

CARPE DIEM WESTWOOD SPECIAL SERVICES (SPED/504) OPERATING MANUAL

Legal Reference

These guidelines are based upon statutory, administrative and case law. Specific legal references, resources and related links may be found on the website maintained by Region 18 Education Service Center: framework.esc18.net.

Texas Education Agency (TEA) - Special Education in Texas A-Z Index: <http://tea.texas.gov/index2.aspx?id=2147491399>

ESC 20 - Special Education Services - <http://www.esc20.net/default.aspx?name=ProgramPage.SpecialEducation>

ESC 20 - Section 504 Resources - http://www.esc20.net/default.aspx?name=ais_ci.Section504

Confidentiality

The District maintains records of students requiring special education and related services. The District maintains strict confidentiality of these student records and other personally identifiable information at collection, storage, disclosure, and destruction stages of handling. Parents and other appropriate persons are given proper and needed access to records. Our District establishes and implements policy and procedures which ensure that records are classified, filed, protected, kept confidential, reviewed, and when appropriate, destroyed according to the Individuals with Disabilities Education Act (IDEA), and the Family Educational Rights and Privacy Act (FERPA) and the state's Records Retention Schedule.

All staff should receive annual training on confidentiality, which is available through the Educational Service Center 20.

Family Education Rights and Privacy Act (FERPA)-located at <http://www.ed.gov/policy/gen/guid/fpco/pdf/ferparegs.pdf> in the Family Policy Compliance Office of this website

Basic Standards of Practice

Case managers (who may be special education teachers or special education coordinators) will keep abreast of Annual ARD/IEPs and FIE/REED/3-Year Review dates, schedule meetings (and secure evaluations if necessary) within the mandated time lines, and develop ARDs/IEPs to address the individual needs of each student based on quantitative measures of present performance and qualitative information.

Case managers will write comprehensive ARD/IEP deliberations that document all aspects of the discussion, parent input, teacher input, evaluation findings, dissenting opinions, follow-up actions recommended, and person(s) responsible for completing follow-up actions.

Case managers will convene eligibility determination meetings for students who have been through the RtI process and evaluated in order to determine whether or not those students qualify for services.

Case managers will include all necessary personnel at ARD/IEP meetings, notify participants in time for class coverage, etc. to be arranged, and require attendance during the entire meeting. They will prepare for meetings to ensure respect for participants' time constraints and promote positive teaming. Coordinators will ensure that every required member of the committee is invited and in attendance.

Case managers will provide the parent with and maintain documentation of Prior Written Notice of ARD/IEP Team meetings. The case manager will maintain documentation of phone and written communications for every meeting to establish positive rapport with parents, keep parents informed of all issues relating to students, and respect parents as equal and valued partners at ARD/IEP Team meetings.

The team (coordinators, special education teachers and paraprofessionals) will provide current levels of performance and, if possible, samples of work related to ARD/IEP goals at every ARD/IEP meeting; coordinators will provide reports of progress toward the mastery of ARD/IEP goals. These reports will be provided concurrently with report cards and will be prepared in eSped to contain quantitative data to show the degree of progress toward the measurable goal(s). The ultimate responsibility for completing progress reports lies in the hands of case managers who will use data that may be collected by other members of the team as assigned.

Case managers will work with campus registrars to track student attendance and behavior data and convene collaboration meetings with teachers, administrators, and others, as needed, to review and amend ARD/IEP goals/objectives/accommodations, until such time as improvement is demonstrated in the targeted area of concern.

The ARD/IEP Committee

Admission, Review and Dismissal/Individualized Education Plan (ARD/IEP) Committee represents school-based clinical teams designed to comply with the pupil appraisal team requirements set forth in Committee. The Committee is comprised of:

- A district representative (either a school leader or assistant school leader – a person who has control over budget decisions),
- A general education teacher who teaches the student and is familiar with the student’s work – the general education teacher should not attend ARDs during his/her planning period and coverage should be provided for the general education teacher’s class during an ARD,
- A special education teacher,
- A representative of the LPAC committee if the student is designated as Limited English Proficient,
- and a parent/guardian.
- Assessment personnel may also be members of the ARD/IEP team when evaluations will be discussed, and therapists such as speech/language pathologists, and OT/PTs may also be members when serving a student for whom a meeting is being convened. No assessment decisions may be made without an assessment professional present and without a REED being opened. The ARD committee may not make any decisions about timelines for additional evaluations. The parent always has the right to request an additional evaluation; if no assessment person is present, an additional meeting will be held to open a REED and make final decisions regarding testing.
- The student, when appropriate, may also be a member. Generally students in grades 6-12 are invited to ARD meetings; all students over the age of 13 are invited to ARD meetings to discuss transition. The only exception to this rule is when a parent states that the student should not be invited.

