



It's a New IDEA!

Revised and updated
October 2005.



**The Manual
for Parents
and Students
About Special
Education
Services
in Texas**

An Open Letter to Parents and Students

Dear Parent(s) and Student(s):

In 1975, Congress passed Public Law 94-142, now called the Individuals with Disabilities Education Act (IDEA), to assure all students with disabilities receive a free and appropriate public education. As this law was passed, Senator Robert Stafford explained clearly what the law was intended to do when he said:

“This thing that we do, then, is not only an act of law for equality in education, but an act of love for those extraordinary children wishing only to live ordinary lives.”

In 1997, Congress passed the Amendments to the IDEA, reminding us that:

“Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living and economic self-sufficiency for individuals with disabilities.”

In 2004, Congress again amended the IDEA, and once more raised the bar for expectations of students with disabilities. Congress found that:

“Implementation of the IDEA has been impeded by low expectations and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities. The education of children with disabilities can be made more effective by having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom to the maximum extent possible in order to meet developmental goals and to the maximum extent possible the challenging expectations that have been established for all children and be prepared to lead productive and independent lives to the maximum extent possible. ”

This manual is designed to help you become familiar with the requirements of the IDEA so you can act as an equal partner in planning your child’s education. You will learn, by using this manual and by working with school staff, how to plan an educational program that will lead to an ordinary life for your child and yourself.

Throughout this manual, the use of “he” and “she” will be alternated.

Words to Know

Educators sometimes use language that is difficult to understand. If, at any time, you see or hear words (like “assessment”) or acronyms (like “ESY”) that you don’t understand, immediately ask school staff to explain them. As an equal partner in planning, you must understand all the information you receive in writing or hear in a meeting so you can decide what is best for your child.

Some words commonly used in educational planning are:

Accommodations

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

Adequate Yearly Progress (AYP)

Under No Child Left Behind, all schools, school districts, and states are required to show progress in: reading/language arts, math, and either graduation rates or attendance rates. There are consequences for failing to meet AYP criteria for two consecutive years.

ARD Committee (Admission, Review and Dismissal Committee)

In Texas, the name for the group made up of a student’s parents and school staff who meet at least annually to decide whether or not the student has an eligible disability and what special education and related services will be provided. Its major responsibility is the development of the individual education program (IEP) for students receiving special education. In Texas, the meetings of these committees are called “ARD meetings.”

Adult Student

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

Alternative Education Programs (AEPs)

Disciplinary programs operated by school districts for students who have committed a range of offenses specified in state law and/or in the district’s Student Code of Conduct. AEPs operated by the school district are **DAEPs** (Disciplinary Alternative Education Programs). AEPs operated by the juvenile justice system are called Juvenile Justice Alternative Education Programs, or **JJAEPs**. Students with disabilities who are in DAEPs or JJAEPs are still entitled to special education services.

Assessment

Assessments are tests given to all students in the state to evaluate learning. The most common statewide assessment in Texas is the **TAKS** (Texas Assessment of Knowledge and Skills). Students receiving special education take the same state and district-wide assessments given to all students, unless their ARD committee determines a particular test is not appropriate. In that situation, the student will take an alternative test.

Assistive Technology

An **assistive technology device** is any item, piece of equipment or product used to increase, maintain, or improve the functioning of a student with a disability. Assistive technology devices for students with disabilities include those used for seating and positioning, mobility, augmentative

communication, computer access and instruction, environmental control, adaptive toys and games, visual and listening aids and self-care. **Assistive technology services** (including training) assists students with disabilities in the selection, acquisition or use of an assistive technology device.

Behavior Intervention Plan (BIP)

A Behavior Intervention Plan, which is part of the IEP, identifies supports and services that will be provided to prevent inappropriate behaviors from occurring and to support desired behaviors.

Content Mastery

A type of service to provide extra help to students with disabilities outside the regular classroom. Content Mastery is defined and used differently from district to district. If content mastery is recommended for your child, always ask for a description of what services will be provided and where.

Early Intervening Services

IDEA 2004 allows schools to use up to 15% of IDEA funds for support services for students not identified as having a disability, but who need additional academic and behavioral supports to succeed in a general education classroom.

ECI (Early Childhood Intervention)

A statewide program for children from birth to age three who have developmental delays. ECI must make services available for every eligible child. Early intervention programs are required by Part C of the IDEA.

Education Service Centers (ESCs)

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

ESY (Extended School Year)

Education services provided in the summer (or over a holiday break) to some students with disabilities who require them as a part of their free appropriate public education. ESY services are to be provided in accordance with the IEP, and at no cost to the parents.

FAPE (Free Appropriate Public Education)

Special education and/or related services designed to meet the individual needs of each student at no cost to the parents, guaranteed to all students with disabilities by the Individuals with Disabilities Education Act (IDEA).

Highly Qualified Teachers

No Child Left Behind requires each state to require all teachers (including special education teachers) who teach in "core academic subjects" to be "highly qualified" by the end of the 2005-06 school year. For specific information about Texas requirements, go to:

<http://www.tea.state.tx.us/nclb/hqteachers.html>

Highly Qualified Professionals

NCLB also sets new standards for paraprofessionals, including those working in special education. The new requirements apply to all special education paraprofessionals working in a Title 1 school, or any who provide instructional support in reading, writing, or math. For specific information, go to:

<http://www.ed.gov/admins/tchrqual/qual/hqp/hqparas.pdf>

IEP (Individual Education Program)

The written plan that details the special education and related services that must be provided to each student who receives special education. Parents and school personnel work together to write the IEP at the ARD meeting. It must be reviewed, and revised if needed, every year.

IDEA (Individuals With Disabilities Education Act)

The federal law requiring school districts to provide students with disabilities a free appropriate public education.

LRE (Least Restrictive Environment)

The term used in the IDEA to refer to a student's right to be educated to the maximum extent appropriate with students who do not have disabilities, and as close to home as possible.

Manifestation Determination Review (MDR)

A review of the relationship between a student's disability and behavior that is the subject of disciplinary action.

Modifications

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

OCR (The Department of Education's Office for Civil Rights)

The federal agency that enforces Section 504 of the Rehabilitation Act. OCR looks into complaints about discrimination based upon disability.

PPCD (Preschool Program for Children with Disabilities)

Public school services for children between the ages of three and five who qualify for special education services. Students ages 3-5 can receive special education services and support in settings such as a regular preschool in the community, a Head Start program or a pre-kindergarten class. Options for 3 and 4-year olds cannot be limited to only PPCD classrooms containing only students with disabilities.

Parent

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

Peer-reviewed research

IDEA 2004 says a special education student's services should be based on "peer reviewed research". The term is not defined, but is assumed to be much like the requirement for "scientifically-based research" in No Child Left Behind. The intent is for educational decisions to be based on sound methodology, supported by credible research that supports its effectiveness.

RTI (Response to Intervention)

Refers to consideration of whether a student has "responded" to appropriate instructional techniques (i.e., "interventions") before determining the student has a disability.

Section 504

The common name for the federal law that prohibits discrimination against students with disabilities. Section 504 (of Public Law 93-112, the Rehabilitation Act of 1973) applies to any agency (including a school district) that receives federal money.

Special Education Rules and Regulations

The document produced by TEA that contains the state and federal rules and regulations Texas school districts must follow in providing special education services. In some cases, state rules give families additional rights beyond the federal law and regulations.

Supplementary Aids and Services

The term used in IDEA to describe those aids, services, and other supports provided in regular education classes, or other school settings, to enable a student with a disability to be educated with students who do not have disabilities. Schools must try supplementary aids and services before recommending removal of a student with a disability from a setting with non-disabled peers.

TEA (Texas Education Agency)

The state agency ultimately responsible for making sure every student with a disability receives a free appropriate public education.

Texas Essential Knowledge & Skills (TEKS) Curriculum

The state-mandated curriculum for each grade level in Texas public schools. TEKS should be considered the “general education curriculum” referenced in the IDEA. Parents should request (or download) a copy of TEKS for their child’s age-appropriate grade level to use in developing their IEP.

Modified TEKS Curriculum: TEKS taught using adaptations and modifications in instructional strategies to address needs of some students with disabilities.

Alternate TEKS Curriculum: TEKS significantly modified to meet the functional level of students with significant disabilities who take the LDDA (Locally Developed Alternative Assessment). Sometimes referred to as the “alternate curriculum.”

Universal design

A way of designing products and services so they can be used by people with the widest possible range of abilities.

Laws, Rules and Regulations

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

Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act (IDEA) guarantees every eligible student a "free appropriate public education," sometimes called FAPE. The IDEA was most recently reauthorized by Congress in 2004. This manual incorporates changes to the law made in 2004. Though some provisions have changed, IDEA's basic requirements remain the same. The law says schools must:

- find and identify students who have a disability;
- involve parents in decision-making;
- evaluate (test) students in a nondiscriminatory way;
- develop an individualized education program (IEP) for each eligible student;
- provide special instruction and related services;
- provide services in the least restrictive environment
- maintain education records/files; and
- provide processes for resolving parent complaints and grievances.

Special Education Rules and Regulations

This document, produced by the Texas Education Agency, can help parents understand the special education process. It tells how Texas will carry out the IDEA and explains how school districts are to provide special education services. It combines federal and state laws, Commissioner of Education's rules and State Board of Education's rules. Because of its format, this document is often referred to as the "TEA Side-by-Side." You may request a copy from:

Texas Education Agency
Division of IDEA Coordination
1701 North Congress Avenue
Austin, Texas 78701
512-463-9414

You can also find it online at: <http://www.tea.state.tx.us/special.ed/rules>. Your local school district, special education director or Education Service Center also has a copy you can review.

Section 504

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

U.S. Office for Civil Rights, Dallas Office
1999 Bryan St. Suite-1620
Dallas, Texas 75201
(214) 661-9600
Web site: <http://www.ed.gov/OCR>
E-mail: OCR_Dallas@ed.gov

Some students who do not qualify for special education services under the IDEA get services under Section 504. Section 504 requires that all students have an equal opportunity to participate in activities and services at school, including: school clubs, athletic programs, social activities, transportation, health and counseling services and vocational programs. If you think your child might be eligible for services under Sec. 504 rather than under the IDEA, ask to talk to your school district's 504 officer.

Americans with Disabilities Act (ADA)

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

For more information, go to <http://www.usdoj.gov/crt/ada/adahom1.htm>

No Child Left Behind Act of 2001 (NCLB)

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

For more information, go to: www.nochildleftbehind.gov.

Education Records

Your child's educational records and your own records are very important. You and school officials will rely on many kinds of records to plan and evaluate your child's program. The records may include:

- teacher notes,
- progress reports,
- report cards,
- achievement tests,
- discipline reports,
- evaluations and reports done by the school district
- reports from medical doctors
- Individualized Education Programs (IEPs) and Behavior Intervention Plan (BIPs),
- Admission, Review and Dismissal (ARD) committee meeting reports
- Graduation Plan
- Summary of Performance

Keeping Your Own Parent Notebook

You probably have copies of many of the records listed above. If not, request copies of at least the most recent Full and Individual Evaluation (FIE), IEP, and ARD reports. Begin keeping records of conversations, phone calls, e-mails and other meetings together with copies of your child's past education records in a notebook. Having these records together and organized will help you to make sure your child receives the services he needs, monitor his progress, and to be an informed partner in developing the IEP.

For each conversation or meeting, write down the date and time of your conversation, the persons with whom you talked and the issues discussed. Follow up important phone calls with a letter, noting the date and time of the phone call, and summarizing the conversation.

Keep copies of all letters and reports you receive and send. You may want to tape record meetings (especially ARD committee meetings) so you have a complete record of what happened.

How to Get Records

As a parent, you have a right to see and have a copy of all of the records about your child's education program. These may include copies of Full and Individual Evaluations (FIEs), IEPs, medical records, behavioral records and others. You also have the right to see the school's records about discipline, grades, progress reports and other activities that are part of the education program, as well as any records made by a private physician or other private professional (if these records become part of the school's education records).

To see your child's education records, first write a letter to the principal of his school. Ask for the list of all the different kinds of education records the school keeps or uses to educate your child and where records are kept. Then write a letter identifying which records you want to review.

Within 45 days, the school must arrange for you to see the records or give you copies. If an ARD meeting or due process hearing is scheduled in less than 45 days, the school must let you see the records before the meeting or hearing. The school can charge you for copies, but many schools provide the copies at no cost.

If you have trouble understanding anything in the records, ask for an explanation. The school must respond to your reasonable requests for explanations of the records. You may take all the time you need to review and understand the records thoroughly. The school district cannot limit the amount of time you need to understand the records.

Confidentiality of Records

A student's records are private. School districts, with some exceptions, must get parental consent before showing the records to anyone not involved in the student's education. The school should have a list of the names and positions of school employees who can see your child's records without your consent.

Getting Records Changed

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

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

HOW TO KEEP A PARENT NOTEBOOK

Keep an accurate record of important meetings, phone conversations, e-mails and letters about your child in a notebook.

EXAMPLE:

Date/Time/Location:

- January 3, 2004
- 3:00 P.M.
- ARD committee meeting at Pittman Elementary School

Who:

- Mr. Langley, principal of Pittman
- Mrs. McMillan, special education director of (name of school district)
- Mr. Lloyd, Johnny's teacher at Pittman
- Ms. York, physical therapist
- Johnny Jones
- Mr. and Mrs. Jones

What We Talked About:

An IEP was developed for Johnny (see IEP in file). Johnny will continue in his current placement in the 5th grade at the Pittman School, but will no longer receive physical therapy. As parents, we disagreed and thought Johnny should continue to receive physical therapy. The school members of the ARD committee refused to agree to physical therapy because they did not have enough therapists and Johnny was a low priority for physical therapy.

Important Documents:

- IEP
- ARD committee meeting report
- Tape of ARD committee meeting

LETTER REQUESTING RECORDS FROM SCHOOL

(Be sure to keep a copy for yourself.)

Date

Name of principal

Name of school

Address of school

Dear (name of principal):

I am the parent of (name of student), a student at your school. Please inform me in writing of the types and locations of all education records collected, maintained or used for (name of student) by the school district. Please tell me where all these records are kept and whom I should contact so I can look at them. After looking at the list, I will let you know which records I wish to review.

Thank you for your help. I look forward to hearing from you soon.

Sincerely,

Your name

Your address

Your telephone number

LETTER REQUESTING A CHANGE IN YOUR CHILD'S RECORDS

(Be sure to keep a copy for yourself.)

Date

Name of principal

Name of school

Address of school

Dear (name of principal):

I am the parent of (name of student), a student at your school. There is a statement in (name of student's) (name of record, e.g., "physical therapy evaluation performed by Mrs. Small on October 5, 2004") that I believe is (examples: misleading, inaccurate, in violation of my child's rights) because (give reasons).

I request that you change (student's name) records so they will no longer be (example: misleading, inaccurate, in violation of my child's rights).

Thank you for your help. I look forward to hearing from you soon.

Sincerely,

Your name

Your address

Your telephone number

A Parent's Guide to the Special Education Process

Step 1: Referral

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

Step 2: Notice of Rights

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

If the school *does not* think your child needs to be evaluated for special education, they must send you notice that tells you why they made that decision and what you can do if you disagree. If the school *does* want to evaluate your child, they must give you written notice of your rights and get your written consent. The evaluation process will not begin until you have consented in writing. If you do not consent to testing, the district may ask for a due process hearing and ask a hearing officer to allow them to evaluate your child without your consent.

Step 3: Full and Individual Evaluation

If the referral process indicates that a student may need special education and related services, the school must, after obtaining the parent's consent, do a full and individual initial evaluation (testing) to determine if the student has a disability and needs special education services. The school must complete the evaluation process within 60 calendar days from the date the school receives written consent for testing signed by the parent or legal guardian.

When the evaluation is completed, the school will contact you to schedule an ARD meeting. Current rules say the school must give you written notice at least five (5) school days before the ARD meeting so you can prepare. At the first ARD meeting after the evaluation, the team will decide whether your child is eligible for special education. You must be a part of that decision.

Step 4: The ARD Meeting

The Admission, Review, and Dismissal (ARD) committee meets at least once a year to develop, your child's IEP. You are a member of your child's ARD committee. The first ARD meeting must be held no more than 30 days after completion of the initial evaluation.

There can be more ARD meetings during the year if needed. Beginning in the 2005-2006 school year, some changes can be made in the IEP without an ARD meeting.

Step 5: The IEP

The Individualized Education Program (IEP) is a written plan, designed just for one student. It is an agreement between the school and parents on how the student will be educated. The IEP must be reviewed at least annually. The most important function of the ARD committee is the development of the IEP. Your participation and input is important. Remember, you know your child better than anyone else.

Step 6: After the Meeting

- Make sure you have a copy of the IEP.
- Read all progress reports, and other notes, sent home during the year.
- Schedule parent-teacher conferences as needed.
- Request additional ARD meetings, if needed.

Step 1: Referral

Students who may need special education come to the attention of school officials in a number of ways. For example, if parents take a child to school for the first time and tell school officials that he has unique needs because of a disability, the parent has **referred** the child to be considered for special education. If a student is already in school and the teacher thinks he may have special needs because of a disability and asks the school to consider him for special education services, the teacher has **referred** the student.

Referral may occur as a result of district-wide testing or screening. At the time of referral, the school district must notify the parent(s) in writing about the process it will follow to determine whether a student needs special education services. The information gathered during the referral process is to determine whether the school will test a student to see if he has a disability and needs special education services.

A teacher or other type of specialist at the school may do some informal testing, usually referred to as “screening”, with your child and others as a way of identifying how your child learns best. The screening of a student by a teacher to help the teacher provide better instruction is not considered to be an “evaluation.” Therefore, you will not receive written notice and your consent is not required.

There is no specific timeline for the referral process. The 60-day timeline for evaluation does not start until the school has decided to evaluate the student *and* has received written consent for the evaluation. To ensure a timely referral process, parents should put their request for an evaluation for special education in writing and request a meeting within 5 days to sign the consent forms. If your child is receiving “early intervening services” (see Glossary), which are not special education services, you have the right to refer your child to special education at any time.

NEW: IDEA 2004 made changes in the referral process for a student suspected of having a learning disability. Now, prior to or as a part of the referral process, the school must assure the student has been provided appropriate, high-quality research-based instruction in a regular classroom, delivered by qualified personnel. Data-based documentation of the student’s progress must also have been reported to the parents. Once the student has been referred, however, the timelines for conducting the evaluation still apply. The new considerations were added by Congress because of concerns that too many students were being referred to special education, and labeled as “learning disabled,” who had not been provided with good instruction in the classroom.

If the school decides to evaluate the student for special education, school officials will notify the parent(s) in writing about the evaluation process and get written consent before the evaluation starts. If the school officials decide *not* to test for special education eligibility, they must notify the parent(s) in writing about this decision. Parents may challenge the school district’s refusal to evaluate a child through the TEA complaints process or in a due process hearing.

The school is required to get parental consent for all initial evaluations and reevaluations. A district may **ONLY** reevaluate a student without parental consent if parents fail to respond and the district can show that it has taken all reasonable measures to get consent. If the parent does not agree with the reevaluation the district may only reevaluate if the district requests a due process hearing.

Step 2: Notice of Rights

IDEA says the school district must give parents notice of their rights **and** must make sure they understand them.

Procedural Safeguards Notice

When a student is first referred for special education, the school district must give parents written information about their rights and options for resolving disputes. Texas schools use a document developed by the Texas Education Agency called "Notice of Procedural Safeguards: Rights of Parents of Students with Disabilities." The school district must give you this notice in the language you usually speak at home. If you cannot read or write, the school must give you the information orally, on cassette tapes, in Braille or in any other way that you can understand. The school officials must keep written records to show they gave you this notice. If you do not understand the meaning of the document, they must explain it to you.

Once the student begins receiving special education, the Notice of Procedural Safeguards must only be given to parents once a year, unless the parent requests an evaluation or files for a due process hearing. However, a parent can request another copy of the procedural safeguards notice at any time. The Texas Education Agency also has the Notice of Procedural Safeguards on its website.

In addition to the required Notice of Procedural Safeguards, the Texas Education Agency has developed a document called "A Guide to the Admission, Review and Dismissal Process." A parent whose child is new to special education services should receive the Guide at the same time as the Procedural Safeguards Notice.

Other Types of Notice

In addition to notice of your rights described above, IDEA also says the school must give you more specific notice about some actions. The school must give you specific notice, in writing, if they want to:

- decide whether your child has a disability, or change her disability category;
- conduct an evaluation;
- change the current IEP;
- change the placement; and/or
- change how your child is provided a "free appropriate public education (FAPE)."

If you, as the parent, request changes in any of the above areas, and the school refuses to make those changes, the school must provide you with written notice in response to your request.

Written notice about actions the district proposes (or refuses) to make **MUST** include the following information:

- the action the school wants to take (or is refusing to take);
- why the school wants (or refuses) to take that action;
- descriptions of any evaluations, tests, reports and other information supporting the school's position;
- sources for parents to contact for assistance in understanding what the law says;
- information about the parent's rights and how the parent can get another copy of the procedural safeguards notice;
- what other options the school considered and why those options were rejected; and
- a description of any other factors relevant to the school's decision.

If you receive notice from the school that does not contain the above components, ask the district to provide you with another letter containing all the required information. You need this information to participate as an equal partner in the decision-making process.

Step 3: Full and Individual Evaluation

If the referral process finds that a student may need special education services, the school must do a full and individual initial evaluation at no cost to the parent.

Evaluation answers the questions:

- ? Does the student have a disability?
- ? What are the student's educational needs resulting from the disability?

The school must get written consent from the parent before evaluating their child. The school district must complete the evaluation and have a written report **within 60 calendar days** after the district receives the parent's written consent to evaluate.

The parent's consent for an evaluation is not also consent for services or placement. You will be asked to consent for services after the evaluation.

The evaluation is set of activities, not a single test. All evaluations must be done by a team of trained and knowledgeable professionals. The evaluation must cover all areas of suspected disability and be comprehensive enough to identify all the special education and related service needs of the student. The evaluation must gather relevant functional, developmental, and academic information, including information provided by the parent. The school must assure that the evaluation is administered in the language most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally.

Under Texas law, you can ask the district to provide you with the names of any psychological tests they want to give your child, including an explanation of why they believe they need to give that test in order to develop your child's IEP.

Evaluation of Educational Needs

This part of the evaluation is to find out how well the student is doing in school compared to other students in the school district who are the same age or in the same grade. This part of the evaluation includes tests that measure his performance in areas like reading, mathematics and spelling. Testing procedures may need to be modified through the use of assistive technology so that the test accurately measures the student's knowledge.

The written report should tell you at least four things:

- present levels of academic achievement and related developmental needs;
- any problems he has with school subjects and skills;
- how he compares to other students of the same age and grade level in knowledge of the general education curriculum (TEKS); and
- the reasons for the problems in school, including relevant cognitive and behavioral factors.

If the report does not tell you all these things, ask the school district to give you that information.

A student can not be determined to have a disability if his learning deficits are due to a lack of appropriate instruction in reading or math, or because of limited English proficiency.

Evaluation for Related and Other Special Services

The evaluation should also look at what additional services, or related services, are needed in order for the student to benefit from special education. The most common related services are: occupational therapy, speech therapy, physical therapy, assistive technology, counseling, and transportation. There are others. Under current federal law, a student can not be found eligible for special education if he ONLY needs related services.

An evaluation for related services (except for transportation) should include specific recommendations for the type of services the student needs, how often he needs them, and the type of personnel who will be providing the services. There should also be measurable annual goals for related services.

The IEP will also need to specify when the related services will begin, how frequently they will be provided, where they will be provided, and when they are expected to end.

The IEP should also specify whether your child will be getting “direct” (hands-on) services from the therapist, or whether she will be getting only “consultative” services. In a consultative services model, the provider/therapist consults with the student’s teachers on how they can better work with the student, but do not work with the student directly.

Understanding the Evaluation Results

Once the district completes the evaluation reports, they must give you a copy. You have a right to inspect and review the results of all evaluations administered to your child before the ARD meeting. Be sure to get explanations of any terms or statements in the reports you do not understand. Study the reports until you are satisfied they are accurate and complete. You need to understand the reports to take an active role in developing your child’s IEP.

To help you understand the tests and what they mean:

- Meet with the person at the school who did the tests or someone else who can explain them to you;
- Talk to other parents;
- Ask a professional who is not employed by the school to help you understand the tests, or tell you if more or different tests should be done. One good internet resource is www.Wrightslaw.com. At this site you can find a helpful article “Tests and Measurements for the Parent, Teacher, Advocate and Attorney;”
- Get information about the suspected disability from a parent organization, an Education Service Center, or on the Internet.

The evaluation report will show whether a student’s behavior is a problem at school. If so, the report should include recommendations on how to help the student so he can learn and get along with others. These recommendations must be considered as the ARD committee develops the IEP.

A good evaluation is an important step in the process of providing a student an appropriate education. Once the evaluation is completed, the school must include you in determining whether your child is eligible for services under the IDEA. In Texas, that determination is done by an ARD committee, which includes you. If your child is eligible, you and other members of the ARD committee will use the written report of the evaluation to decide what kinds of support he needs from special education. The district must also get your written consent before it can begin providing special education and related services.

Is the Student Eligible for Special Education Under IDEA?

If the full individual initial evaluation shows that a student has one or more of the following, an ARD committee will meet to determine if he is eligible to receive special education services under the IDEA. In Texas, students are assigned to one of the following categories:

- **Orthopedic Impairment (OI)**
- **Other Health Impairment (OHI)** - Includes students with ADD or AD/HD
- **Auditory Impairment (AI)** - Includes students who are deaf or hard-of-hearing
- **Visual Impairment (VI)** - Includes students who are blind or visually impaired
- **Deaf-Blindness (D-B)**
- **Mental Retardation (MR)**
- **Emotional Disturbance (ED)**
- ***Learning Disability (LD)**
- **Speech Impairment (SI)**
- **Autism (AU)**
- **Multiple Disabilities (MD)**
- **Traumatic Brain Injury (TBI)**
- **Non-Categorical** - For students ages 3-5 who may have mental retardation, emotional disturbance, a learning disability or autism. (This is a disability category only in Texas. Its intent is to prevent inaccurately assigning a very young child to one of these four disability categories.)

If the full and individual evaluation shows that the student does not have at least one of these, he is not eligible for special education under the IDEA. However, he may be eligible for services under Section 504 of the Rehabilitation Act.

Note: The district may ask you to consent for services after determining eligibility but before developing the IEP. If you are ready to sign the forms to consent to services, you may go ahead and do so at that time. If you refuse to consent to services prior to developing the IEP, the school is not required to proceed with developing an IEP. If you are unsure about consenting to special education services, rather than refuse to consent, tell the school you will decide *after* the development of the IEP whether to consent to services. If, after the IEP is developed, you decide not to consent to services, your child will NOT receive special education services. The school cannot ask a hearing officer to override a parent's refusal to consent to special education. If the student has a disability, and the parents refuse special education services, the school should provide Sec. 504 services to the student.

***NEW:** IDEA 2004 changed the way a student is determined to have a learning disability. A local school district can not be *required* to first determine that the student has a severe discrepancy between his intellectual ability and his level of achievement. IDEA also now allows a local school district to consider whether the student has received a method of instruction known as response-to-intervention (RTI). Once there are final federal regulations (probably in December of 2005), TEA will need to revise its criteria for determining that a student has a learning disability. You will want to watch for information from TEA or from an organization such as the Learning Disabilities Association of Texas.

Who is Eligible for Which Programs?

Birth to Three

Early Childhood Intervention (ECI) funded programs provide services around the state for infants and toddlers (0-3) with developmental delays and their families. ECI does evaluations at no cost to determine eligibility and need for services.

If services are needed, an Individual Family Service Plan (IFSP) is developed with the family. Services are provided on a sliding fee scale, but no child or family will be refused services because they cannot pay.

Currently, ECI eligibility ends on the child's third birthday. Children who are likely to need special education services will be referred to the local school district prior to their third birthday so that the evaluation process can begin.

ECI programs are administered by the Division of Early Childhood Intervention in the state Department of Assistive and Rehabilitative Services (DARS).

For more information, go to: www.dars.state.tx.us or call 1-800-628-5115.

Three (3) through Twenty-One (21)

Services for eligible students who are three years old or who have not reached their twenty-second birthday on September 1 of the current school year are provided by local school districts. The school district must begin serving your child on his third birthday. If they did not receive the referral in time to have the evaluation completed by his birthday, they can still deliver special education services while your child completes the evaluation process. If your child turns three during the summer, the ARD committee will determine whether services begin in the summer or at the start of the upcoming school year.

What Are Parents' Rights During Evaluation?

In the full and individual evaluation process, you have the right to:

- be given written notice before the school evaluates or refuses to evaluate your child;
- be given information about the abilities, skills and knowledge to be evaluated;
- give, or not give, your consent before the evaluation or reevaluation of your child;
- be given a description and explanation of the procedures, tests (with examples) records or reports to be used in the evaluation;
- review and understand all evaluation records before the ARD committee meeting;
- have the results of all evaluations considered at the ARD meeting, including any independent evaluations parents get from professionals who don't work for the school;
- be assured tests and other evaluation materials will be in the language most likely to yield accurate information on what your child knows and can do academically, developmentally, and functionally;
- be assured no single procedure (such as an IQ test) will be used as the sole basis for determining your child's eligibility for special education services;

- present a written complaint to the Texas Education Agency if you feel a federal or state rule concerning the evaluation process is not being followed;
- request mediation or a due process hearing if agreement on evaluation procedures or results cannot be reached; and
- be given a copy of the evaluation report, including information used to determine eligibility for special education.

What Are Students' Rights During Evaluation?

In the full and individual evaluation process, a student has a right to:

- be evaluated in all areas related to the suspected disability;
- be tested with instruments that are valid and reliable;
- be tested in a way that is not racially or culturally discriminatory; and
- be tested by qualified, trained and knowledgeable personnel.

What Can I Do if I Think the School's Evaluation is Incomplete?

Ask for Additional Testing

If you feel the school's evaluation is incomplete and additional testing is needed, you can ask the school to do more testing. (See the sample letter requesting additional testing.)

What Can I Do if I Think the School's Evaluation is Wrong?

Ask for an Independent Evaluation

If you think the school's evaluation does not accurately measure your child's need for special education, you may get an independent education evaluation (IEE). Independent evaluations are done by qualified persons who are not employed by the school. You may ask the school how and where to get an independent evaluation or you may get the independent evaluation done by someone not recommended by the school, as long as this person is qualified to perform the evaluation.

If you ask the school to pay for the independent evaluation, the school must do so unless the school asks for a due process hearing to show its evaluation was appropriate. If you want the school to pay for the independent evaluation, the testing you get must meet the same requirements the school uses. You should notify the school officials if you want an independent evaluation and you expect the school to pay for it. However, you do not have to tell the district why you disagree with their evaluation.

The ARD committee must discuss and equally consider independent evaluations, regardless of who pays for them, in any ARD committee decisions. They do not, however, have to accept any or all of the evaluator's recommendations.

Ask for a Reevaluation

The school must conduct a reevaluation if they determine that they educational or related services needs, including academic and functional performance of the student, warrants a reevaluation. They must also conduct a reevaluation if requested by the teacher or parent.

The parent or teacher cannot request a reevaluation more than once a year *unless* there is an agreement between the school and parent to do so. The school shall conduct a reevaluation at least every three years, unless the parent and school agree it is not necessary. If the school thinks the three year reevaluation is necessary, but the parent does not, the school must conduct the reevaluation anyway. If the student has not progressed in the general education curriculum as expected, or has not met other IEP goals, a new evaluation is probably necessary.

A new evaluation is also required before a change of placement, unless the student is graduating with a regular high school diploma or aging out of services. For students graduating or aging out, the school must provide the student and parent with a “summary of performance.” This summary should include a summary of both academic achievement and functional performance, as well as recommendations for how to assist the student in meeting post-secondary goals.

Ask for a Due Process Hearing

If you believe the school’s evaluation is inaccurate or incomplete, and you cannot resolve the issue with the school, you can challenge the evaluation in an impartial due process hearing. If you go to a hearing, you will need some proof or evidence showing what is wrong with the school’s evaluation.

For example, this proof could be a doctor’s or psychologist’s report or other independent evaluation.

LETTER REQUESTING ADDITIONAL TESTING

(Be sure to keep a copy for yourself.)

Date

Name of principal

Name of school

Address of school

Dear (name of principal):

I am the parent of (name of student), a student at your school. I have studied the reports of the school's evaluation of my child and feel she was not evaluated in every area of suspected disability. I believe additional testing is needed in the area(s) of: (list areas needing further testing).

I look forward to hearing from you within five (5) school days of the date you receive this letter if you do not plan to schedule an ARD meeting to consider my request. Otherwise, please contact me so we can arrange a time and place for the meeting. Thank you for your help.

Sincerely,

Your name

Your address

Your telephone number

LETTER REQUESTING AN INDEPENDENT EVALUATION

(Be sure to keep a copy for yourself.)

Date

Name of principal

Name of school

Address of school

Dear (name of principal):

I am the parent of (name of student), a student at your school. I disagree with the school's evaluation of (name of student), and I am requesting an independent evaluation.

Please send me a copy of the written criteria under which independent evaluations must be conducted and a written list of independent evaluators I can consider.

I understand the school must pay for the independent evaluation unless it requests a hearing to prove that its evaluation was appropriate. I will send you the results of the evaluation. I understand it must be considered in any future decisions about my child's education.

Please send me the criteria and list or let me know within five (5) school days of the date you receive this letter if you intend to request a due process hearing.

Thank you for your help.

Sincerely,

Your name

Your address

Your telephone number

LETTER REQUESTING REEVALUATION

(Be sure to keep a copy for yourself.)

Date

Name of principal

Name of school

Address of school

Dear (name of principal):

I am the parent of (name of student), a student at your school. I recently reviewed my child's evaluation, and I believe it is out-of-date. I request (name of student) be reevaluated.

I look forward to hearing from you within five (5) school days of the date you receive this letter if you do not plan to schedule an ARD meeting to consider my request. Otherwise, please contact me so we can arrange a time and place for the meeting.

Thank you for your help.

Sincerely,

Your name

Your address

Your telephone number

Step 4: The ARD Meeting

The Admission, Review, and Dismissal committee, **usually called an ARD**, meets at least once a year to develop, review and revise your child's IEP. You are a member of your child's ARD committee. The ARD Committee should work collaboratively with a goal of reaching agreement by consensus

Notice of the ARD Meeting

Current rules say the school must give you written notice **at least five (5) school days** before the ARD meeting so you can prepare. When a meeting is called with less than 5 days notice, the parents have the right to waive the 5-day notice requirement and attend the ARD meeting if they want. The notice should include the purpose, time and place of the ARD meeting and a list of the people attending.

If you want to go, but the date, time or place is not convenient for you, ask the school to reschedule the meeting. The school must attempt to schedule the meeting at a time and place agreeable to you and school officials. If you cannot attend the ARD meeting, the school must use other methods, such as telephone conference calls or videoconferences , to give you a chance to participate. However, the school district can hold the ARD meeting without you if you don't attend and don't reschedule.

At the meeting, you have a right to have an interpreter (e.g., American Sign Language or Spanish) paid by the school. If you need an interpreter, you must be sure to tell the school before the meeting.

You may want to meet with your child's teacher(s) or related services provider before the meeting to discuss possible IEP goals and to learn more about the curriculum for your child's grade level.

For Students Who Are 17+ Years of Age

By age 17, the school district must notify both the student and the parent that all rights given to the parent by IDEA, except the right to receive notice, will transfer to the student at age 18. This notice must be reflected in the student's IEP.

For Students Who Are 18+ Years of Age

At the time the student reaches the age of 18, the school district must notify in writing the adult student and parent that the parent's rights have been transferred to the student . This notice must include contact information for the student and parents to use in obtaining additional information. The school district must continue to provide parents with notice of the ARD meetings. However, under current Texas special education rules, the notice is **NOT** an invitation to attend the ARD meeting. The parent will no longer have the right to attend the ARD meeting, but can be invited to attend by the school district or the student. If invited to attend the meeting, the parent is **NOT** the educational decision-maker.

A parent wishing to continue being the education decision-maker can seek guardianship. The student could also give the rights over to the parent with a Power of Attorney.

For many students all the parent needs to do to participate in the ARD meeting after their child turns 18 is to simply ask if they want you to attend the ARD meeting with them. If your child agrees then just tell the school that your child invited you to the meeting. The invitation is not required to be a

formal written invitation. If you prefer to have the invitation in writing, simply ask your child to sign a statement that they have invited you to attend the ARD meeting.

If your child does not want to invite you to the ARD meeting, you can still ask the school to invite you.

Members of the ARD Committee

The ARD committee must have, at a minimum, the following members to develop, review or revise an IEP:

- student's parents;
- adult student (age 18 or over) or a younger student when appropriate;
- a representative of the school district who is qualified to provide or supervise special education, knows the general curriculum, and knows about the resources available in the district;
- at least one special education teacher or service provider;
- at least one regular education teacher if the student is or may be in regular education;
- someone who can interpret evaluations as they apply to a student's instruction; and
- others, invited by the parents, the adult student or the school, who have knowledge or expertise about the student, including related services personnel as appropriate.

You have the right to invite other people. For example, you may bring someone who has worked with your child in another setting, or you may bring a friend or parent advocate along for support. Because the role of the committee is to develop a plan for just your child, the intent of the membership requirements is to have members in attendance who are familiar with your child.

If your child is entering school from an ECI program, an invitation to attend the first ARD committee meeting must be sent to ECI upon request of the parent. An ECI staff person who knows your child can provide important information to the team. The school district can also request ECI attendance at the meeting.

There are additional requirements for membership that may apply in certain situations. These requirements sometimes change. You may want to look at the TEA document "Special Education Rules and Regulations" for the most current list.

NEW: As of July 1, 2005, an ARD committee member can be excused from all or part of the meeting if the parent and the school agree that person's attendance is not required because that person's area of the curriculum or related services is not being modified or discussed. However, the parent must agree in writing to excuse a required member of the ARD committee for any or all of the meeting. A member of the team may also be excused from all or part of the meeting even when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent and the school agree in writing and the member provides written input to the parent and the ARD Committee prior to the meeting.

Parents should not feel pressured to agree to excuse someone they believe should be there.

Note: Even if the parent agrees to excusing a particular regular education teacher from the ARD meeting, the law still requires that "at least one" regular education teacher be at the meeting.

BEFORE THE ARD MEETING: A PARENT CHECKLIST

(Be sure to keep a copy for yourself.)

- ___ Read your notice to see what issues will be discussed and who will attend.
- ___ Be sure enough time is allotted.
- ___ If necessary, request the meeting be rescheduled at a time you can attend.
- ___ Ask the school to invite any representatives of outside agencies (e. g., ECI, DARS, DADS, etc.) you think should attend.
- ___ Ask the school for copies of any relevant information you do not already have, including:
 - ___ Latest evaluation and any new testing the school has done;
 - ___ Teacher progress notes (if necessary, talk with the teacher(s) and others for information on the student's progress);
 - ___ TEKS for your child's age-appropriate grade level;
 - ___ Student Code of Conduct; and
 - ___ Blank IEP forms/any drafts of IEPs the school may have done.
- ___ Gather any reports you have from outside therapists, tutors, consultants or doctors.
- ___ Make a list of your child's gifts and talents.
- ___ Read the TEKS and list the ones you think your child could learn "as is" or with modifications. The TEKS can be found on line at <http://www.tea.state.tx.us/teks>.
- ___ Make a list of other things you would like your child to learn during the year.
 - How is this going to help her? _____
 - Will she be able to participate more fully in school life? _____
 - Will she become more independent? _____
 - How will her life change or improve? _____
- ___ Review the lists and mark 4-5 things you think are most important for your child. These will be the basis for developing her IEP goals and objectives during the ARD meetings.
- ___ Make a list of her areas of functioning that would increase with assistive technology (communication, mobility, etc.). Be prepared to make requests for assistive technology if it is needed.
- ___ Make extra copies of each list to bring to the meeting.
- ___ Decide who you will bring to the ARD meeting.
- ___ Decide if you want to meet with the teacher(s), diagnostician or related services provider before the ARD meeting.
- ___ If you want to tape record the ARD meeting, gather the equipment.

Step 5: The IEP

What is an IEP?

The Individualized Education Program (IEP) is a written plan, designed just for one student. It is an agreement between the school and parents on how the student will be educated. Although the IEP is not as detailed as a teacher's lesson plan, it must contain annual goals in each area of need. The IEP states what special education and related services the school will provide, and when and where those services will be provided. The IEP must consider and address the academic, developmental, and functional needs of the student. Services must be based on peer-reviewed research to the extent practicable.

All decisions in your child's IEP must be individualized; that is why it is called an *Individualized* Education Program. Individualized means that the plan is made especially for him and is tailored to meet his needs. Your child's special education needs are likely to be different from those of another student, even one with the same disability. His IEP should reflect those differences and not be exactly the same as that of any other student.

When is an IEP Required?

The IDEA requires a student to have an IEP before he receives special education and related services. If a student needs to begin school before his evaluation is completed, a temporary IEP (usually called an interim IEP) can be developed and used while the evaluation is being completed.

An ARD meeting is not required for a special education student who transfers from one Texas school district to another if the parents put in writing that they are satisfied with the current IEP and the district determines it can implement the former district's IEP as written. Otherwise, there must be an ARD meeting at the new school district to decide if new testing or other information is needed to develop a new IEP. If additional evaluations or other information are needed, the student can receive special education services until the new evaluations are completed and another ARD meeting is held to develop a new IEP.

For children coming from a Part C program (ECI), the school shall consider the student's Individual Family Service Plan (IFSP) and *may* use the IFSP as the IEP if agreed to by the school and the parents.

How is the IEP Developed?

Following are the steps the ARD Committee will typically follow:

1) Opening Remarks and Introductions

All ARD committee members and others in attendance introduce themselves and explain their relationship to the student. It is helpful to know if those in attendance have actually worked with your child. Be sure to introduce anyone you may have brought with you to the meeting. A written agenda may be given out.

Ways You Can Participate:

Read the agenda and add any items you want to discuss.

2) Reviewing Present Level of Academic Achievement and Functional Performance

The committee reviews the most recent evaluation information and summarizes the student's strengths and needs. This and any information about her performance in the general curriculum will be the basis for developing her IEP goals. Beginning in the 2005-06 school year, ARD committees must also review each student's present level of "functional" performance, which includes areas other than academics. This is an opportunity to review how the student is functioning socially and behaviorally.

If the student has been eligible and receiving services for some time, the ARD committee also reviews the student's progress on each IEP goal and discusses the special education and related services she has been receiving.

The committee uses this information to write a statement on the IEP describing her current levels of academic achievement and functional performance. Review this statement and be sure you think it is accurate before proceeding.

Ways You Can Participate:

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

3) Developing Measurable Annual Goals, both academic and functional

Goals are statements about what your child will learn during a school year. Each goal must be measurable. That is, it should state clearly and objectively how you and the school will know if he has reached that goal.

- IEP goals must be designed to:
 - ✓ meet the child's needs caused by her disability so she can participate in and progress in the general curriculum (academic); and
 - ✓ meet each of the child's other needs caused by her disability that affect her ability to learn (functional).

During this part of the process, the ARD committee decides whether the student will address all, most or part of the TEKS (the curriculum adopted by the State Board Of Education for each grade level). Any modifications needed to the curriculum should be written in the IEP.

School staff may have met before the ARD meeting, either with or without you, to write a draft of proposed goals. Schools may send a copy of the draft to you before the meeting. If you did not receive a draft IEP ask at the beginning of the meeting if a draft exists. If so, ask for a copy and read it then.

During this part of the meeting, the committee develops a clear picture of what the student will be doing and learning over the school year. The ARD committee must say how the child's progress will be measured, what type of support she will need to reach each goal and who will provide each service. Goals must be measurable.

The IEP should contain goals not only for academics, but for all services a student needs including behavioral intervention, related services, Extended School Year Services (ESY), Career and Technology Education (CATE), and vocational programming. IDEA 2004 specifically requires IEPs to include both academic and functional goals.

The IEP must also tell how progress on his IEP goals will be measured and reported to you. For most students, receiving a typical report card is not an adequate progress report.

NEW: The IEP you develop must end with a clear statement of the special education and related services, as well as the supplementary aids and services that must be provided to the student. IDEA 2004 adds an important new requirement that the services provided to a special education student must be *"based on peer-reviewed research to the extent practicable."*

Though the term "peer-reviewed research" is not defined in the IDEA, it is assumed to be similar to the requirement in No Child Left Behind that instruction be based on "scientifically-based research." (Remember, NCLB also applies to special education programs.) The intent is clearly to require schools to have credible research behind the choices they make on how to instruct students. If you are told the school intends to use a particular teaching strategy, ask them to describe the peer-reviewed scientifically-based research that supports this particular technique. In the past, ARD committees often refused to discuss "methodology" by saying that how the student was taught was solely at the discretion of the school district. Under this new requirement, ARD committees will have to discuss methodology in order to determine whether the instruction the school is proposing meets the standard of peer-reviewed scientific research. To learn more about scientifically-based research, go to:

<http://www.ed.gov/nclb/methods/whatworks/research/index.html>. For information about sound research-supported practices, go to the website of the What Works Clearinghouse at <http://www.whatworks.ed.gov>.

NEW: What Happened to Objectives?

If your child has previously received special education, you are used to IEPs that contain both goals and objectives. Short term objectives (sometimes called "benchmarks") are small, measurable steps leading to reaching each IEP goal.

When Congress reauthorized the IDEA in 2004, they eliminated the requirement for short term objectives for the majority of students receiving special education. Most IEPs are now required to have only annual goals. Short term objectives must only be written for those students who take an alternative assessment rather than the TAKS test.

Just because short term objectives are no longer *required* for some students, does not mean they cannot be written if the ARD committee thinks they are needed. If you think one of your child's IEP goals should contain short term objectives as a way to help you better monitor his progress, you should certainly ask the ARD committee to write them.

Since short term objectives are no longer required for all students, annual goals must be more comprehensive than many have been in the past. IEP goals must be measurable and include

both academic and functional goals. They can no longer be just broad statements of what a student will accomplish during the school year.

Ways You Can Participate:

- Share notes you made on the Parent Checklist;
- Talk about what you want for your child when she leaves school. Make sure the goals you include will lead to the outcomes you want for her as an adult.
- Ask what students without disabilities her age will learn and how she might also learn that information. (Note: You can get the information in advance by looking at the TEKS for her grade level.)
- If the school has developed a draft of proposed goals ahead of time, remember they must include your input. The IEP should not be written in advance so that your participation is only to come to the meeting and sign it. Talk about all the goals suggested by you and school staff. Help the team decide which ones should be included, keeping in mind the long-term outcomes you want for your child.
- As you review the proposed goals, remember that the IEP must be designed to meet your child's needs and that you and the school staff make up the ARD committee. Your job is to revise, add or delete goals until the IEP reflects the most important goals your child should achieve in the coming year.
- Ask questions if you do not understand how your child's progress will be measured, what services she will receive during the school day, who will provide each service, and how much time each day she is with students who do not have disabilities.

4) Deciding on Related Services

Many students who receive special education also need related services in order to benefit from the educational program. A student can not receive related services unless he has been found eligible for special education.

Though there are others, the most common related services are:

- Assistive technology;
- Speech therapy;
- Physical therapy;
- Occupational therapy;
- Psychological services;
- Social work;
- Counseling;
- Special transportation;
- Audiological services
- Orientation and mobility training;
- Rehabilitation counseling;
- School nursing services; and
- Interpreter services.

The ARD committee decides whether a student is eligible for each related service. Except for transportation, the decision will be based on written reports from related service professionals. Every service the school district provides must be written into the IEP, including information about how often the services will be provided, how long each session will last, the type of related service professional needed and when the services will begin and end.

The list of related services is not exhaustive and may include other developmental, corrective or support services. For example, in order for a student to successfully use assistive technology in the educational process, he will need training in its use. The staff may also need training in order to correctly use an assistive technology device.

Ways You Can Participate:

- Make sure related services, supports or modifications needed to implement the IEP goals are discussed.
- Review all evaluation reports to see which related services are being considered for your child.
- Find out before the ARD meeting if you will need a doctor's letter or other medical referral before the school will provide a particular related service.

Lack of money or personnel cannot be used as reasons to deny the student any related services she needs to benefit from her educational program. If the district lacks the necessary personnel, they can contract with outside professionals to provide related services.

5) Considering Other IEP Elements That May Apply to Your Child

The ARD committee must also discuss the following special factors when applicable:

Extracurricular Activities

The local district's policy on participation in extracurricular activities also applies to students who receive special education, unless exceptions or changes in the policy are made for a student in the IEP. If that is done, the IEP should include the information on which the decision was based.

Statewide Assessments

Students in Texas public schools are required to take tests of basic academic skills throughout much of their time in school. The major test at this time is the Texas Assessment of Knowledge and Skills (TAKS). The TAKS measures a student's progress in the state curriculum (Texas Essential Knowledge and Skills or TEKS). The subjects tested, and in which grade students are tested, changes from year-to-year. Therefore, at or before your child's annual ARD meeting, ask the school to tell you what standardized tests are currently required by the state for your child's grade. Your child should be able to take the TAKS using the same accommodations used with her in the classroom during instruction.

NEW: In the 2005-2006 school year a new test has been added for some subjects and some grade levels. The new test, TAKS - Inclusive or TAKS - I is for students on or near grade level who need accommodations (documented in their IEP) that would invalidate the TAKS. TAKS-I must be taken at the grade level the student is enrolled in. TAKS and TAKS – I meet the IDEA 2004 requirements.

State testing requirements apply to students receiving special education unless specifically altered by their ARD committee. For some students the ARD committee may determine that an alternate test is required.

Texas currently uses two alternate tests: the State Developed Alternative Assessment (or SDAA II) and the Locally Developed Alternative Assessment (or LDAA). The SDAA II is used to test students who are receiving TEKS instruction on or near grade level but need accommodations (documented in the IEP) that would invalidate TAKS or they are receiving "modified TEKS curriculum" instruction. The Locally Developed Alternative Assessment (or LDAA) is used to test students who are receiving "alternate TEKS curriculum".

At the ARD meeting you will discuss what tests your child will take. The TAKS tests are appropriate for most, but not all, special education students. Students receiving special education will take the TAKS, unless their ARD Committee determines any or all of the TAKS tests are not an appropriate way to measure their learning. Some students will take the TAKS in some subjects, but not in others. The decision must be made on an individual basis.

Under IDEA 2004 and “No Child Left Behind” (NCLB), there are new limitations on the number of students with disabilities who can be given an alternative assessment. Alternative assessments are intended for students with significant cognitive disabilities.

If the ARD committee decides a student should take an alternative assessment, they must state the reasons the student cannot take the regular assessment, and why the alternative assessment they selected is appropriate. Be sure the ARD committee discusses the accommodations your child will receive during testing and includes them in the IEP.

In the past the SDAA has been used for students who do not have significant cognitive disabilities, but are not at grade level. The TEA is currently working with the US Dept. of Education to develop alternate assessments based on modified achievement standards. TEA will continue to use the SDAAll until this transition is made. TEA will also develop and implement alternate assessments for students with the most significant cognitive disabilities. These tests will replace the LDAA by the 2007-2008 school year. You should continue to monitor the types of tests your child is taking and use the TEA web site to follow the changes that they will be making in the next few years in the statewide assessment system as it applies to students with disabilities.

Assistive Technology

The ARD committee must consider whether a student requires assistive technology devices and services. (See Glossary)

Autism

Texas rules currently require that IEPs consider, and when needed, address: extended educational programming; prioritized behavioral objectives; daily schedule reflecting minimum unstructured time; in-home training or viable alternatives; pre-vocational and vocational needs of students age 12 or older; parent training; and suitable staff-student ratio.

Note: In 2005-2006, these additional IEP considerations for students with autism will be reviewed and possibly revised.

Transition

Transition services are those services and activities provided to students that specifically help them to move successfully from public school to life after public school. Transition activities should help your child make a successful transition to post-secondary education, employment, and/or independent living. These services should be very individualized for your child and his likely needs as an adult. Transition services must be based on your child’s strengths, preferences and interests. The student himself must be invited to participate in the IEP meeting when transition services are discussed.

Transition must be addressed in the IEP for the school year during which the student turns 16. For a transition-age student, the IEP must include: measurable postsecondary goals that are based on assessments related to training, education, employment and, for some students,

independent living skills. The IEP should also identify those courses a student should take in order to reach his transition goals. Transition goals should be reviewed and updated as needed at the annual review of the IEP.

The Education Service Centers have staff with expertise in transition planning. If you need help identifying needed transition services for your child, request that the school bring in someone from their ESC with expertise and experience in transition planning. Two sources for information online are from the Technical Assistance on Transition and Rehabilitation Act (TATRA) at <http://www.pacer.org/tatra/list/signup.asp>, and the National Center on Secondary Education and Transition at <http://www.ncset.org>.

Extended School Year Services (ESY)

The ARD committee should also discuss whether a student requires an extension of the school program during the long holidays and/or the summer. Some students cannot get an appropriate education without receiving services during long holiday breaks and/or the summer. Others forget what they have learned about academics and/or behavior and take a long time to “recoup” these skills once school starts again in the Fall. Others need services—such as physical therapy—during the summer so they do not lose the progress they have made during the school year. Most districts use recoupment time as the basis for a decision on providing ESY services. However, if the loss of acquired critical skills would be particularly severe or substantial, or if the loss of skills could cause physical harm to the student or to others, ESY services should be provided even without consideration of how much recoupment time would be needed if services weren’t extended.

The decision about ESY should be made at the ARD meeting and goals and objectives written into the IEP. *If you request them, the ARD committee must consider ESY.*

Termination of Services/Graduation

Texas law requires students who do not pass the TAKS or who are unlikely to receive a diploma within 5 years of entering high school to have a “personal graduation plan” that includes a variety of steps that must be taken to improve the student’s academic performance. The requirement for a personal graduation plan also applies to students who receive special education. This law allows, but does not require, that a special education student’s IEP be used as the student’s personal graduation plan.

A district can stop providing special education when:

- the student no longer meets the age requirements. (A student is entitled to services through the end of the school year in which she reaches her 22nd birthday.)
- the student is eighteen years old and decides on her own to withdraw from school.
- the student graduates.

Graduation criteria can be found in TEA’s “*Special Education Rules and Regulations.*”

Participation in the graduation ceremony without receiving a diploma does not affect eligibility for future services from the school district.

NEW: IDEA 2004 requires that before graduation, including aging-out of eligibility, the school district must provide the student with a document, called a “Summary of Performance,” that summarizes his academic achievement and functional performance.

➤ Discipline/Behavior

✓ **Discipline**

If your child exhibits behaviors that interfere with her learning, or are disruptive to other students the IEP *must* address those behaviors. The ARD committee must identify appropriate positive behavioral interventions and supports, and other strategies, to address each behavior.

You can ask for a “functional behavior assessment” (FBA) to determine why and when she is displaying the inappropriate behaviors and how best to respond. With that information, the ARD committee can develop a "behavior intervention plan" (BIP) which becomes a part of her IEP. The plan should identify the supports and services she needs so she doesn't display the inappropriate behaviors - not just a list of consequences for misbehavior.

If at any point a student violates a school rule that results in a determination that the behavior was related to the student's disability, the ARD committee must conduct a functional behavior assessment and develop a behavior intervention plan. If an FBA has previously been conducted, and the student already has a BIP, the ARD committee must review the plan and modify it as needed.

It is extremely important that the ARD committee discusses and plans for any behaviors you think might cause your child to get in trouble at school. In Texas, parents are asked to sign a statement that their child will comply with the district's "Student Code of Conduct." This applies to your child too, so be sure and read it thoroughly and discuss anything in the code that might be difficult for your child to follow. The IEP should note any exceptions to the Code of Conduct.

✓ **When Can Your Child Be Disciplined?**

There is much controversy about how and when a student with a disability can be disciplined. The IDEA contains specific procedures that must be followed when making decisions about discipline. There were significant changes made in IDEA requirements about discipline in 1997, and again in 2004. Most parents and advocates believe the changes made in 2004 in the area of discipline are not in the best interests of students with disabilities.

In addition, there are state laws governing discipline (in Chapter 37 of the Texas Education Code). State laws apply to students with disabilities unless the law conflicts with the IDEA or with a student's IEP.

Following is basic information about the discipline process for students with disabilities. It does not include all information you need if your child has discipline problems at school. You can get additional information about discipline requirements under state and federal law by calling the TEA Parent Information Line (1-800-252-9668), by accessing the TEA special education website (www.tea.state.tx.us/special.ed), or by calling Advocacy, Inc. (1-800-252-9108). Some time in September of 2005, Advocacy, Inc. will have on its website (<http://www.advocacyinc.org>) an interactive document on school discipline. This document will guide the user step-by-step through the disciplinary process.

➤ The Basics Of School Discipline:

✓ Individual Discretion

NEW: School administrators are now allowed under IDEA to use discretion on whether or not to change the placement of a student with a disability who violates the student Code of Conduct. This means the principal (or other administrator) no longer *must* apply a local “zero tolerance” policy to a student with a disability, but can use discretion because of the impact of the student’s disability. This will hopefully decrease the number of students with disabilities sent to DAEPs because the administrator says he has “no choice.”

✓ Manifestation Determination

Before taking disciplinary action that results in a student with a disability having her placement changed for more than ten days, the school district must first determine whether the behavior was a manifestation of her disability.

NEW: It is now more difficult to find a student’s misbehavior was a manifestation of his disability. The new standard is that the misbehavior must have been “caused by” or had a “direct and substantial relationship” to the child’s disability, or was the “direct result” of a school district’s failure to implement the IEP. Manifestation determinations are still not required for removals of less than 10 consecutive school days.

The full ARD committee does not have to meet to conduct a manifestation determination. However, if the behavior is found NOT to be related to the disability, the full committee would have to meet to make any change in the student’s placement. If the behavior is found to have been directly related to the disability, the student must be returned to the placement she was in when the behavior occurred, unless the parent agrees the student should go to another placement as part of a modification of his behavioral intervention plan.

✓ Educational Services in Disciplinary Settings

Students in disciplinary settings are still entitled to special education services needed to continue participation in the general curriculum, and to progress toward meeting his IEP goals.

✓ Removals for up to 45 days

NEW: Previously removals were allowed for up to 45 days for offenses involving drugs and weapons, regardless of whether the offense was a manifestation of the student’s disability. IDEA 2004 adds the infliction of “serious bodily injury to another person” as an additional offense for which a student can be removed for up to 45 days. Also, 45 days now refers to “school days” rather than “calendar days.”

✓ “Stay Put”

NEW: When a parent files for a due process hearing to challenge a disciplinary action, the student will remain in the disciplinary setting pending the hearing decision, or the end of his disciplinary placement. Previously, “stay put” left the student in the placement he was in before the disciplinary removal. This new definition of “stay put” is only applicable to disciplinary removals.

✓ **Expedited Hearings**

NEW: In discipline cases, the student is entitled to an "expedited" hearing within 20 school days after the hearing is requested. The hearing officer must issue a decision within 10 school days after the hearing.

➤ **Behavior**

✓ **Behavior intervention and disciplinary techniques that cannot be used.**

State legislation, and subsequent rules adopted by the Texas Education Agency, prohibit students in Texas public schools from being placed in a locked space or room (regardless of the size of the room) as a behavior intervention or disciplinary technique. This includes spaces that are not locked, but from which the student cannot get out, such as a room in which the door is blocked by a piece of furniture.

Students cannot be physically restrained, except in an emergency situation. If physical restraint is used, written documentation of its use, including information on why the student was restrained and for how long, **MUST** be sent to the parent. There is also required training for any school staff who might use physical restraint. If your child is physically restrained, be sure you get (and keep) the required documentation. Since it is only to be used in an emergency, use of restraint should be infrequent. Restraint should not be included in a student's IEP or BIP as a planned or "therapeutic" intervention.

Time-out can be used, but if used repeatedly to decrease or increase a particular behavior it must be a part of the student's IEP or BIP and must be used in conjunction with an array of positive behavioral interventions. A school district cannot place a student in timeout by using physical force or threatening to use physical force.

Finally, no technique may be used that demeans a student or deprives her of "basic human necessities" (such as eating or using the bathroom).

If you know the ARD committee will be discussing the use of restraint and/or time-out (seclusion is prohibited), you should read the state rules before the meeting. *Schools cannot avoid following these rules by getting parent permission to use prohibited practices. These rules apply to all students, including those in "behavior management classes" or other behavior programs.*

Braille

A student who is blind or visually impaired, must be provided instruction in Braille and the use of Braille unless the ARD committee determines after an evaluation of her reading and writing skills and needs that instruction in Braille or the use of Braille is not appropriate. Additional state requirements for students who are blind or visually impaired can be found in the Texas Education Code at TEC 30.002.

Communication Needs

The ARD committee must consider the communication needs of a student who is deaf or hard of hearing. Specific consideration must be given to opportunities for communication with other students and staff in the child's language and mode of communication, as well as for direct instruction in the student's language and communication mode. In 2004, "interpreter services" were added to the IDEA as a related service.

Limited English Proficiency

The IEP of a student with limited English proficiency must address how his/her language needs relate to achieving the goals on the IEP. Students eligible for bilingual classes and programs can receive special education services in those settings.

Transportation

Special transportation is actually a related service, but is often discussed at ARD meetings separately from other related services, such as speech or physical therapy. The ARD committee makes the initial decision as to whether a student is eligible for special transportation and the type and kind of special transportation that will be provided. The district cannot deny any student services in the IEP because the parent cannot provide transportation. *This includes 3-5 year olds who are not attending the school's preschool program, but need special transportation in order to receive speech therapy from the school district.*

The ARD committee should first talk about having the student use the transportation services used by non-disabled students. If a student is unable to use regular transportation services, the ARD committee must consider special transportation. State laws that limit transportation to students who live a certain distance from the school do not apply to students for whom an ARD committee has determined a need. Also, transportation must be provided for special education students placed in DAEPs if the ARD committee determines it is necessary.

6) Deciding on Placement in the Least Restrictive Environment

After ARD committee members agree on the IEP, the next step is to determine placement or where the special education and related services will be provided. Parents must be a part of any decision on placement.

- Laws and regulations require placement decisions to:
 - ✓ be made at least once every year;
 - ✓ be based on the student's individual needs;
 - ✓ take into consideration any harmful effects to the student; and
 - ✓ be made based on evaluation information and not on disability label or staff convenience.

- In addition, first consideration should be given to placements that are:
 - ✓ as close to home as possible;
 - ✓ at the school the student would attend if not disabled; and
 - ✓ in regular classes with the supplementary aids and services the student needs.

Placement in the LRE

Federal law requires school districts to educate students with disabilities in the least restrictive environment (LRE). This means the student must be placed in the setting that puts the fewest limits on her opportunities to be educated with students who do not have disabilities. If the ARD committee places the child somewhere other than the regular classroom, they must specify in the IEP why a more restrictive placement is needed.

Many important court decisions and rulings have clarified the meaning of LRE and have made the legal preference to educate students with disabilities in general education settings even stronger. In order to be successful in the least restrictive environment, students are to be provided supplementary aids and services. This may include assistive technology that compensates for limits in functioning and allows students to perform educational and social activities in a general education environment.

School districts may use a variety of ways to achieve the goal of placing students in the LRE. Terms you may hear in the discussion of placement are “inclusion,” “mainstreaming,” and “integration.” These terms are not used in the federal law, but are commonly used by educators. Regardless of the words you hear, remember the placement of your child should provide as much opportunity as possible for your child to be educated with his non-disabled peers.

Questions for Placement in the LRE:

- ? Can the student learn the same curriculum (general curriculum or TEKS) as other students her age with only occasional in-class or consultative services from special education? If yes, place in age-appropriate regular classes.
- ? Can she participate in the same learning activities as the other students with accommodations for her disability? If yes, list accommodations needed on IEP, place in age-appropriate regular classes and implement needed accommodations. (See “Glossary” for definitions of Accommodations and Modifications)
- ? Does she need any “supplemental aides and services” (e.g., behavior interventions; one-on-one instruction, physical assistance) in order to remain in the regular classroom? If yes, IEP should list those supplemental aids and services and how they will be provided in the regular classroom.
- ? Can she participate in the same learning activities as the other students IF modifications are made to those activities because she is learning at a lower grade level than the other students? If yes, list the modifications she needs on the IEP, specify who is responsible for making those modifications, and place in the regular classroom with needed special education support.
- ? Does she need any services that cannot be provided in the regular classroom setting at this time? If yes, IEP should specify her removal only for those activities.

To assure your child’s placement in the LRE, ARD committee members should begin by considering placement in an age-appropriate regular class(s) at the student’s home school. The discussion should include which accommodations, modifications and/or supplementary aids and services (behavior interventions, paraprofessional, assistive technology, equipment, environmental modifications, etc.) could allow the student to be remain in the regular classroom and make progress in the general curriculum.

If placement in a regular education classroom is rejected, the committee must document why the regular education placement, even with the use of modifications and supplementary aids and services, is not appropriate. A student—even one with significant disabilities—cannot be removed from the regular education classroom solely because she needs modifications to the general curriculum.

Ways You Can Participate:

- Discuss all supports, modifications or assistive technology your child needs to reach her IEP goals and be involved in and progress in the general curriculum.
- Examples include but are not limited to:
 - ✓ specific learning and teaching strategies;
 - ✓ adapted expectations, curriculum or materials;
 - ✓ help from a paraprofessional aide;

- ✓ therapies that can be provided in the regular classroom;
 - ✓ adaptive equipment; and/or
 - ✓ assistive technology devices, (simple or high-tech).
- Ask questions like:
 - ✓ What is needed to implement the IEP in regular classes?
 - ✓ How would the student's daily schedule look?
 - ✓ When would the student and/or teacher need these supports?
 - ✓ Who is available to provide them?
 - ✓ Who is responsible for any modifications of the curriculum?
 - Remind committee members that your child cannot be excluded from regular classrooms because she needs:
 - ✓ related services;
 - ✓ special equipment;
 - ✓ modifications to the general curriculum;
 - ✓ more intensive services (smaller student/teacher ratio);
 - ✓ assistance of a paraprofessional
 - ✓ a physically accessible classroom or building

Dual Enrollment for 3 and 4 year olds

Districts are required to also provide services in integrated environments for 3 and 4-year olds, just as they are for older students. The school district must make available other school district programs, such as pre-kindergarten, to children with disabilities for whom that classroom would be appropriate. Parents offered only a separate special education class for their 3 or 4-year old, should ask for the district to tell them its other placement options that are in integrated settings. One way districts can meet this requirement is to place a child in a community preschool setting, such as Montessori, and provide services such as occupational or physical therapy the child needs but can't get at the private program. Another way, used by some school districts, is to place district special education staff at some preschools in the community.

Sometimes parents want their child in a specific preschool program (such as one close to their house or one attended by their other children) and are willing to pay for it so the child can go there. Those parents can choose to "dually enroll" their children in the private school of their choice and then enroll in the public school for special education services. Parents who choose this option will have to pay for the private placement. Only the special education services provided by the district must be at no cost. Therefore, most parents will choose to make the district fulfill its obligation to provide services in the "least restrictive environment." You can file a complaint with the Texas Education Agency if your local school district does not offer an education program for 3 and 4 year olds with disabilities with their non-disabled peers. However, for parents who want to do so, selecting their own placement and paying for it is an important option for them.

A child who is "dually enrolled" is enrolled in both a private school and a public school at the same time. Typically, the child attends the private program for all or most of the day, but receives needed special education services from the school district. Dual enrollment is available only for children ages 3 and 4. This is a choice allowed by Texas in its special education rules. It is not a federal requirement.

Contracting Placements

When the school district cannot meet a student's educational needs in its own program, it can contract with a non-public school approved by TEA. The district should not contract for any part of a student's education if it can meet the needs in its own program. The ARD committee must decide whether to contract for services from another program or district. Even if the district contracts with a non-public school, the district's responsibility for the student continues.

Residential Placement

ARD committees will consider residential placements if the district cannot provide the services locally and the student cannot benefit from education without the support provided in a residential facility. A residential facility is one in which the student will both live and go to school. If the ARD committee determines a student needs 24-hour residential placement, the district must provide it at no cost to the parent. Residential placement must be reviewed and re-approved annually. The school district can contract with either a public or private residential program approved by TEA. The school district has to provide for a residential placement only with parental consent and only if:

- It is necessary in order for the student to receive an appropriate education; and
- The need for the residential placement to receive an appropriate education is related to the student's disability.

Many students who live in residential settings can and should go to school in the local district. However, if a student in a residential placement receives education services at the facility, the facilities, equipment and programs must be adequate to carry out the IEP.

Note: If a student is at risk of, or considering residential placement, you may want to contact your Regional Education Service Center regarding non-educational community based support services. Funding for these services is subject to appropriations provided by the state legislature.

Private School Placements

You should know that if you place your child who is eligible for special education under IDEA in a private school, she is not entitled to receive the same level of services she would receive in the public school. However, the public school must provide some services to students placed by their parents in private schools. Changes in IDEA 2004 will likely result in an increase in services provided by public schools to students in private schools. The public school must now work with any private schools within their district's boundaries to identify students with disabilities and to develop a process so those students can meaningfully participate in special education and related services.

Before you place your child in a private school, observe the classes yourself. Ask specific questions about the types of services the school will provide and about the types of certifications held by the teachers. If you take your child out of the public school and place her in another program because you believe the school district is not meeting her educational needs, you *may* be reimbursed for the cost of the placement. However, this will require a due process hearing and/or court action if the school district refuses to pay for the placement. The reimbursement may be reduced or denied if you did not inform the school in advance, or in other specific circumstances.

7) Coming to Mutual Agreement

Once the IEP is written, all members of the ARD committee who are part of the decision-making team will sign it and indicate their agreement or disagreement. If any member disagrees, a statement of the disagreement and reasons for it should be attached to the IEP.

If a parent or the adult student disagrees with one or more required elements of the IEP, the district must offer a recess of **no more than 10 school days** (with some exceptions for disciplinary ARDs). The committee members must also agree on a date, time and place to finish the meeting. (Note: The provision for a 10 day recess is a state, not federal, requirement.)

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

If, after the recess, parent or student members of the ARD committee still do not agree, school members can use the IEP they think is best. A second statement about the disagreement must be written into the IEP, and members who disagree must be allowed to write their own statements.

Ways You Can Participate:

- Review the checklist following this section, to see if all issues have been discussed. If all are in agreement with the IEP and the recommended placement, sign and indicate your agreement, then congratulate the team (including yourself) on a job well done!
- If you disagree with any required elements of the IEP, the school must offer you a **recess of no more than 10 school days**. You and other ARD members must agree on a time, date and place for the next meeting;
- During the recess, you must gather more information, think of new options, work on documentation or get other people involved; and
- Keep in mind that if you are not in agreement with the student's IEP or placement after the recess, the school can implement the IEP unless you file for a due process hearing.

8) Closing the Meeting

At the close of the meeting, review the completed IEP and minutes. Do not sign your agreement with the IEP until you have read it. Sometimes things are discussed, but never written into the plan. You can ask to take the IEP home for further review and sign in it later.

Ask for a copy of the IEP. You are entitled to a copy of all the IEP either at the ARD meeting or within a reasonable time thereafter.

If needed, ask to have the IEP translated into your native language. For parents who speak only Spanish, the district **MUST** provide the parents with a written copy, or audiotape, of the IEP in Spanish. For parents who do not speak English or Spanish, the district must make a good faith effort to provide the parents with an IEP translated in their native language.

If your child has multiple teachers who will be implementing parts of her IEP, ask the ARD committee to identify who will be responsible for seeing that each teacher has a copy of her IEP.

AT THE ARD MEETING: A PARENT CHECKLIST

Be sure the IEP for your child includes:

- ___ a statement of progress your child has made on her previous IEP goals;
- ___ information about current academic achievement and functional performance;
- ___ a statement of how the disability affects the student's involvement and progress in the general curriculum (TEKS);
- ___ measurable annual goals based on peer-reviewed research;
- ___ short-term objectives for student's taking an alternative assessment;
- ___ method for measuring progress toward goals and how and when progress will be reported to you;
- ___ special education and related services to be provided;
- ___ positive behavior strategies and/or a behavior intervention plan (Note: This is now *required* if your child's behavior interferes with his learning or the learning of others.);
- ___ modifications of the curriculum (TEKS) (such as a different instructional level) your child needs to participate in the same learning activities as other students her age;
- ___ supplementary aids or services your child needs to participate in regular education classes and activities.
- ___ supports to be provided for school personnel;
- ___ specifics about each instructional and related service, including date services begin, minutes per session, frequency of sessions, location of services, and the position (e.g., "special education teacher," "physical therapist," etc. rather than someone's name) responsible for each service in the IEP. You should also clarify whether your child will be receiving "direct" or "consultative" services;
- ___ special materials, equipment, resources and/or assistive technology needed and when they will be made available;
- ___ a statement of ANY academic or extracurricular activity in which your child will NOT participate with non-disabled students, and the reasons why;
- ___ any accommodations she needs to take the TAKS (or other required assessment), or a determination she will take an alternative assessment;
- ___ a statement of any exceptions to the district policies such as participation in extra-curricular activities and the student Code of Conduct, and the reasons for the exceptions;
- ___ transition services to be provided beginning in the school year in which your child turns 16;
- ___ goals for ESY from the current IEP; and
- ___ signatures of the ARD committee members and statements of your agreement or disagreement with any part of the IEP.

Step 6: After the Meeting

Ways to Stay Involved:

You have just spent a great deal of time and effort developing an appropriate IEP for your child. Now you want to make sure that it is implemented and your child is progressing in the general curriculum and receiving all of the services in his IEP. Be sure to:

- give positive feedback to teachers and administrators about things that work well for your child during the school year;
- become involved and visible by volunteering in the classroom, library, or other school program; attend school functions; join the PTA and participate in site-based management teams and meetings and special events;
- communicate regularly with teachers throughout the year (notebooks, phone calls, e-mails, meetings and conferences);
- share articles and other resources of interest with teachers and other school personnel;
- attend joint trainings with school staff;
- read the progress reports you are sent by the school. Bring questions, concerns and/or praise to parent/teacher conferences; and
- ask to have the IEP revised as needed.
 - ✓ IEPs must be reviewed at least once a year. However IEPs can be revised by the ARD committee whenever needed.
 - ✓ The team must revise the IEP if the student does not make expected progress toward annual goals or in the general curriculum or if the student makes so much progress that new ones need to be developed.
 - ✓ Additional meetings will also be needed if there is new information, such as a reevaluation, that would affect his IEP.

NEW: IDEA 2004 now allows some changes in the IEP to be made without an ARD meeting. Changes outside the ARD process are intended for changes that are not controversial and do not need to be discussed. The only requirements for amendments to the IEP without an ARD meeting are that the school and the parent agree and that the amendments be in writing. If you are asked to agree to a change you don't agree with, or don't understand, you should ask for an ARD meeting. If the IEP is changed without an ARD meeting, the school must provide you with a copy of the revised IEP at your request.

LETTER REQUESTING REVIEW AND REVISION OF IEP

(Be sure to keep a copy for yourself.)

Date

Name of principal

Name of school

Address of school

Dear (name of principal):

I am the parent of (name of student), a student at your school. I recently reviewed my child's IEP which was developed in (month and year), and I believe it is (out-of-date, incomplete, based on insufficient evaluation information, etc.) because (state your reasons). I request a new meeting be held as soon as possible to review and, if necessary, revise (name of student)'s IEP. Please contact me within 10 days so the meeting can be scheduled at a mutually agreeable time and place.

Thank you for your help. I look forward to hearing from you soon.

Sincerely,

Your name

Your address

Your telephone number

The Step You Hope You'll Never Have to Take: Resolving Disagreements

In school districts where there is open communication, a willingness by parents and school officials to compromise, an emphasis on the student's needs, and a commitment to follow the special education process, most problems can be resolved locally. However, sometimes parents and school personnel cannot agree on some part of a student's educational program.

If you disagree with a decision made by the ARD committee, you need to decide whether to accept the other position or seek a third party to settle the disagreement. Although you may not be satisfied with school officials' final offer, you may not be ready for an impartial due process hearing. Other steps can be taken to settle disagreements. You can use TEA's mediation or complaints management systems together with, or instead of, a due process hearing or a lawsuit.

For information about the complaints management, mediation, and due process hearing systems in Texas, you can go to the TEA website (www.tea.state.tx.us/special.ed/medcom/pubs.html).

TEA Complaints Management System

If you believe the school district is violating the educational rights of your child, you can file a complaint with TEA. Under federal regulations, TEA must investigate any complaint that a school district is violating any requirement of the IDEA, including the identification, evaluation, or placement of a special education student, or any violation of a student's right to a free appropriate public education. TEA is required to make sure the district complies with the law.

The complaint must be filed within two years of the alleged violation, unless it is an on-going problem that began more than two years before, or because you are asking for compensatory services. A benefit of the complaints management system is that TEA can require a school district to provide compensatory services.

You can call the TEA Parent Information Line at **1-800-252-9668**, or the TEA Division of IDEA Coordination (512-463-9414), for help in writing your complaint. Advocacy, Inc. also has a handout on its website about filing a TEA complaint. Your complaint must be in writing and should contain information as specific as you can provide. Include your name, address and a phone number where TEA can reach you during the day. Complaints must be signed. Mail or fax the complaint to:

**Texas Education Agency
Division of IDEA Coordination
1701 North Congress Avenue
Austin, Texas 78701
Fax: 512-463-8254**

You also have the choice of using a form on TEA's website to file your complaint. You can find a link to the form, in both English and Spanish, at:
www.tea.state.tx.us/special.ed/medcom/compform.html

TEA must review, investigate, and resolve complaints within sixty (60) calendar days.

TEA Mediation

Mediation can be a way for parents and school districts to work out disagreements without a due process hearing. Mediation is an informal and voluntary process conducted by an impartial mediator. There is no cost to either the parent or the school district. You can bring an attorney to mediation, but it is not required. If you choose to bring an attorney, you are responsible for that cost.

You have a choice about whether to:

- ask for mediation,
- accept mediation if TEA offers it to you; and
- accept or reject the proposal developed during mediation.

Requests for mediation should be made in writing to TEA. Be sure to include in your request for mediation: your child's name and grade, the name of the school district (or charter school), a brief description of the issues you would like mediated, and how you can be contacted. Your request can be mailed or faxed to:

**Texas Education Agency
Division of Legal Services
1701 N. Congress Avenue
Austin, TX 78701-1494
Fax: 512-475-3662**

If both you and the school district agree to the mediation, TEA will assign a mediator and you will be contacted to schedule a time for the mediation.

If mediation is successful, the mediator writes up the agreement that you and the school officials sign. That agreement is a legally binding document. The agreement must also state that the discussions at the mediation are confidential and cannot be used as evidence in any due process hearing that might follow.

There is also information about mediation and other dispute resolution processes available from the Consortium for Appropriate Dispute Resolution in Special Education (CADRE). CADRE is a national project funded by the U.S. Department of Education. Their publications are available on their website at: <http://www.directionservice.org/cadre>. One of the publications available at this site is titled "Special Education Mediation: A Guide for Parents."

U.S. Office for Civil Rights (OCR) Complaint

If you believe the school has violated Section 504 of the Vocational Rehabilitation Act, you may file a complaint with the United States Department of Education's Office for Civil Rights (OCR). OCR is the federal agency primarily responsible for enforcing Section 504.

There is information about Sec. 504, including a comparison of the requirements of Sec. 504 to those of the IDEA, on TEA's website at: www.tea.state.tx.us/special.ed/sec504.

If you are not sure whether an OCR complaint is appropriate, or if you don't believe you know how to write a complaint, you can call OCR at 214-880-2459. Advocacy, Inc. also has a handout on its website about filing an OCR complaint.

OCR complaints should be mailed to the regional Office for Civil Rights:

Site Director
U.S. Office for Civil Rights, