Quiroz, Educational Diagnostician Diana Morrison, SLP Cristina Reyes, SLP-A Jennifer Pugh, LSSP
Stainke Elementary	Noelia Salazar, Educational Diagnostician Jannelly Rodriguez, SLP Daniela Rodriguez, LSSP
Solis Middle School	Angela Villarreal Silva, Educational Diagnostician Evelyn Cardenas, SLP Erica Cereceres, SLP-A Juan Perez, LSSP
Veterans Middle School	Crystal Garcia, Educational Diagnostician Vanessa Elizondo Herrera, SLP Veronica Castillo, SLP-A Daniela Rodriguez, LSSP
Todd Middle School	Noelia Salazar, Educational Diagnostician Evelyn Cardenas, SLP Erica Cereceres, SLP-A Daniela Rodriguez, LSSP
Sauceda Middle School	Marissa Ramirez, Educational Diagnostician Diana Morrison, SLP Cristina Reyes, SLP-A Jennifer Pugh, LSSP
Early College High School	Noelia Salazar, Educational Diagnostician Evelyn Cardenas, SLP Erica Cereceres, SLP-A Juan Perez, LSSP/Jennifer Pugh, LSSP
Donna High School/ 3D	Julissa Esparza, Educational Diagnostician Crystal Cantu, Educational Diagnostician Sandra Panola Lopez, SLP Blanca Garcia, SLP-A Juan Perez, LSSP
Donna North High School/ 3D	Laura Champion, Educational Diagnostician Laura Quiroz, Educational Diagnostician Jannelly Rodriguez, SLP Jennifer Pugh, LSSP

Confidentiality Guidelines

Students being served through special education are guaranteed the right to privacy by law.

FERPA (Family Education Rights and Privacy Act) defines educational records and mandates that these records be kept confidential. This statute also:

- Requires parental consent for release of records
- Ensures that the records are accessible only to those with an educational need to know
- Guarantees the right to privacy to students and parents.

The following are the expectations of the Donna ISD Department of Special Education regarding confidentiality:

- Information about a child or a family member will not be shared with anyone outside of the educational setting.
- Any information identifying the student as special education will be kept confidential.
- Any information dealing with a child or family will be reviewed or discussed in a respectful and professional manner.
- Discussions involving confidential information are to be held in a private location. (e.g., not in hallways, lounges, in front of students, etc.).
- No confidential information will be shared with anyone who is not *currently* directly involved with the child's education.

Confidential information includes, but is not limited to:

- Any information that identifies the student as a child with a disability
- Grades
- Discipline
- Attendance
- 504 eligibility
- ARD/IEP information
- Personal information (e.g., parent names, address, contact information)
- Evaluation reports



JOB EXPECTATIONS

ARD Team Coordinators

The following job expectations should be used as a guide in establishing roles and responsibilities across the Donna ISD Department of Special Education.

For the purpose of this section, the definition of ARD Team Coordinators is personnel trained in and competent in the IEP process. Assessment staff is responsible for the management of the ARD meetings and records management for all students assigned to his or her caseload. This role may be filled by:

1. **Evaluation Staff**: individuals who hold a professional degree and/or credentials specific to conducting evaluations and determining the presence of a disability. *This may include an LSSP, diagnostician, SLP, or any other qualified individual designated as assessment staff by the Special Education Department.*
2. **ARD Case Manager**: Certified personnel competent in the ARD process but who have no evaluation responsibilities (Special Education Teacher)

I. Evaluation Responsibilities

- Determine appropriate appraisal staff required for individual student evaluations and maintain communication throughout the assessment, completing the process by obtaining all evaluators signatures on the final evaluation report (e.g., diagnostician, medical doctor, LSSP, SLP, OT, PT, VI, AI, O &M, etc.)
- Determine appropriate measurement tools in assessing qualifying disabilities
- Provide appropriate diagnoses of qualifying disabilities in one report
- Demonstrate knowledge of district/state/federal eligibility guidelines for qualifying disabilities
- Complete, write and present valid and reliable evaluations/reports within timelines

II. Caseload Management Responsibilities (Evaluation Staff & ARD Case Manager)

Caseload refers to all activities required and performed by a Special Education staff member for all students in which that staff member is responsible. Managing a caseload includes activities specified by IDEA mandates, including those necessary to support students' education programs, implement best practices, and ensure compliance with mandated paperwork, multidisciplinary team conferences, parent and teacher contacts.

- Coordinate and lead campus Special Education team to ensure compliance at all times:
- Coordinate IEP meeting schedules with Special Education service providers, principals, teachers, parents and other individuals as appropriate to ensure full participation

- Schedule, prepare documentation and facilitate ARD (Admission, Review, and Dismissal) meetings for students on caseload
- Provide adequate prior written notice and opportunity for student team members to prepare and submit required documentation within timelines
- Provide and/or obtain all necessary information to and from **all** service personnel and campus staff (e.g., SLP, counselor, LSSP, diagnostician, OT, PT, VI, AI, etc...)
- Confirm that all necessary components and materials are available and organized prior to the IEP meeting (paperwork, IEPs, notices/consents, digital recorder, interpreter etc.)
- Conduct and/or chair staffing's and IEP meetings; clearly explain the agenda and purpose for the meeting
- Ensure all required elements of the IEP are addressed and documented
- Confirm notification of IEP committee requests for re-evaluation and/or additional evaluation requests with appropriate evaluation staff no later than 3 days from the request
- Maintain current and compliant information on all students (e.g., caseload spreadsheet, audit folders - e.g., IEP dates, evaluation dates, PEIMS data, etc.)
- Review student's educational history prior to the IEP meeting to assist the ARDC in making high quality decisions and achieve consensus. Be prepared to offer information related to the students' educational program, answer questions and handle any problematic issues should they arise
- Guide transition discussions and activities for students 14 years of age and over (or younger when appropriate) ensure that student is invited to ARD meeting and should attend all ARD meetings, if possible.
- Prepare and verify distribution / receipt of all required IEP paperwork items, utilizing a tracking system to document timelines and **ALL** communication sent to parents and staff (e.g., required invitations, notices, consents, etc.)
- Ensure that **all** timeline requirements are met
- Complete and ensure that all IEP forms are locked along with related paperwork in a timely manner to ensure parents and campus staff are sent copies, no later than 10 days, of IEP meeting date
- After each IEP meeting, submit correct and current PEIMS information to Special Education Department.
- Provide ongoing consultation and training to campus staff



JOB EXPECTATIONS

Speech Language Pathology Team

I. Responsibilities

A. Evaluators

- Participate in the campus RtI process and screen children suspected of having articulation, phonology, semantic, syntactic, metalinguistic, pragmatic, voice and/or stuttering disorders.
- Analyze progress documentation for the purposes of remediation.
- Demonstrate knowledge and use of testing protocol to determine appropriate measurements in assessing specific areas of concern related to communication disorders.
- Demonstrate knowledge and use of district/state eligibility guidelines and evaluation procedures.
- Interpret assessment results for appropriate identification and diagnosis for qualifying communication disorders.
- Complete, write and present valid and reliable evaluations/reports within timelines.
- Maintain caseload of students with Speech only eligibility. Conduct annual ARDs, along with all ARDs required to meet district/ state and federal compliance.
- Participate in appropriate Response to Intervention (RtI) activities.

B. Speech Language Pathology Assistants

- The SLP-Assistants will provide instruction under the direction of a licensed speech pathologist related to the development and disorders of communication i.e., articulation, voice, stuttering and language.
- Work with campus teams to maintain district compliance.
- Administer/conduct therapy as determined by student IEP under the guidance of the licensed SLP.
- Gather information regarding student's Present Levels of Academic and Functional Performance (PLAAFP) related to speech goals & objectives/benchmarks.
- Collaborate with teachers regarding implementation of goals & objectives/benchmarks.

II. Caseload Management Responsibilities:

A. Compliance - Coordinate and lead student teams to ensure district compliance at all times

- Maintain student audit folders (e.g., compliant with district/state and federal guidelines)
- Ensure that all timeline requirements are met and submit paperwork in accordance with district procedures and procedures
- Prepare and verify distribution / receipt of all required IEP paperwork items, utilizing a tracking system to document timelines and **ALL** communication sent to parents and staff (e.g., required invitation, notices, consents, etc.)
- Schedule, prepare documentation and facilitate ARD meetings for students on workload
- Provided adequate notification and opportunity to prepare and submit required documentation within timelines
- Clearly explain the agenda and purpose for the meeting during staffing's and IEP meetings.
- Ensure all required elements of the IEP are addressed and documented
- Provide the Special Education PEIMS clerk with correct and current PEIMS information once ARD has been locked.
- Notify appropriate appraisal staff of IEP committee requests for evaluation within 3 days of the request
- Guide transition discussions and activities for students 14 years of age and over (or younger when appropriate). Ensure that student is invited to ARD meeting and should attend all ARD meetings, if possible.
- Complete and lock all ARDs, and reports and related paperwork in a timely manner so as to ensure that parents are given copies within 10 days of the IEP meeting.

B. Organizational Management and Documentation

- Coordinate ARD meeting schedules with principals, teachers, parents and other individuals as appropriate to ensure full participation
- Maintain correct and current information on assigned Special Education students (e.g., IEP dates, evaluation dates, PEIMS data, etc.)
- Run TEAMS report every week to assure that all student lists and information are current. A copy of the most recent TEAMS report for each assigned campus is to be submitted to the Special Education Department on the first day of each month.
- Update google sheet with pending initial, re-evaluations, etc... weekly.
- Review all student folders for assigned caseload at the start of the year, and throughout the year as new students transfer to your workload to ensure that:

- IEP and evaluation due dates are correctly entered on FIE, SUCCEEDED, and TEAMS. A spreadsheet with accurate dates should be maintained to assure all timelines are met.
- All required documents are filed and secured in the brads. All original forms or signature pages are to be filed in brown folders (not in campus green folders).
- IEPs and progress reports in campus folder are current:
- It is expected that documents beyond the previous year are reviewed to establish a foundation of knowledge related to the students' history (educational, medical, sociological, behavioral, etc.) Effective and appropriate services cannot be provided if this information is unknown.
- Review student's educational history prior to an IEP meeting to assist the ARDC in making high quality decisions and achieve consensus. Be prepared to offer information related to the student's educational program, answer questions and handle any problematic issues should they arise

Maintain appropriate paperwork in campus folders/instructional folders

- Only file ARD documents for the last two years, which may include.
- *Copy* of goals & objectives
- *Copy* of IEP
- *Copy* of the final Progress report for the year
- *Copy* of the Evaluation Report
- *Copy* of the parent and teacher information
- *Copy* of the attendance logs (original log will be filed in the protocol folder at the end of the year
- Progress Monitoring data
- Any documentation related to consultations, parent contacts (notes, phone calls, etc.)
- Remove extra copies of paperwork and information that is not relevant to the student's educational program.
- Demonstrates appropriate attention to progress documentation, attendance records and other paperwork
- Maintain attendance for caseload

C. IEP GOALS

- Develop appropriate, functional IEP goals that are attainable by the end of the IEP year (maximum 12month time span).
- Utilize interventions and techniques that are research based and applicable to the individual, as well as, adhere and align therapy procedures with the goals and objectives contained in the IEP and TEKS.
- Speech staff providing direct services to students must be familiar with the district curriculum and demonstrate the ability to access and implement such curriculum during therapy.
- Provide indirect services to students to support campus staff and the implementation of educational programs.
- Use effective behavior management techniques.
- Coordinate with campus to maintain an effective and efficient workload schedule

III. Additional Responsibilities for Speech Personnel:

- Supervise assistants in compliance with the policies established by state and federal law, State Board of Education rule, and the State Board of Examiners of Speech Pathology and Audiology.
- Demonstrate knowledge and application of the SPP Indicator 7 guidelines and procedures to ensure that accurate information is documented for all students that enter and/or exit ECSE within the district.

Campus Case Manager / SE Teacher Responsibilities

- A) Maintain regular communication with all staff that work with students on your caseload.
- B) Conduct ongoing data collection throughout each six weeks grading period to monitor progress.
- C) Monitor student grades at least 2 times per grading period to address failing grades:
 - Progress reports
 - Six weeks report cards
 - If the student is failing at the end of a grading period, a consultation should be held AND DOCUMENTED on Student Action Plan with the teacher and/or parent as to why the student is failing a subject.
 - Every 3 weeks review a copy of the progress reports, report cards, along with any other relevant teacher/student data.
- D) Update the IEP goals/objectives progress report at the end of each grading period and send a copy home for parent review.
 - If at some point it becomes evident that a child will not master the annual goals and objectives, the campus case manager should request an ARD meeting to review student progress and possibly modify the IEP
 - Be fully prepared for ARD meetings:
 - Request and collect information relevant to the student from EACH teacher (special education and general education) that works with that student.
 - Update IEP goals/objectives and provide students a copy of their progress report every 6 weeks.
- F) After an ARD meeting has been held
 - Review the new ARD/ IEP documents for any changes
 - Ensure that each teacher that works with the special education students on your caseload receives a copy of the updated IEP document and is informed of any changes that may impact implementation of the students IEP, for example:
 - Eligibility
 - Related Services
 - Instructional Setting
 - Goals/objectives
 - Accommodations and/or modifications
 - State Assessment
 - Document instructional services provided (Service Logs)

Campus Case Manager Checklist for Start of School Procedures

- Obtain the most recent list of students on your caseload from your diagnostician. Compare this list with your student folders and discuss any discrepancies with your campus diagnostician. Run a new list of Special Education students at your assigned campus every week to assure no student is overlooked (For the first six weeks and bi-weekly after that).
- Get to know your student(s). Be aware of the related and instructional services that are to be provided to the student and what special education classes (if any) the student is to be placed in.
- Confirm that you have a copy of each student's most recent ARD and review the following:
 - Instructional and/or Related Services
 - IEP Goals and Short Term Objectives
 - Accommodations and modifications
 - API/IPI
 - State Assessments
 - Schedule of Services
 - Deliberations page
- Confirm that the student's class schedule is aligned with the ARD recommendations on the schedule of services page. Contact the campus diagnostician and/or counselor to discuss any discrepancies or changes that need to be made.
- Distribute a copy of each of the following forms to all school personnel who work directly with the student (including administrators):
 - a. Updated IEP Goals & Objectives** (teacher only - the progress monitoring may not be complete, but the receiving school and teacher will need to know what was and/or was not mastered at the end of the previous school year.)
 - b. Accommodations and Modifications Page**
 - c. Annual Goals and Objectives**
 - d. Behavior Intervention Plan, when appropriate**
- Obtain signatures on the Receipt of Special Education Records from all personnel who receive a copy of records (see following page) indicating they received and understand the documents and upload on Success Ed and file in brown folder.

Case Manager Checklist for End of Year Procedures

- Update, sign *and* date the IEP progress report for the 6 weeks grading period, as of the last day the student was in attendance in school.
- Sign off on each copy, verifying what the student has mastered to this point.
****This copy will be turned over to the receiving school / therapist, to communicate which goals and objectives were mastered at the end of the year*
- File all updated and signed IEP progress reports in campus Special Education folder. Any additional information and teacher / student recommendations that are to be passed on to the next school or teacher (**even** if you are teaching the child again next year)
- Compile an inventory list of large special education “district owned” materials or equipment in your classroom
- Notify the Diagnostician and Special Education Department secretary whether any item needs to be moved/transferred to another campus for a specific student or whether it needs to be moved to special education storage. The Special Education Secretary will arrange for the items to be picked up and moved to the receiving campus or stored after school year ends
- Turn in inventory lists to Special Education Department
- Once all of the updated IEPs, student information/files, student service logs, and inventory lists have been collected by the campus special education department Diagnostician, she/he will submit all documents to the Special Education Department.

Eligibility Determination

IDEA 2004 300.311(a) 34

Code of Federal Regulations 300.311.

Specific documentation needed for the eligibility determination

- For a child suspected of having a specific learning disability, the documentation of the determination of eligibility, as required in §300.306(a)(2), must contain a statement of:
 - Whether the child has a specific learning disability;
 - The basis for making the determination, including an assurance that the determination has been made in accordance with §300.306(c)(1);
 - The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;
 - The educationally relevant medical findings, if any;
Whether-
 - The child does not achieve adequately for the child's age or to meet State approved grade-level standards consistent with §300.309(a)(1); and
 - The child does not make sufficient progress to meet age or State approved grade-level standards consistent with §300.309(a)(2)(i); or
 - The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development consistent with; §300.309(a)(2)(ii);
 - The determination of the group concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or Limited English Proficiency on the child's achievement level; and
 - If the child has participated in a process that assesses the child's Response to scientific, research-based Intervention –
 - The instructional strategies used and the student-centered data collected; and
 - The documentation that the child's parents were notified about –
 - The State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
 - Strategies for increasing the child's rate of learning; and
 - The parents right to request an evaluation.

When determining eligibility under IDEA, there are two steps to the eligibility decision.

These are represented by two questions.

The parents and other qualified professionals review the results of the initial evaluation to determine:

Prong 1: Whether the child is a child with a disability as defined in federal and state laws and regulations and,

Prong 2: The educational needs of the child (34 CFR §300.306(a)).

Federal and state regulations are very clear with regard to the fact that a child must NOT be determined to be a child with a disability if the determinant factor is:

- **Lack of appropriate instruction in reading**, including the essential components of reading instruction (defined in §1208(3) of the ESEA as phonemic awareness, phonics, vocabulary development, reading fluency including oral reading skills, and reading comprehension strategies);
- **Lack of appropriate instruction in math**; or
- **Limited English proficiency**; and the child does not otherwise meet the eligibility criteria as a child with a disability.

(34 CFR §300.306(b). **Must Not Be Determined to be a Child with a Disability**)

Referrals

Initial Referral (from district)

- Either the parent of the student, a state educational agency, and LEA, and educational service agency (ESA), or a nonprofit public charter school that is not otherwise included as and not a school of an LEA or ESA, and any other political subdivision of the state that is responsible for providing education to children with disabilities, may initiate a request for an initial evaluation to determine if the student is a child with a disability, 34 CFR § 300.301

If the student continues to experience difficulty in the general education classroom after the provision of intervention, the LEA must refer the student for an initial evaluation.

- **19 Texas Administrative Code § 89.1011. Referral for Full and Individual Initial Evaluation.**

Referral of students for a full individual and initial evaluation for possible special education services must be a part of the district's overall, general education referral or screening system.

Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to scientific, research-based intervention; and other academic or behavior support services. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. This referral for a full individual and initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.

Based on the evaluation data reviewed, the ARD committee determines that the student:

- **Does NOT** meet disability criteria
- **Meets criteria** for the following disability/disabilities based on evaluation data of:

auditory impairment	intellectual disability	speech/ language impairment	Visual impairment	autism
multiple disabilities	traumatic brain injury	deaf-blind	Non-Categorical Early Childhood	
emotional disturbance	other health impairment	specific learning disability	Orthopedic Impairment	

AND

Yes or No: By reason of the disability/disabilities the student has a need for special education and related services:

Initial Referral – Parent Request

If a parent submits a written request to the LEA's director of special education services or to an administrative employee for an initial evaluation, the LEA must, not later than the 15th school day after the date of receipt, provide the parent with:

- Prior written notice of its proposal to conduct an evaluation, a copy of the Notice of procedural Safeguards, and an opportunity to give written CONSENT FOR INITIAL EVALUATION; or
- Prior written notice of its refusal to conduct and evaluation and a copy of the Notice of Procedural Safeguards

DISD - Evaluation Request Flowchart

Due to a concern with student performance, the school Diagnostician or Speech Therapist or Sped Office receives a request for evaluation from parent or campus

Step One

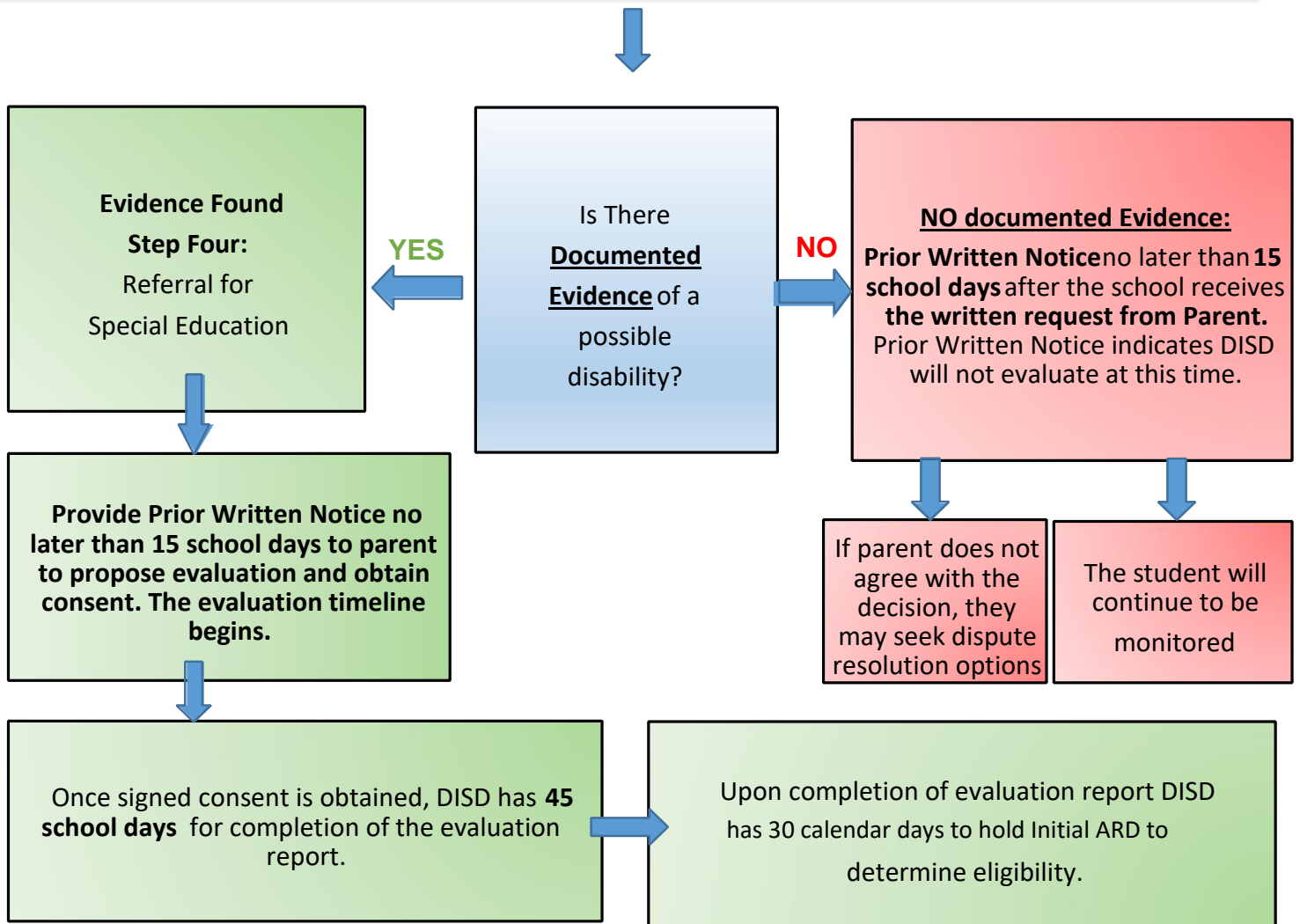
The School District meets with parents to explain the districts overall referral process

Step Two

Diagnostician/SLP or Sped Office provides parents with a copy and obtain signed receipt of the procedural safeguards.

Step Three

School District reviews student data from campus and parents



ECI Referrals

The state will have in effect policies and procedures ensure that children participating in ECI programs assisted under IDEA Part C, and who will participate in preschool programs assisted under IDEA Part B, experience a smooth and effective transition to those preschool programs. (34 CFR § 300.124) Based on ECI to LEA Flowchart:

Section One:

The Child has received services under ECI- Part C more than 90 days prior to the child's third birthday.

- ECI notifies the parent of their right to object (opt out) to disclosures of personally identifiable information.
- If parent opts out, proceed to section four.
- If parent does not opt out, ECI must notify the LEA where the child resides for potential eligibility under Part B at least 14 days in advance of, and conference a transition conference not fewer than 90 days and not more than 9 months prior to the child's third birthday.
- The LEA, after obtaining consent for evaluation, will conduct the evaluation and if eligible, develop and implement an IEP by the child's third birthday. The LEA will make eligibility determination at an admission review and dismissal (ARD) committee meeting.

Section Two:

The child has received services under ECI-Part C more than 45 days but less than 90 days prior to the child's third birthday.

- ECI notifies the parent of their right to object (opt out) to disclosures of personally identifiable information.
- If parent opts out, proceed to section four
- If parent does not opt out, ECI must notify the LEA where the child resides for potential eligibility under Part B as soon as possible after determining eligibility under Part C.
- The LEA, after obtaining consent for evaluation, will conduct the evaluation within 45 school days, in accordance with current State established initial evaluation timelines, from the date of parental consent. The LEA will make eligibility determination at an admission review and dismissal (ARD) committee meeting within 30 calendar days from the evaluation date.

Section Three:

The child has received services under ECI-Part C fewer than 45 days prior to the child's third birthday and ECI obtains parental consent to refer to the LEA where the child resides.

- The LEA, after obtaining consent for evaluation, will conduct the evaluation within 45 school days, in accordance with current State established initial evaluation timelines, from the date of parental consent. The LEA will make eligibility determination at an admission review and dismissal (ARD) committee meeting within 30 calendar days from the evaluation date.

Section Four:

Parent objects (opts out) to disclosure of personally identifiable information to the LEA.

- The child is not referred from ECI and no required action is necessary from the LEA where the child resides,
- If the parent changes their mind more than 90 days prior to the child's third birthday, the LEA, after obtaining consent for evaluation, will conduct the evaluation and If eligible, develop and implement an IEP by the child's third birthday. The LEA will make eligibility determination at an admission review and dismissal (ARD) committee meeting.
- If the parent changes their mind less than 90 days prior to the child's third birthday, the EA, after obtaining consent for evaluation, will conduct the evaluation within 45 school days, in accordance with current State established initial evaluation timelines, from the date of parental consent. The LEA will make eligibility determination at an admission review and dismissal (ARD) committee meeting within 30 calendar days from the evaluation date.

REEVALUATIONS

34 CFR § 300.303

The LEA must ensure that a reevaluation of each child with a disability is conducted:

- If the LEA determines the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation;
- If a reevaluation is requested by the child's parents or teacher; or Before determining that the child is no longer a child with a disability.

A reevaluation must occur:

- Not more frequently than once a year, unless the parent and the LEA agree otherwise; and
- At least once every three years, unless the parent and the LEA agree that a reevaluation is unnecessary.

*An evaluation must be included as part of the SUMMARY OF PERFORMANCE for a child graduating under certain conditions. TAC § 89.1070

*An evaluation is not required before the termination of the child's eligibility due to exceeding the age eligibility for a free appropriate public education under state law, 34 CFR § 300.305

*The scope of a reevaluation for the child with a visual impairment must be determined by a multidisciplinary team that includes a certified orientation and mobility specialist.

TAC § 89.1040

EVALUATION PROCEDURES – Federal Requirements 34 CFR § 300.304

In conducting the evaluation, the LEA, must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information including information provided by the parent, that may assist in determining:

- Whether the child is a child with a disability; and
- The content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general education curriculum, or, for preschool children, to participate in appropriate activities.

In conducting the evaluation, the LEA must:

- Not use any single measure or assessment as the sole criterion for determining whether the child is a child with a disability or determining an appropriate educational program for the child; and
- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

The LEA must ensure that:

- Assessments and other evaluation materials used to assess the child under this framework are:
 - Selected and administered so as not to be discriminatory on a racial or cultural basis;
- Provided and administered:
 - In the child's native language or other mode of communication; and
 - In the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer;
 - Used for the purposes for which the assessments or measures are valid and reliable;
- Administered by trained and knowledgeable personnel; and
- Administered in accordance with any instructions provided by the producer of such assessments;

Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;

Assessments are selected and administered so as to best ensure that the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those are the skills the test purports to measure);

The child is assessed in all areas of suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

For the child with limited English proficiency, the assessment procedures differentiate between language proficiency and disability;

The evaluation is sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified; and

Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

Individual Education Program (IEP) MEETINGS/Admission, Review and Dismissal (ARD) Meetings

All decisions regarding the eligibility for special education services and the development of the IEP are made by the ARD Committee. One of the IEP Committee's first responsibilities is to determine whether or not a student is eligible to receive special education services, and if so, to develop an appropriate Individualized Education Program (IEP). It is also the IEP committee's responsibility to conduct a yearly review of that IEP, as well as consider dismissal of students no longer eligible for special education services. IEP Committee meetings are conducted in a systematic manner but are not so formal as to restrict thorough discussions of student needs and options to be considered. Members are active participants throughout the committee meeting. Other non-required parties may be asked to participate at the request of the district or parent. IEP decisions are disseminated to the parent/guardian and person(s) responsible for implementing the IEP.

The IEP Committee performs the following functions for each student referred for special education services:

1. Reviews the Full Individual Evaluation/multi-disciplinary team written report and data collected from the family, school, and other sources in the process of the comprehensive individual assessment.
2. Establishes eligibility for special education services based on evaluation, following state and federal regulations.
3. Identifies the content areas in which the student's disability significantly interferes with their ability to meet regular academic mastery level standards, based on evaluation
4. Develops the Individualized Educational Program
5. Determines needed Supplementary Aids and Services necessary to achieve the goals and short term objectives on the IEP, based on evaluation
6. Develops and/or revises a Behavior Intervention Plan (BIP), if needed (using FBA)
7. Considers the need for assistive technology. Based on evaluation data.
8. Determines the setting and placement of an eligible special student. Based on evaluation.
9. Specifies participation in the statewide assessment (i.e., STAAR, STAAR-A., STAAR Alt.), based on evaluation and placement in general education classes where instruction is received in on-grade-level essential elements,
10. For a child birth to two years of age who with visual and/or auditory impairments, an Individualized Family Service Program (IFSP) is developed to address the functions above instead of an IEP.

Scheduling IEP meetings

A chronological list of annual IEP due dates will be accessible on TEAMS reports.

- Create a tentative working schedule of all IEPs due within a month. Because many things can delay the actual IEP meeting (parents rescheduling, campus conflicts, illnesses, etc.), an IEP meeting should always be scheduled approximately 3-4 weeks in advance of its due date to allow for such delays.

- Prior to sending a notice of an IEP meeting to a parent, contact any service providers (SLP, OT, PT, counseling, AI, VI, etc.) with the tentative date to ensure there are no conflicts.
- Coordinate with campus contact person to ensure there are no conflicts prior to scheduling as well.
- If an Interpreter is needed at the IEP meeting, confirm with the campus their availability at this time and submit medical voucher to Special Education Secretary for processing. Medical voucher forms must be submitted prior to services provided.

Prior to the IEP meeting

- Create a draft for the IEP/ARD Report. This is done in SuccessEd. This creates a copy of the last active ARD and is where all draft information will be typed in prior to the ARD meeting.
- Complete and send Prior Written Notice of the IEP team meeting to the parent. The parent **MUST** legally be given 5 school days prior notice in writing. This means that notices must be RECEIVED by the parent 5 school days before a proposed meeting.
 - *Send the Spanish Notice of IEP meeting if the home language is Spanish. The parent must be notified in their native language.*
- Notify the campus and all service providers of the IEP meeting, indicating the date of notice and scheduled time of the meeting. Ensure that all invited Donna ISD personnel have a *minimum* of 5 school days written notice of each IEP meeting that is scheduled – including IEP meetings that are rescheduled. Department support staff may help with IEP notification; however, the clerks are not responsible for knowing the purpose of IEP meetings or who must be invited to each IEP meeting. It is ultimately the responsibility of the ARD Coordinator to determine what information is entered in the IEP notice and who is invited.

NOTE: If the student is attending or will be attending any grade level offering CTE courses a CTE representative must be in attendance.
- The ARD Case Manager or Special Education teacher will follow up on the PWN and ensure that signatures are obtained. Consent given by phone is not sufficient if there is not written documentation of this consent. If a parent agrees by phone to participate in an IEP meeting via the telephone or gives verbal permission to proceed with the IEP meeting in their absence, ensure that they send the signed IEP notice/invitation back indicating such.
- DISD will make 3 documented attempts to notify/invite parents to participate in their child's ARD meeting.
 - If a signed copy of the PWN for an ARD meeting is not returned in a timely manner, the parent is to be contacted by phone and another IEP notice/invitation is to be sent home.
 - If no signed IEP notice/invitation is received or the parent does not attend the scheduled meeting:
 - Contact the parent to see if they would like to reschedule or waive their 5 days PWN
 - Send another notice of invitation to the parent and all IEP members

- If after 3 documented attempts have been made to notify the parent and they still do not respond, proceed with the ARD meeting, even if a signature has not been secured.
- *Annual IEP meetings must be held by their anniversary dates.*
- Please follow up and make every possible effort to obtain a signed PWN for IEP meetings.
- Invite the appropriate transition service agencies (VRS, etc) if the child is 15 years of age or older.
- Signed parental consent for Transition Release of Information must be secured prior to the inviting these agencies to IEP meetings.
- Ensure that an appropriate transition or vocational assessment has been completed
- If the student is 13 years of age, initial transition planning discussion will be required at the IEP meeting. The assessment will need to be completed as soon as possible. An informal and / or formal assessment may be used. Student must be invited and all efforts should be made to assure student attendance at ARD meeting.
- The vocational assessment must be completed before the student turns 16 years of age and prior to the Annual IEP meeting. The district career interest inventory (ex. Career Coach) may be used.
- Campus case manager of the student with a reminder that the following will need to be prepared one week prior to the IEP meeting.
- PLAAFP – (Present Levels of Academic Achievement and Functional Performance) are the strengths and weaknesses of the student from which the IEP is derived.
- Goals and objectives (proposed and updated). Proposed goals and objectives are to be derived from the PLAAFP.
- Teacher input form from found on SuccessEd (under FIE tab) from every teacher and service provider that work with the student.
 - Recommendations regarding accommodations and modifications and the appropriate state assessment.
- Collect the input forms from each teacher that works with the student and review them in the IEP meeting. By law, every teacher and service provider has a right to have input and participate in the IEP process. Teacher input forms are to be filed in the protocol folders and should document the following information:
 - Any recommended changes to programming and placement
 - Behavior concerns
 - Attendance
 - Current schedule
 - Proposed schedule for the next school year
 - Contact related service personnel to obtain:
 - PLAAFP
 - Teacher input form
 - accommodations and modifications
 - Goals and objectives

- Any recommended changes on programming and placement
- Address the need for any special considerations. Additional information or action may be needed at ARDs for students with the following disabilities:
 - **Autism**
 - Forms to teachers to gather data for the supplement prior to IEP meeting
 - Form to parent to gather data for parent and/or In-home training prior to IEP meeting

Autism or Emotional Disturbance

- Is the FBA current? If not, it may be necessary to complete another one prior to the IEP meeting.
- Has a current Counseling or Psychological Assessment been conducted? Would a Counseling IEP be beneficial to student?

Visual Impairment

- Contact VI specialist/teacher to obtain the teacher information

Auditory Impairment

- Contact AI specialist/teacher to obtain the teacher information

Special considerations for Speech Only students:

When additional eligibilities are suspected for speech only students, the diagnostician/ LSSP should be advised upon additional evaluation requests.

Prior to IEP meeting

- Follow up to determine if a signed IEP notice has been returned.
- If it has been received, prepare for the IEP meeting
- If no signed IEP notice has been received, send a new IEP notice/invitation to the parent(s) indicating a new date and/or time of meeting.

Prior to IEP meeting

- Review and know the student folder thoroughly; be able to locate the following information:
 - *(Ensure that all information has been obtained and completed.)*
- Student's eligibility, age, and placement
- Student's home language
- Is student LEP? If so, an LPAC representative must be present at the IEP meeting. Contact the campus to ensure that one will be available.
- Has an interpreter been used in the past? If so, ensure that a medical voucher is submitted and process with Special Education Dept. secretary. Medical voucher must be submitted before services are provided.
- Current evaluations

- Are there evaluations for all areas of disability and related services?
- Will the student need a re-evaluation in the next 12 months? This should be checked for **all** areas of suspected disability and **all** related services, including transportation. If **ANY** evaluation will be due before the next annual IEP meeting due date, a REED should be completed at the IEP meeting to determine what evaluation will be needed. **All** evaluations will be due at the earliest date.
- Evaluation recommendations from each service provider will be required at IEP meeting.

The IEP committee will not be able to determine that adequate information is available for a particular disability / service and bring previous evaluation data forward, without input from the special education personnel providing that particular service.

- Student's STAAR scores (current year and past 2 years) along with testing accommodations
- Student's behavior
- Are there previous behavior concerns? Review the previous FBA and BIP. Be prepared to address these in the IEP meeting. As a general rule, there should be a current FBA and BIP for students with ED and AU. Draft a BIP prior to the IEP meeting.
- Will any supplements need to be filled out? Review each supplement to ensure that you have the necessary information to complete it at the IEP meeting. Prepare as much as possible before the meeting to expedite the process in the IEP meeting.
 - AU – students with autism
 - VI – students with VI (VI teacher will complete)
 - AI - student with AI (AI teacher will complete)
 - Transfer of rights – students 16 years of age or older
 - Transition – students 13 years of age or older
 - Intensive instruction – if student failed ANY part of STAAR
 - STAAR Alternate Participation Requirements
- Verify that the PLAAFP and IEP Goals and objectives are completed in electronic form. If they are not, contact the teacher to remind them. If contacting the teacher through email, "CC" your coordinator. If making contact any other way, make a copy of documentation for your coordinator that includes date of contact.
- IEP Notification/Invitation: By this time either a signed invitation should have been received or a certified notification/invitation should have been mailed. Follow up with parent if they still have not confirmed. Clerk may be asked to make reminder phone call 1-3 days prior to IEP meeting.
- Prepare any known information ahead of time and enter it into SuccessEd as a draft to save time. However, deliberations should never be written, nor should there EVER be a signature obtained, prior to IEP meeting.
- Print a complete paper copy of the draft ARD report, and take it to the meeting in the event that there is a problem accessing SuccessEd.

The IEP Meeting

Be sure you have a signed invitation from the parent/guardian/adult student.

The student's most current evaluation information should be available to reference at IEP meeting.

*All sections of the IEP report must be addressed at each IEP meeting even if a draft IEP report is developed prior to the meeting. No area can be left blank or go unaddressed. The following outline provides a detailed example of what information is needed to facilitate a thorough and complete IEP meeting (an agenda outline is located in the reference forms section):

Procedural Safeguards:

1. Introduce all participants and indicate their role in the IEP process.
2. Provide to the parent a copy of *Procedural Safeguards* and a paper copy of *A Guide to the IEP process* (for Initial ARDs), obtain their signature on a receipt, and document it in the ARD documents. If the parent does not have any questions about their procedural safeguards, then proceed.

Eligibility and Evaluation:

1. Review any new evaluation information
2. Discuss assessment and evaluation data and eligibility. Does the child require a program of intensive instruction based on TAKS performance? Complete supplement if so.
3. Complete REED if the student is due for a re-evaluation in ANY area prior to the next annual IEP meeting or if the committee needs any additional information in order to make decisions. Several options may occur here.
 - The committee may determine that no additional information is needed and choose to "bring forward" all previous evaluation information. This will result in the new FIE date being the date the REED was done. The committee can also request information from informal data sources only.
 - All IEP committee requests must be documented in the IEP report. Requests must be clearly stated with an established timeline for completion. This documented date becomes the timeline for maintaining compliance.
 - If testing is to be done, provide the *Notice of Evaluation* and obtain signed parental Consent for Evaluation. If parent is not present, prepare the Notice and Consent to send home with the ARD. Even if testing is not due until the next school year, the signed consent form is good for 12 months.
 - Obtain signatures on the REED
 - If additional medical or other pertinent information is needed, obtain parent signature on a *Release of Confidential Information*.
4. Review all related service evaluation reports. If any related services are needed, there must be a current evaluation for these.
5. Discuss all areas of special consideration such as: ESY, LEP, Communication, Health/Medical, Physical

- If it is too early in the school year to know if the student will need ESY during the following summer, another IEP meeting may need to be held in the spring to review mastery of skills on current IEP(s) and consideration of regression.
6. If the student is or will be in high school, look at their 4-year graduation plan and/or transcript to help determine the expected graduation option.
 7. Complete all necessary supplements. See sample supplements in resources section.
 - Autism –decisions should be data driven and based on data gathered prior to the IEP meeting
 - Behavior/BIP – It should be based on the FBA. The FBA should not be done at the IEP meeting, but prior to the IEP meeting by the LSSP.
 - Transition – anyone 13 years of age or older [or younger when appropriate] (See transition section for additional information)
 - Transfer of right – anyone 16 or older.

IEP Development

1. Discuss teacher input forms and if there is a recommendation of change the child's current program. Does the child require a program of intensive instruction based on STAAR performance? Complete supplement if so.
2. Review PLAAFP and collect updated goals and objectives/progress reports. Progress reports should be placed between the PLAAFP and the new goals/objectives within the IEP packet.
3. Discuss parent information. e.g., how does the parent feel the student is making progress?
4. Review and approve or change draft goals/objectives. Once approved, mark the goal sheets "Accepted by IEP Team".
5. Discuss any adaptations (accommodations/modifications) necessary to access the curriculum.
6. Determine state assessment and accommodations and provide rationale. Ensure that the accommodations chosen are allowable for that student. Refer to the approved accommodations chart.
7. Discuss placement and describe any needs that cannot be met in the general education environment. Complete the schedule of services page. All academics must be listed under either general education or special education on the top section with frequency, and duration (minutes, times AND frequency). Instructional and related services must be listed in the bottom section in the same manner.
8. Complete the schedule of services page.
 - For **every** special education subject and/or service be sure to note the **MINUTES** (or amount of special education times), **HOW MANY TIMES** (the number of times), and **Frequency** (how often -day? week? 6 weeks? semester?)
 - Academics must be listed under either general education or special education on the top section with frequency, and duration. (minutes, times AND frequency).

- Instructional and related services must be listed in the same manner. (e.g., VI services, Speech, O & M service, AI services, transportation, etc.)

Closing the Meeting

1. Consider LRE and read required assurances to parents. Read and review deliberations to the committee.
2. Ask if everyone has any questions; answer all questions pertinent to this ARD meeting. If there are no questions and all deciding/consensus members are in agreement, obtain signatures. ONLY consensus members are to sign and mark agree/ disagree. Non-consensus members sign as to document attendance.
3. Inform parents that they will receive a copy of the IEP report within 10 days from the ARD meeting date.

If this is an initial placement IEP meeting for a new student, signed *Consent for Initial Placement* needs to be obtained before the meeting concludes.

If any services are to be discontinued or if the student is no longer eligible for special education the *Notice of Decision: Prior Written Notice* document will be provided to the parents at the meeting. If the parent is not present, it will be sent no later than the next day.

If student is graduating (Life Skills) the graduation PEIMS code must be determined by ARD committee. Special Service-Graduation Code PEIMS form must be filled out and original form will be filed in brown folder. A copy should also be sent to the Special Education Department PEIMS clerk.

After the IEP meeting – Processing the Paperwork

Procedures for processing IEP paperwork are outlined below and should be completed within 3 work days. It is the responsibility of the assessment staff and Special Education teacher to:

1. Review all IEP paperwork to ensure that it's complete
2. Activate the draft version of the IEP
3. Lock/ Print the document and PEIMS sheet
4. Include any additional / supplementary documents
5. After IEP document is locked the assessment staff/ teacher will provide the Special Education Department with the following:
 - A hard copy of the entire IEP document to the assessment staff/ teacher and Special Education Department.

**Copies must be sent to parents, the student's campus and ALL service providers (speech, counseling, OT, PT, RDSPD)*

****Documents are to be sent to parents and campuses within 10 school days from the date of the IEP meeting.**

PEIMS Information

Assessment staff and Special Education teachers are responsible for verifying that correct PEIMS information is reflected on PEIMS sheet before submitting to Special Education Department. The PEIMS clerk is not responsible for verifying information and does not have the authority to make any changes to PEIMS codes unless a PEIMS form is submitted or corrections are made on Verification Rosters.

REED Meetings

- It is the Assessment Personnel responsibility to obtain written evaluation recommendations from each service provider working with that student.
- The IEP committee will not be able to determine that adequate information is available for a particular disability / service, and bring previous evaluation data forward, without input from each special education personnel providing a service.
 - Obtain and bring information/evaluation recommendations from contracted service providers (e.g., OT, PT) to the REED meetings.
 - o Note: Assessment will review all new evaluations.

Transition

For any child 13 years of age and older (or younger when appropriate), State law states that transition services discussions must occur at every annual IEP meeting. Post-secondary goals addressing employment, post-secondary education, and daily living where appropriate are required to be part of the IEP for every student by 16. Transition goals, activities, and services must be based on an age appropriate transition evaluation.

The transition supplement included in the student's IEP should reflect the post-secondary goals written based on student interest and transition assessment. It must include these goals as well as coordinated activities and services that the district will facilitate/provide to support those goals. The IEP of every student 13 and older must include at least one annual goal that facilitates the achievement of the post-secondary goal.

Outside agency participation is also encouraged. It is the responsibility of the ARD Coordinator to invite the appropriate outside agencies to participate in the transition planning of our students. Parental consent must be obtained prior to any discussion of confidential information with these agencies.

Prior Written Notice

The Individuals with Disabilities Education Act (IDEA) requires that an LEA provide a parent or an adult student with prior written notice when it proposes or refuses to initiate or change the student's identification, evaluation, placement, or how the student is provided a free appropriate public education (FAPE).

The LEA must provide prior written notice when it:

- proposes to initiate or change the identification, evaluation, or educational placement of the child; or the provision of a free appropriate public education (FAPE) for the child; or
- refuses to initiate or change the identification, evaluation, or educational placement of the child; or the provision of a free appropriate public education (FAPE) for the child; or

This prior written notice must be provided at least five school days before it implements the proposal or refusal described in the notice, unless the parent or adult student agrees to waive that right. This means that a student's new or revised IEP cannot be implemented until at least five school days after the LEA provides the prior written notice regardless of whether the parent agrees or disagrees with the change. An LEA must provide prior written notice regardless of who initiated the change.

Prior written notice requirements also apply:

- to an IEP amendment if the LEA and a parent or an adult student agree to amend the student's IEP without convening an ARD committee meeting
- when a student graduates from high school with a regular high school diploma - Provisions at 34 CFR §300.102 read in part, "Graduation from high school with a regular high school diploma constitutes a change in placement, requiring written prior notice in accordance with §300.503."

In accordance with §300.503(b), the prior written notice must include the following:

- A description of the action proposed or refused by the LEA;
- An explanation of why the LEA proposes or refuses to take the action;
- A description of each evaluation procedure, assessment, record, or report that the LEA used as a basis for the proposed or refused action;
- A statement that the parent (or adult student) has protection under the procedural safeguards of Part B of IDEA and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- Sources to contact to obtain assistance in understanding the provisions of Part B of IDEA;
- A description of other options that the ARD committee considered and the reasons why those options were rejected; and
- A description of other factors that are relevant to the LEA's proposal or refusal.

An LEA must provide a parent or an adult student with a written notice of the student's IEP Team meeting at least five school days before the meeting. The parent or adult student may

agree to waive the 5 days waiting period requirement; however, it must be documented on the IEP notice (either prior to or at the IEP meeting), along with a parent signature and placed in the audit folder with the IEP report.

When an LEA and a parent or an adult student cannot reach agreement about all of the required elements of an IEP, the LEA must offer the parent or adult student one opportunity to have the ARD committee recess for a period not to exceed 10 school days. If the parent or adult student declines the offer to recess the meeting or if the ARD committee still cannot reach agreement after reconvening, the LEA must provide the parent or adult student with prior written notice of the proposed changes and a copy of the *Notice of Procedural Safeguards*.

A prior written notice must be provided in the parent's native language or other mode of communication, unless it is clearly not feasible to do so. If the native language or other mode of communication is not a written language, the LEA must take steps to ensure that:

- the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
- the parent understands the content of the notice; and
- there is written evidence that the LEA met these requirements.

HOMEBOUND SERVICES

This instructional arrangement/ setting is for providing special education and related services to students who are served at home or hospital bedside.

Students served on a homebound basis are expected to be confined for a minimum of four consecutive weeks as documented by physician licensed to practice in the United States. The student's ARD committee shall determine the amount of services to be provided to the student in this instructional arrangement/ setting in accordance with federal and state laws, rules, and regulations.

Procedures for Special Education Homebound Instruction

1. All students referred for homebound instruction must be enrolled in the Donna Independent School District. Students will remain enrolled on the campus of attendance and continue to receive instructional assignments and grades from the home campus.
2. The Diagnostician or case manager at the campus will:
 - Obtain the signed medical consent to Release Information for student
 - Fax a copy of the signed Consent to Release Information form and the Home Bound Eligibility form to treating physician
 - Obtain the signed Homebound form from licensed physician before the ARD for review
3. The physician's office should return the Physician Report form directly to the diagnostician of the student's school of attendance. In the event there are questions or inconsistencies that may affect the eligibility determination, the diagnostician should consult directly with the physician's office to clarify the information.
4. The Diagnostician at the campus will notify the Special Education Department Director or Supervisor who will assign a homebound teacher to participate in the ARD/ IEP meeting. The campus Special Education Dept. Head will also be notified and will assign a case manager to the homebound student.
5. The Admission Review and Dismissal (ARD) committee must consider the physician's information as one of the factors in the committee's decision making process when determining homebound instructional services; however, the licensed physician's information is not the sole consideration in the committee's decision making process. The ARD team will meet to determine the need for homebound instruction. If eligible, a change of placement ARD meeting must be held and establish beginning/ end dates for homebound services, frequency and duration of services, and a plan for reintegration of the student to the school. Homebound instruction is a temporary service and is discontinued in consultation with the physician, or upon the expiration of the documented need for homebound services.
6. Homebound teacher will document attendance for student and submit weekly to campus attendance clerk. Attendance will be verified every six weeks to assure accuracy.

DONNA ISD PROCEDURES WITH REGARD TO THE USE OF RESTRAINT AND TIME OUT

Per Chapter 89 of the Commissioner's Rules below regarding the use of restraint and time out, the following documentation and reporting procedures will be followed.

1. Any time that a restraint must be used on a student (for emergency purposes only), it must be reported to the campus administrator if he or she was not involved.
2. The restraint must be documented on SUCCEEDED – Incident Report: Restraint or Time Out form on SE Manager tab. This form contains all of the legally required elements for documentation and reporting so it is important that the form be used by all campuses and that it be completely filled out.
3. An attempt must be made to notify the parent of the restraint on the day it occurs and written notification must be sent to the parent within one school day of the incident. All of the required elements of the parent notification must be included. The district form contains these so it may be sent as your notification.
4. The form should be given to the PEIMS clerk for the campus to enter into TEAMS.
5. A copy of the form should be sent to Special Education Records to file in the student's brown audit folder.

Restraint Training

Donna ISD Special Education provided both refresher and initial Crisis Prevention and Intervention (CPI) training. If training is needed for additional staff, it is offered throughout the school year at both Region 1 and Donna I.S.D. Special Education Department.

§89.1053. Procedures for Use of Restraint and Time-Out.

- (a) Requirement to implement. In addition to the requirements of 34 Code of Federal Regulations (CFR), §300.324(a)(2)(i) [and (c)] , school districts and charter schools must implement the provisions of this section regarding the use of restraint and time-out. In accordance with the provisions of Texas Education Code (TEC), §37.0021 (Use of Confinement, Restraint, Seclusion, and Time-Out), it is the policy of the state to treat with dignity and respect all students, including students with disabilities who receive special education services under TEC, Chapter 29, Subchapter A.
- (b) Definitions.
 - (1) Emergency means a situation in which a student's behavior poses a threat of:
 - (A) imminent, serious physical harm to the student or others; or
 - (B) imminent, serious property destruction
 - (2) Restraint means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of the student's body

- (3) Time-out means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:
- (A) that is not locked; and
 - (B) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.
- (c) Use of restraint. A school employee, volunteer, or independent contractor may use restraint only in an emergency as defined in subsection (b) of this section and with the following limitations.
- (1) Restraint must [shall] be limited to the use of such reasonable force as is necessary to address the emergency
 - (2) Restraint must [shall] be discontinued at the point at which the emergency no longer exists.
 - (3) Restraint must [shall] be implemented in such a way as to protect the health and safety of the student and others
 - (4) Restraint must [shall] not deprive the student of basic human necessities.
- (d) Training on use of restraint. Training for school employees, volunteers, or independent contractors must[shall] be provided according to the following requirements.
- (1) A core team of personnel on each campus must be trained in the use of restraint, and the team must include a campus administrator or designee and any general education or special education personnel likely to use restraint
 - (2) Personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 school days following the use of the restraint
 - (3) Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint
 - (4) All trained personnel must [shall] receive instruction in current professionally accepted practices and standards regarding behavior management and the use of restraint
- (e) Documentation and notification on use of restraint. In a case in which restraint is used, school employees, volunteers, or independent contractors must [shall] implement the following documentation requirements.
- (1) On the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint.

- (2) On the day restraint is utilized, a good faith effort must [shall] be made to verbally notify the parent(s) regarding the use of restraint
- (3) Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint.
- (4) Written documentation regarding the use of restraint must be placed in the student's special education eligibility folder in a timely manner so the information is available to the admission review, and dismissal (ARD) [ARD] committee when it considers the impact of the student's behavior on the student's learning and/or the creation or revision of a behavioral intervention plan
- (5) Written notification to the parent(s) and documentation to the student's special education eligibility folder must [shall] include the following:
 - (A) name of the student;
 - (B) name of the staff member(s) administering the restraint;
 - (C) date of the restraint and the time the restraint began and ended;
 - (D) location of the restraint;
 - (E) nature of the restraint;
 - (F) a description of the activity in which the student was engaged immediately preceding the use of restraint;
 - (G) the behavior that prompted the restraint;
 - (H) the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
 - (I) information documenting parent contact and notification.
- (f) Clarification regarding restraint. The provisions adopted under this section do not apply to the use of physical force or a mechanical device that [which] does not significantly restrict the free movement of all or a portion of the student's body. Restraint that involves significant restriction as referenced in subsection (b)(2) of this section does not include:
 - (1) physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning
 - (2) limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g. running into the street, teach a skill, redirect attention, provide guidance to a location, or provide comfort);

- (3) limited physical contact or appropriately prescribed adaptive equipment to prevent a student engaging in ongoing, repetitive self-injurious behaviors, with the expectation that instruction will be reflected in the individualized education program (IEP) as required by 34 CFR, §300.324(a)(2)(i) [and (c)] to promote student learning and reduce and/or prevent the need for ongoing intervention; or
 - (4) seat belts and other safety equipment used to secure students during transportation.
- (g) Use of time-out. A school employee, volunteer, or independent contractor may use time-out in accordance with subsection (b)(3) of this section with the following limitations.
- (1) Physical force or threat of physical force must [shall] not be used to place a student in time-out.
 - (2) Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease a targeted behavior.
 - (3) Use of time-out must [shall] not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.
- (h) Training on use of time-out. Training for school employees, volunteers, or independent contractors must [shall] be provided according to the following requirements.
- (1) General or special education personnel who implement time-out based on requirements established in a student's IEP and/or BIP must be trained in the use of time-out.
 - (2) Newly-identified personnel called upon to implement time-out based on requirements established in a student's IEP and/or BIP must receive training in the use of time-out within 30 school days of being assigned the responsibility for implementing time-out.
 - (3) Training on the use of time-out must be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, and must address the impact of time-out on the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.
 - (4) All trained personnel must [shall] receive instruction in current professionally accepted practices and standards regarding behavior management and the use of time-out.
- (i) Documentation on use of time-out. Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the ARD or BIP. The ARD [admission, review, and dismissal (ARD)] committee must use any collected data to judge the

effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

- (j) Student safety. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities.
- (k) Data reporting. With the exception of actions covered by subsection (f) of this section, data regarding the use of restraint must be electronically reported to the Texas Education Agency (TEA) in accordance with reporting standards specified by the TEA [agency] .
- (l) Peace officers. The provisions adopted under this section apply to a peace officer only if the peace officer is employed or commissioned by the school district or provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the school district and a local law enforcement agency, except that the data reporting requirements in subsection (k) of this section apply to the use of restraint by any peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity.
- (m) The provisions adopted under this section do not apply to:
 - (1) juvenile probation, detention, or corrections personnel; or
 - (2) an educational services provider with whom a student is placed by judicial authority, unless the services are provided in an educational program of a school district.

Independent Education Evaluation (IEE) Procedures

The following procedures apply to all independent educational evaluations (IEE) to be paid for by the school district, whether arranged for as a request for an additional evaluation or as an Independent Educational Evaluation at parental request.

The purpose of an IEE is to provide parents with the opportunity to get a second opinion regarding the true nature of their child's disabilities and resulting needs when they disagree with an evaluation the district has performed. An IEE is conducted by a qualified examiner who is not employed by the district responsible for the education of the child in question.

Criteria Applicable to IEE Paid for by the District

An independent educational evaluation at public expense must be obtained under the same criteria Donna ISD uses when it initiates an evaluation and uses an outside evaluator. Donna ISD may challenge and refuse to reimburse any evaluator/evaluation (or part thereof) not meeting the criteria, by requesting a due process hearing. The request for due process shall be made without unnecessary delay.

The Special Education Department will provide parents, upon request, a list of evaluation agents/sites that provide evaluations in the required geographic area. Parents are not required to select an evaluator from the list of agencies, as the list is provided for informational purposes only.

Inclusion of an evaluator on this list does not mean the district recommends or endorses the evaluator, nor does it mean that those listed have the licensing or other qualifications to perform a particular kind of evaluation or test. Parents should make sure the evaluator is located within the required geographical area, and should verify with a potential evaluator that he/she meets the qualification criteria for the particular evaluation or test to be performed.

Except for the criteria specified in the IEE procedures and federal or state policy, the district may not impose conditions or timelines related to obtaining an IEE at public expense. {34 CFR 300.502(e)(2)}

It is the responsibility of the parent and independent evaluator to supply the DISD Special Programs department with a copy of the evaluator's credentials.

IEE Consideration by ARD Committee

The results of any independent evaluation which meets the DISD's criteria for independent evaluations, whether paid for at district expense or not, shall be considered by the ARD Committee with respect to eligibility and services to be provided in order to ensure a free appropriate public education (FAPE). In the case a decision has been made prior to receipt of the IEE, the ARD committee should reconvene to consider the results of the IEE when they become available.

One Publicly Funded Evaluation

The DISD is not required to fund more than one parent-initiated independent evaluation for each district evaluation with which the parent disagrees. However, the parent has the right to obtain their own IEE and present it to the ARD committee. Parents are not entitled to reimbursement for an IEE which is not initiated as a result of disagreement with an evaluation by the district. Donna ISD always has the alternative of seeking a due process determination that the district evaluation is appropriate and/or that the parents' independent evaluation does not meet district criteria as set forth in the procedures, policies, and attachments.

Policy Requirements Apply to all IEE Requests

When a parent has obtained an IEE without first consulting the Director of Special Education, reimbursement shall nonetheless be subject to all conditions and criteria set forth herein, including the IEE policy.

Re-evaluation Distinguished

A re-evaluation is required when a parent or the school believes

- The child's performance, behavior, or condition has changed since the last evaluation and affects performance in the general curriculum or;
- The child's performance, behavior, or condition warrants evaluation of an area not previously identified. The request for a re-evaluation (additional assessment) is to be performed through the ARD committee. The committee shall specify the timeline and obtain all required consent signatures, following standard procedures and requirements. Any request for additional assessment prior to the 3rd anniversary assessment date constitutes a full re-evaluation; providing at least one year has elapsed since the previous evaluation. A request by the parent or school for additional assessment or re-evaluation does not constitute an individual educational evaluation at public expense pursuant to this procedure.

Reevaluations are not necessary when a child's participation in the program terminates due to age or graduation with a regular diploma, but otherwise must occur when eligibility terminates under other circumstances. The district must provide the child with a summary of his/her academic achievement and functional performance—including recommendations on how to assist the child in meeting post-secondary goals.

Should a student not meet eligibility requirements for special education, the parent has a right to file a complaint with the Texas Education Agency (TEA) or to file due process.

Evaluation Criteria for IEEs Initiated by DISD or Parents at Public Expense

The following procedures and criteria apply to all independent educational evaluations to be conducted at the expense of Donna ISD. Failure to comply with any of the criteria and/or procedures listed may result in the district's refusal to fund an IEE.

Location

All evaluations shall be conducted within the Rio Grande Valley. Under special circumstances, evaluations may be sought outside the designated area, with the prior written approval of the Special Education Director. The person(s) seeking an evaluation outside the designated area shall show (a) that unique circumstances require evaluation outside the designated area; (b) that the costs of the evaluation are not excessive when compared to customary and usual charges in the designated area for a comparable evaluation. Each request will be considered on an individual basis. Other expenses (travel, lodging, etc.) incurred outside the designated area shall be considered as part of the cost for evaluation. These expenses shall not exceed the district's allowable charges for per diem expenses as determined by the state.

Qualifications of Evaluators:

Evaluators must meet the minimum qualifications:

- Expertise in the particular area for which information is sought and meet applicable state licensing and/or endorsement requirements
- Training in administering the evaluation procedure(s) or protocols being used; in scoring and interpreting the results thereof; in accordance with the instructions for administering the instrument or procedure as provided by the producer of each.

Regarding the eligibility in any of the following categories of disability: the evaluator must be licensed in applicable field specifically indicated by the appropriate provision of the State of Texas requirements for licensure or certification of that discipline's board.

- Autism: Physician with experience in diagnosing and recommending treatment and the effects the condition is likely to have on the ability to function in the home, community, and school settings; Psychologist, Psychiatrist, or Licensed Specialist in School Psychology (LSSP)
- Deafness/Hard of Hearing: Audiologist, Otologist, or Otolaryngologist
- Emotional Disturbance: Psychologist, Psychiatrist, or Licensed Specialist in School Psychology (LSSP)
- Intellectual Disability: Educational diagnostician, LSSP, or Psychologist
- Learning Disability: Educational diagnostician, LSSP, or Psychologist
- Other Health Impairment: physician licensed to practice in the state of Texas who has experience in diagnosing and recommending treatment for said condition and determine the effects the condition is likely to have on the ability to function in an academic setting
- Orthopedic Impairment: physician licensed to practice in the state of Texas
- Speech/language Impairment: speech language pathologist
- Traumatic Brain Injury: Physician licensed to practice in the state of Texas
- Visual Impairment: optometrist or ophthalmologist

The evaluator is to provide a copy of the appropriate license or certificate when submitting the final bill for payment.

Description of services provided:

If an evaluation consists of the administration of more than one test, the bill for the evaluator's fee should be itemized; including a description of each service performed; the identity, licensure and/or degree or certification of each evaluator; and the hours spent by each individual evaluator performing any portion of the evaluation.

Evaluation Tools, Administration, and Subject Matter:

Independent evaluation costs are limited to reasonable and necessary expenditures for necessary and appropriate evaluation procedures. "Evaluation procedures" are defined as observation of the student and other necessary and appropriate diagnostic measures. They do not include time for evaluator research, parent consultation, program evaluation, or other tasks not directly involving administration, scoring, or report writing of the diagnostic procedure and/or its results. Parent interviews/meetings with evaluation staff for purposes other than a formal interview as part of the evaluation (to obtain child's medical history, for example) are **not reimbursable** as evaluation expenses. Fees for meetings with the parents to discuss evaluation results are **NOT** reimbursable.

No area shall be evaluated, nor shall any evaluation procedure be carried out, unless appropriate justification can be given. No area should be the subject of an IEE at public expense unless the DISD's evaluators first had an opportunity to evaluate the student in that particular area.

Tests and other evaluation materials must meet the special evaluation requirements set forth in CFR 300.304 including the following:

- Are selected and administered so as not to be discriminatory on a racial or cultural basis; and
- Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so; and
- Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent and school, related to the child being involved in and progressing in the general curriculum.

The independent evaluator should be familiar with the criteria for eligibility for any disability condition criteria being assessed according to the requirements of IDEA-B and the Commissioner's Rules/SBOE (State Board of Education) for and/or the Texas Education Code.

The evaluator is to develop diagnostically relevant information about the child, provide an opinion of the type of specific disability in written format with specific findings and recommendations applicable to the education goals, to be presented to the ARD committee to consider eligibility. It is not the responsibility of the evaluator to determine eligibility.

The evaluator is to use bands of confidence or standard error of measurement when reporting and interpreting test scores and other evaluation results, whenever they are available. The

evaluator shall report all standard scores and all percentile rank scores whenever they are available.

The evaluator may determine a pattern of strengths and weaknesses by evaluating specific areas of cognitive function, academic achievement or both and comparing those results against each other or in contrast to other measures of student performance. In evaluating specific areas of cognitive functioning to determine a pattern of strengths and weaknesses, the evaluator should take into consideration the federal definition of SLD as “a disorder in one or more of the basic psychological processes involved in understanding or in using language” (CFR §300.8(c)(10)). An identified pattern of strengths and weaknesses should be linked to the failure to achieve adequately when used as a determination of SLD. Students whose classroom achievement indicates a pervasive weakness that does not constitute a pattern of strengths and weaknesses should not be determined to have a SLD.

This evaluation determination process may include significant discrepancies between intellectual ability and achievement. However, a discrepancy cannot be the sole determinant for specific learning disability identification. If a discrepancy is included in the identification process, it should be based on a standard regression procedure and not simple difference procedures. The evaluator must use a formal process for correcting regression error. The correction for the effects of regression may be achieved through either the use of a regression calculation chart, or through the use of statistical procedures which eliminates the effects of regression toward the mean.

If the assessment is not conducted under standard conditions, the report should include (but is not limited to) a description of the extent to which it varied from standard conditions (for example, the qualifications of the person administering the test, the method of test administration, deviation from prescribed times for response, or the ages for which the test is normed, if different from the child’s age).

The evaluator must make available to the ARD Committee or Special Education Director, upon request, test protocols and other underlying raw data on which their evaluations are based, in order for the committee to consider the weight of evaluation results accordingly.

In the case where observation of the student in the classroom is called for by the ARD Committee or as part of the standard evaluation procedure the district requires that the Special Education Office will contact the independent evaluator, campus principal, and the classroom teacher (or other applicable provider) to make arrangements necessary to observe the child. The district will determine the length, location, and timing of the observation in order to minimize the disruption to the class and student. In the event a parent’s independent evaluator requests an opportunity to observe, such evaluator shall be given an opportunity to observe at least comparable to any opportunities accorded to the district’s evaluator.

SPECIAL EDUCATION RECORDS MANAGEMENT

FERPA BASICS EDUCATION RECORDS

The following are basic issues when dealing with educational records:

1. FERPA is the Family Educational Rights and Privacy Act; the law outlines the requirement of educational record keeping.
2. Personally identifiable information about students must be kept confidential by the school district.
3. Each school district must have a written educational records policy.
4. Parents have the right to inspect and review their children's school records and can request copies.
5. Parents may request an amendment of records that they consider "inaccurate, misleading, or in violation of the student's rights of privacy or other rights."
6. Notes concerning a student made by a staff member, retained by that person, and not shared with anyone are exempt from parental access.
7. Access to student records by school staff members must be recorded on an "Access" log in each student's file.
8. Release of student information outside the school requires parental consent, except (1) school district defined "directory information," (2) within the public school system, and (3) in health and safety emergencies.
9. Parental access rights transfer to adult students when they reach age of majority.
10. Education records do not include treatment records of students 18 years or older that are maintained by a health professional.

ACCESS RIGHTS

The school shall permit a parent to inspect and review the education records of the student. The school shall comply with a request for access to records within a reasonable period of time but in no case more than 45 days after it has received the request.

RECORD OF ACCESS

Every special education record, whether the original brown audit folder or campus folder must contain an access record. The record must include the date of access, the person's name, and the purpose for accessing the record. A copy of this access sheet is included. If anyone other

than the holder of the records or authorized individual wishes to gain access to the records, the sheet must be signed. A record of access does not apply if the request was from or the disclosure was to the parent, eligible student, authorized school official, a party with written consent from the parent, or a party seeking directory information.

FEES

A school may charge a fee for a copy of an education record unless the imposition of a fee effectively prevents a parent from exercising the right to inspect and review the student's education records.

PRIOR CONSENT REQUIRED FOR DISCLOSURE

The parent shall provide a signed and dated written consent before a school discloses personally identifiable information from the student's education records, except as provided in FERPA 99.31.

PRIOR CONSENT NOT REQUIRED FOR DISCLOSURE

The district may disclose personally identifiable information from an education record of a student without the written consent of the parent if the disclosure is

1. To officials of another school or institution in which the student seeks to enroll provided that the school has a notice in its policies that it forwards education records on request to a school in which the student seeks or intends to enroll;
2. For directory information if the school has given public notice to parents of students in attendance of the types of information that the school has designated as directory information—a parent has the right to refuse to let the agency or institution designate any or all of those types of information about the student as directory information;
3. To organizations conducting studies for or on behalf of educational agencies or institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction provided that the personally identifiable information is destroyed when no longer needed for the purposes for which the study was conducted; and/or
4. To comply with a judicial order or lawfully issued subpoena if the school or institution makes a reasonable effort to notify the parent of the order or subpoena in advance of compliance.

DISTRICT PROCEDURES REGARDING SPECIAL EDUCATION RECORDS

As conservator of all Special Education Records, the Director of Special Education is responsible for maintaining both the integrity of and the confidentiality of all special education records. To accomplish this, the Department of Special Education employs a records clerk, Sarah West. It is the role of the records clerk to maintain, disseminate, and obtain all special education records. The original state audit files for all special education students, both active and inactive, are housed at the Special Education Offices located at Colbert Elementary. Any

requests to view or copy records, as well as the receipt of records for new students shall go through the Records Clerk so as to ensure that all needed records are obtained and appropriately documented and stored.

Records kept in audit files (Brown folder)

- Access log
- Initial Referral /RTI data
- Full Individual Evaluations
- Related services evaluations
- Individualized Education Programs/ARD reports
- Initial permission for placement
- All Notices (Prior Written Notice and Notice of Evaluation)
- Initial consent to evaluate/consent for reevaluation

Records kept in alternate file (campus folder) not auditable documents

- Parent correspondence
- Test protocols (optional)
- Student work samples
- Written correspondence
- Progress reports
- Other miscellaneous information not required to be in the audit file

CAMPUS STAFF ACCESS TO RECORDS

A complete copy of every IEP/ARD report will be provided to campus staff after each ARD/IEP meeting. To maintain consistency across the district, partial copies will not be provided. Each campus may make and disseminate the portions they deem appropriate.

TRANSFER STUDENTS

When a student transfers into Donna ISD, we may obtain them via SUCCEEDED if the student's previous district used the program. If we are able, once they are sent, they will be accessible to anyone with rights to view that student. Otherwise, records are sent via T-rex or fax. When those records are sent to the campus from the sending school district, all special education records should be sent directly to Assessment personnel or Special Education teacher or Records Clerk. She will ensure that all the needed records are received, given to the appropriate case manager and Assessment Personnel.

CAMPUS DISSIMINATION OF RECORDS

IDEA requires that the district assure that each teacher who provides instruction to a student with disabilities will receive relevant sections of the student's current IEP and that each teacher will be informed of specific responsibilities related to implementing the IEP, such as goals and benchmarks, and of needed accommodations, modifications, and/or supports for the child.

Each campus will be responsible for disseminating appropriate sections of the IEP to teachers of students with disabilities. When distributed, the receiving teacher must sign that he or she received the information and he or she understands his or her responsibility in implementing the IEP.

RECORDS MANAGEMENT

I. Maintaining Current Student information

Current information is to be maintained for every student on a workload.

Student data will be verified at the beginning of each school year. Individual caseload spreadsheets for pending evaluations and referrals can be accessed and updated on google spreadsheet. Special Education personnel are expected to regularly monitor and maintain current student information in their caseload spreadsheet. Each SLP will be responsible to submit a TEAMS report with updated dates by the first Friday of each month. All personnel are responsible for documenting their workload in its entirety, this includes initial referrals and transfer students on Google sheets.

II. Folder Management

The management of all student brown folders is a critical factor in maintaining compliance for Donna ISD. Information contained in each folder is the legal documentation of individual student's special education history, and is eligible for audit at any time. The information contained in the audit folder **MUST** be complete and ready for audit at any time. It is the responsibility of the ARD Team Coordinator (Assessment Personnel) to ensure that all paperwork has the appropriate signatures, and has been reviewed.

The Records Clerk will be responsible for filing and maintaining the organization of the audit folders in such a way that will enable anyone reviewing the folder to easily obtain all educational information regarding that student. All auditable information **MUST** be kept in the brown Audit folders, and all non-auditable information is to be kept in the student campus folders.

All folders are to be checked out through the records clerk. **No** folder should **EVER** be out of the records room filing cabinet without being properly checked out through the records clerk.

Brown Folder Organization

It is critical that documents be placed in the correct section of the audit folder. This enables a reviewer to quickly find any necessary information and lessens the chances that something important will be missed. Folders should be organized as follows:

DONNA ISD WORKING FOLDER COMPONENTS

- TAB 1: RECEIPTS (Examples)
- CONFIDENTIALITY/FOLDER ACCESS SHEET
 - RECEIPT OF PROCEDURAL SAFEGUARDS
 - RECEIPT OF ARD GUIDE
- TAB 2: REFERRAL INFORMATION
- PROGRESS MONITORING FORMS
 - IEP PROGRESS REPORTS (3-WEEK PERIOD)
 - INTENSIVE PLAN OF INSTRUCTION (IPI)
 - LIST OF INTERVENTIONS W/ PROGRESS TRACKING
 - TEACHER ARD INPUT FORM
 - BIP TRACKING DATA
 - IN SCHOOL SUSPENSION DATA
 - COPIES OF INCIDENTS/REFERRALS
 - PAPERWORK PERTAINING TO ANY SHORT-TERM REMOVALS
 - COPIES OF INCIDENTS/ REFERRALS
 - COMPENSATORY LOGS
 - GRADES: Report Card, 6 Weeks Assessments/ Benchmark data (EDUPHORIA)
- TAB 3: NOTICES/ CONSENTS (Examples)
- PRIOR WRITTEN NOTICE
 - NOTICE OF MEETING
 - CONSENT FOR EVALUATION
 - CONSENT: INITIAL PLACEMENT
- TAB 4: CURRENT FIE/ REEDs
- TAB 5: PROCESSED ARD REPORTS (CURRENT AND PREVIOUS YEAR)
- STATE ASSESSMENT INFORMATION
 - FORM INDICATING VERSION OF STAAR TO BE ADMINISTERED
 - STAAR ALT-2 PARTICIPATION REQUIREMENTS
 - CONFIDENTIAL STUDENT REPORT (EDUPHORIA)
 - STUDENT PROFILES FROM DISTRICT SOFTWARE (TEAMS)
 - OTHER TESTING INFORMATION (TELPAS/ LAS LINKS, ETC..)
- RECEIPT OF IEP/BIP/ACCOMMODATIONS WITH TEACHER/ ADMIN SIGNATURES
(COPIES TO BE PROVIDED TO GENERAL EDUCATION TEACHERS)
- INDIVIDUAL EDUCATION PLAN (IEP): PLAAFP, GOALS, OBJECTIVES
 - MODIFICATIONS/ACCOMMODATIONS
 - STAAR ACCOMMODATIONS
 - SCHEDULE OF SERVICES
 - BEHAVIOR INTERVENTION PLAN (BIP), *if applicable*

- SUPPLEMENTAL AIDS (BLACK MASTER COPY W/TITLE)

TAB 6: TRANSITION PLANNING

- ARD Transition Information
- Transition Decision Making Matrix, *if applicable*
- Vocational Assessment (Parent, Teacher & Student Interviews)
- Self-Contained: Self-help & Functional Skills Checklists (EE-18+)
- Updated Personal Graduation Plan (PGP)
- Independence in the Classroom
- Graduation Plan with CTE Program of Study
- Consumer Transition Guide (Life Skills ONLY)
- Summary of Performance (SOP) (Seniors ONLY)
- AU Transition Forms
 - Vocational Pre-Employment Assessment
- PERTAINING TO ANY SHORT-TERM REMOVALS
 - COPIES OF INCIDENTS/REFERRALS
- COMPENSATORY LOGS
- GRADES:6-Weeks Assessments AND/OR Benchmark Data (EDUPHORIA)