Purposes of the ARD/IEP Committee Meeting

An ARD committee meeting is required to be held at least annually and as frequently as needed to address student needs (problem solving, discipline, health matters, lack of progress/failure, misc. programming) by appropriate district/campus personnel and other required members to decide the student’s educational program and to document placement decisions agreed upon in the ARD committee meeting. The entire ARD meeting document is the Individualized Education Program.

Types of ARD Committee Meetings

There are Three Types of ARD Committee Meetings:

Admission or Initial

If the student is not currently in special education, the purpose of meeting will always be to address “admission” into special education. The outcome of the meeting will be one of the following:

- Initial placement (i.e., admission) of student into special education
- Qualifies for special education, but parent(s) decline services
- Student does not qualify (DNQ) for services

Note: Regardless of the outcome of the meeting, the purpose of the meeting is always to address “admission” issues. Documenting it as an “Admission” ARD meeting is imperative for proper reporting.

Review and/or Annual Review

After a student has been admitted into special education, the purpose of all subsequent meetings is to “review” information up until the final meeting when a student is dismissed from all specially designed instruction. There are many reasons for having a review meeting, including an “annual” review when a new IEP is developed.

Dismissal

When a student is exiting all specially designed instruction, the purpose of the meeting is “dismissal.” There are two reasons to dismiss a student from special education:

The student no longer meets eligibility criteria (i.e., disability and/or need);

OR

Graduation is ending the student's right to special education.

*Note: Proper documentation of dismissal meetings is imperative for proper reporting. **Changes in placement** (e.g., going from "SLD and speech" to "speech only") **or changes in service** (e.g., discontinuing OT or speech therapy) **are not "dismissals" and should not be discussed or documented as such.***

Recording ARD Committee Meetings

Parent, adult student, and/or advocate with parent/adult student consent may audio record or request that the ARD meeting be recorded. If parent, adult student or advocate audio records the meeting, the school **must** also make a recording. All participants in the meeting will be informed that the recording is being made and it will be documented in additional deliberations/summary.

(Note: Video recording ARD meetings is NOT permitted.)

Record the following ARD committee meetings:

- Manifestation determination
- ARD committee meetings interpreted for a non-English speaking parent are to be audio recorded whether the parent is in attendance or not. The audio recording of the ARD committee meeting should be provided to the parent immediately after the meeting if possible. The campus may keep a copy of the audio recording for the electronic audit folder.
- Meetings that parents or advocates are recording

Transfer Students

Every effort should be made to obtain current educational records, including the most recent evaluations and the most recent IEP. The effort to obtain these records should be prompt and persistent. This responsibility lies with the school registrars who will follow a district-adopted procedure to ensure that records are obtained in a timely manner. These records are critical in ensuring the least amount of disruption in the child's instruction, supports, and FAPE. Review of even incomplete records, will support the development of interim services that will ease the difficulty of the transition to a new school for the student.

** Upon receipt of the documentation from the previous school, the special education coordinator will prepare a Transfer ARD - Agreement to Implement. A Permanent Placement ARD should be held within 30 days of the Transfer ARD to finalize IEP.

New Special Ed. Students to the District

General Procedures:

1. When new SE students enter the district, the staff person who is doing the enrollment (registrar) will request SPED documents (most recent ARD and FIE/REED) from the previous district and notify the Special Education staff.
2. In the event that the SPED documents are delayed, the district will request that the previous district fax/e-mail a copy of the SPED documents immediately. Registrar will then inform the Special Education staff that SE services are required and send a copy of the SPED documents to the Special Education staff.
3. A Transfer - Agreement to Implement ARD will be completed by the provider immediately and a copy sent to parent and staff working with the student.
4. If a student is coming from a district outside of Texas, he/she is considered a new special education student and must have an Initial IEP including a Referral and REED. The Special Education staff should complete a Interim IEP based on the previous IEP and then notify the LSSP.

Subsequent to the completion of the ARD, within three school school days, the case manager of special education lead teacher will provide updated documents to the teachers regarding the student's goals, accommodations, and schedule. A complete copy of the final signed ARD document, with supplements will be sent home to the parent.

After the ARD Meeting

After the IEP there are a few more steps that need to be completed. These include:

- 1) Provide a copy to the parent(s)/guardian(s) of the ARD Documents.
- 2) Place a copy of the ARD documents in the student's Sped file.
- 3) Send a copy of the current IEP to all staff working with the student and have each staff sign the "Receipt of ARD Documents."
- 4) Send a copy of the updated PEIMS sheet to Registrar for updated changes to be completed in PowerSchool.
- 5) Send a copy of current IEP to related services staff members, if applicable, and update related services schedule/binder.
- 6) Archive ARD documents in eSped.

INITIAL REQUEST FOR SPECIAL EDUCATION		
WHEN (When an event occurs)	WHAT (What is needed for the event in "WHEN")	WHO (Who needs to do the times in "WHAT")
<p>(NOTE: From the date a Request for an Initial Evaluation is received by the district, the district has <u>10 school days</u> to request written parental consent to evaluate (this includes Prior Written Notice).</p>	<ul style="list-style-type: none"> * The Request form * The Prior Written Notice * Procedural Safeguards * Notice of Proposal to Evaluate and Consent * Referral Packet * Any relevant reports 	<ul style="list-style-type: none"> * The Request form can be initiated by the school or parents. * Procedural Safeguards must be given or sent to the parent by Sped Staff or evaluator. * Sped Staff completes Referral Packet. * Evaluator completes evaluation, writes report. * Sped Staff schedules Initial ARD meeting and sends Invitation to ARD to parent. * The ARD meeting is held. <p><u>Timeline to complete initial evaluation:</u> 45 school days from the day school staff received signed consent from parent.</p>

THREE-YEAR EVALUATIONS:		
WHEN (When an event occurs)	WHAT (What is needed for the event in "WHEN")	WHO (Who needs to do the times in "WHAT")
<p>(NOTE: Three-year evaluations are due exactly three years from previous evaluations. No extensions are allowed.)</p> <p>Additional NOTE: If a REED determines no additional information is needed at the time of any Three-Year Evaluation, the ARD that is held as a result sets the clock for the timeline of the next Three-Year Evaluation. The date of the ARD/REED meeting becomes the new REED/FIE date.</p>	<ul style="list-style-type: none"> * A REED ARD * If the REED determined additional information was needed, you must get parent consent BEFORE completing the evaluations and compiling the report. * Any relevant reports * ARD invitation * ARD paperwork marked REED or Re-evaluation. * <u>Timeline for re-evaluations:</u> 30 school days 	<ul style="list-style-type: none"> * The ARD/REED documents completed by Sped staff and LSSP. * The invitation to the ARD meeting is sent to parent by Sped Staff at least <u>5 days</u> prior to the ARD meeting date. * The ARD meeting is conducted by person assigned by the school (Sped teacher or Sped coordinator).

OTHER: REQUESTS FOR FURTHER SPECIAL EDUCATION		
WHEN (When an event occurs)	WHAT (What is needed for the event in "WHEN")	WHO (Who needs to do the times in "WHAT")

OTHER: REQUESTS FOR FURTHER SPECIAL EDUCATION		
<p>* Requests to determine additional or different eligibilities</p> <p>* Requests to determine if additional programs or services are warranted.</p> <p>NOTE: Requests of this type are due within <u>30 days</u> of the date consent was signed by parent and received by school district. The timeline may be extended, if agreed to by the parent and district. This must be written on the REED and measured in school days.</p> <p>Additional NOTE: If the parent of an eligible student requests additional testing unrelated to eligibility consent is required.</p>	<p>* A REED (NOTE: on REEDs of this type, it is critical to indicate on the REED that it is being done for additional testing and who is involved.)</p> <p>* If the REED determined additional information was needed, complete any relevant reports.</p> <p>If the evaluation showed a need for services:</p> <p>* Either do an Amendment or do an Annual ARD. (Be sure to include all committee members if you are doing an Annual.)</p> <p>If the evaluation did not show a need for services:</p> <p>* Complete an Evaluation report and share your results with the ARD committee.</p>	<p><u>For addition of Services:</u></p> <p>* The REED, relevant reports, an Amendment, or Annual are completed by the Sped Staff.</p> <p><u>For Change in Eligibility:</u></p> <p>* The REED, the Annual ARD are completed.</p> <p>* The ARD invitation is sent to parent at least <u>5 days</u> prior the ARD meeting.</p> <p>* The ARD meeting is conducted by person assigned by the school.</p>

TRANSFERS OF PREVIOUSLY ELIGIBLE STUDENTS (from districts within Texas)		
WHEN (When an event occurs)	WHAT (What is needed for the event in "WHEN")	WHO (Who needs to do the times in "WHAT")
<p>(You will need an IEP from the previous district in order to begin this process.) However, a copy of the REED/FIE will be needed for the Sped file.</p>	<ul style="list-style-type: none"> * Notify all related services providers (speech, OT, sped staff, etc) * Use eSped to conduct a Transfer-Agreement ARD. (This form should be completed and student should be provided with appropriate programming/services as soon as previous eligibility and programming is verified. It should <u>not exceed 10 days</u> from the date of verification.) * Update PEIMS form for registrar; <u>not to exceed 1 school day</u> of Transfer-Agreement ARD. * Create a Sped folder with current IEP, Transfer Agreement, REED/FIE. * Hold a permanent placement ARD <u>within 30 days</u> of Transfer Agreement. <p>NOTE: Be sure to document parent participation on the Transfer Agreement.</p>	<ul style="list-style-type: none"> * The Transfer Agreement is completed by the person assigned by the district (Sped teacher and/or Sped coordinator). * The PEIMS Update form is completed by the person assigned by the district (Sped teacher and/or Sped coordinator). * The invitation to the permanent placement ARD is completed and sent home to parent by Sped teacher and/or Sped coordinator - <u>at least 5 days prior</u> to the ARD meeting. * The permanent placement ARD is conducted by Sped teacher and/or Sped coordinator <u>within 30 school days</u> of Transfer-Agreement ARD.

TRANSFERS OF PREVIOUSLY ELIGIBLE STUDENTS (from districts outside Texas)		
WHEN (When an event occurs)	WHAT (What is needed for the event in "WHEN")	WHO (Who needs to do the times in "WHAT")
<p>(NOTE: Even though out-of-state transfers are treated as initials for reporting purposes, the ARD 30 day timeline starts with Transfer-Agreement ARD.)</p>	<ul style="list-style-type: none"> * Transfer-Agreement ARD. (NOTE: Even though this situation is treated as an initial for timeline purposes, the student should be placed in an appropriate program and/or services as soon as previous eligibility and programming is verified. An interim IEP can be provided while assessment is taking place.) * Proposal and Consent for an Evaluation * Referral packet * Procedural Safeguards * Update PEIMS form * ARD meeting invitation is sent to parent <u>at least 5 days</u> prior to the ARD meeting. * ARD documents marked as Initial 	<ul style="list-style-type: none"> * The interim Transfer-Agreement document is completed by the person assigned by Sped teacher and/or Sped coordinator. * Procedural Safeguards is sent home to parent by Sped teacher and/or Sped coordinator. * Referral packet is completed by Sped teacher and reviewed by Sped coordinator. * Proposal and Consent for Evaluation is sent home to parents by Evaluator or Sped teacher and/or Sped coordinator. * Evaluation is completed by assigned assessment person. * Report is interpreted with parent by evaluator. * ARD meeting invite is sent home <u>at least 5 days</u> before the ARD meeting by Sped teacher and/or Sped coordinator. * ARD meeting is conducted and filed in Sped folder.

TRANSFERS OF PREVIOUSLY ELIGIBLE STUDENTS (from districts outside Texas - UNIQUE SITUATIONS)		
WHEN (When an event occurs)	WHAT (What is needed for the event in "WHEN")	WHO (Who needs to do the times in "WHAT")
<p>1. The FIE/REED and IEP are significantly overdue.</p> <hr/> <p>2. The REED/FIE is due shortly.</p> <hr/> <p>3. The Initial Request process was started in the previous district but not completed.</p>	<p>1. Do a Transfer-Agreement ARD and hold an ARD/REED meeting as soon as possible.</p> <hr/> <p>2. You are not obligated by the previous district's dates, but must complete evaluation in a timely manner - 30 school days. Complete a REED ARD as soon as possible and proceed with the process.</p> <hr/> <p>3. You are not obligated to follow the previous district's timeline. Develop an agreed timeline with the parent.</p>	<p>1. Hold ARD/REED meeting as soon as possible.</p> <hr/> <p>2. Refer to Transfers of Previously Eligible Students</p> <hr/> <p>3. Refer to Initial IEP Process</p>

DROPPING OR CHANGING A SERVICE (OTHER THAN SPEECH AND LANGUAGE)		
WHEN (When an event occurs)	WHAT (What is needed for the event in "WHEN")	WHO (Who needs to do the times in "WHAT")
	<ul style="list-style-type: none"> * ARD meeting invitation * ARD marked "Annual Review or Other" <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> * An Amendment <p>NOTE: Amendments do not need to be done in person. However, all parties must be in agreement. BOTH PARTIES must be in agreement with date and method that it was acquired. Write this in the amendment.</p>	<ul style="list-style-type: none"> * The invitation to the ARD is sent 5 days prior to the ARD meeting by Sped teacher and/or Sped coordinator. * The ARD is conducted by the person assigned by Sped teacher and/or Sped coordinator. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> * The Amendment is completed by the person assigned by Sped teacher and/or Sped coordinator. (Be sure to get parent/guardian agreement either in person or via the phone. Document how you obtained consent.) * The person assigned by the district notifies the ARD committee members/service providers, including all relevant general education teachers of the changes in the IEP <u>within 2 school days</u>.

DROPPING SPEECH FOR “SPEECH LANGUAGE” ELIGIBLE STUDENT		
WHEN (When an event occurs)	WHAT (What is needed for the event in “WHEN”)	WHO (Who needs to do the times in “WHAT”)
	<ul style="list-style-type: none"> * A REED should be conducted - marked as dismissal or termination of services. * If further assessment is needed, perform the needed assessments. * Complete REED or Speech Report. * ARD meeting invitation * ARD paperwork should be marked “Re-evaluation” * ARD IEP should state not eligible for speech services. 	<ul style="list-style-type: none"> * The REED, and speech reports are completed by Speech Pathologist within timelines stipulated in the ARD meeting. * The invitation to the ARD is completed by Sped teacher and/or Sped coordinator and sent home <u>at least 5 days</u> prior to ARD meeting. * The ARD meeting is conducted by person assigned by Sped teacher and/or Sped coordinator.

EXITING/DISMISSING FROM SPECIAL EDUCATION (Due to ineligibility)		
WHEN (When an event occurs)	WHAT (What is needed for the event in "WHEN")	WHO (Who needs to do the times in "WHAT")
	<ul style="list-style-type: none"> * A REED * If the REED determined additional information was needed, complete consent forms and proceed with evaluation within timelines stipulated during the ARD meeting. * If the REED determined no additional information was needed. A member of the ARD must notify parent and inform them of their right to request assessment. * Relevant reports for the REED and/or evaluation. * ARD invitation * ARD document marked "re-evaluation" 	<ul style="list-style-type: none"> * The REED documents and relevant reports are completed by evaluation staff. * The ARD invitation is sent by person assigned by Sped teacher and/or Sped coordinator <u>at least 5 days prior</u> to ARD meeting. * The ARD is conducted by the person assigned by Sped teacher and/or Sped coordinator.

EXITING/DISSMISSING FROM SPECIAL EDUCATION (Due to Reaching Maximum Age for Eligibility)		
WHEN (When an event occurs)	WHAT (What is needed for the event in "WHEN")	WHO (Who needs to do the times in "WHAT")
	* Summary of Performance	* The Summary of Performance is completed by the appropriate staff.

PARENT/GUARDIAN NO LONGER WANTS SPECIAL EDUCATION FOR THEIR CHILD		
WHEN (When an event occurs)	WHAT (What is needed for the event in "WHEN")	WHO (Who needs to do the times in "WHAT")
	* Notice of Revocation of Parental Consent for Special Education Programs and Services.	* The Notice of Revocation must be filled out and signed by parent, special education staff, district representative.

PARENT/GUARDIAN WANTS TO REINSTATE SERVICES AFTER REVOKING THEM		
WHEN (When an event occurs)	WHAT (What is needed for the event in "WHEN")	WHO (Who needs to do the times in "WHAT")
(NOTE: These situations are treated as initials.)	<ul style="list-style-type: none"> * The Request for Evaluation * Procedural Safeguards * FIE/REED * Any relevant reports * Referral packet * An Invitation to the ARD meeting * The initial ARD document * An initial Notice of Provision of Services and Programs 	<ul style="list-style-type: none"> * The request form can be initiated by anyone. It's typically done by the teacher or parent. The evaluation planning section requires input from all roles listed. (Campus staff will date and initial the Request on the day she/he received it.) * Procedural Safeguards must be sent home. * Assessment staff evaluates, writes report(s), and completes documents for ARD. * Initial ARD documents completed by Sped staff. * The invitation to the ARD meeting is sent home by Sped staff. * The ARD/IEP meeting is conducted by the person assigned by the district. <p>(Additional Note: Follow timelines listed in Initial Evaluations.)</p>

Section 504

Section 504 of the Rehabilitation Act of 1973 is a civil rights law designed to protect individuals with disabilities from discrimination for reasons related to their disabilities. The Section 504 regulations require a school district, receiving Federal financial assistance, to provide a free and appropriate public education (FAPE) to eligible students. The FAPE must meet the students individual educational needs as adequately as the needs of non-disabled students.

To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities, or (2) have a record of such an impairment, or (3) be regarded as having such an impairment.

In order to qualify for Section 504 protections in public or charter schools, a student must undergo evaluation to determine if a physical or mental impairment exists that substantially limits one or more major life activities. The evaluation process must always begin with informed written consent from the parent and be provided at not expense. Evaluation typically refers to a collection and analysis of data from a variety of sources (i.e., classroom observations, teacher input, physician's reports, parent input, etc). The Section 504 committee is responsible for conducting the evaluation and determining program eligibility. Eligibility determines qualification for anti-discriminatory protection and rights.

The Section 504 committee must include persons:

- knowledgeable about the child
- knowledgeable about evaluation data
- knowledgeable about placement options/accommodations/services

Review of 504 Plan

Once a student is eligible under Section 504 a reevaluation must be conducted on a periodic basis. Annual reviews are not required by law but are highly recommended to review student progress and determine the most appropriate accommodations and services each school year.

PARENT/GUARDIAN AND/OR SCHOOL INDICATES STUDENT HAS A DISABILITY		
WHEN (When an event occurs)	WHAT (What is needed for the event in "WHEN")	WHO (Who needs to do the times in "WHAT")
(NOTE: These situations are treated as initials for Section 504 evaluations.)	<ul style="list-style-type: none"> * Signed consent from parent/guardian to conduct a 504 evaluation. * Gather relevant data from parents, teachers, staff, school records, physicians's reports, etc. * Section 504 committee determines eligibility by following Section 504 eligibility guidelines. * Section 504 committee determines services, accommodations and programming. * Section 504 committee develops the initial 504 plan. 	<ul style="list-style-type: none"> * The request form can be initiated by anyone. It's typically done by the teacher or parent. The evaluation planning section requires input from individuals who know the student. * Sped teacher and/or Sped coordinator will gather all data for evaluation. * Sped teacher and/or Sped coordinator will analyze data with 504 committee members. * Parents are invited to the 504 meeting, but are not required to attend. <p>(Additional NOTE: a 504 plan does not "expire", but should be <u>reviewed once a year</u> to determine student progress and accommodations, services needed.)</p>

FURTHER INFORMATION:

If further information is needed for clarification and is not found in this manual, please consult the links listed on page one of this document. You may also contact AIM LLC (Assessment Intervention Management) to consult with a SPED coordinator and/or LSSP.



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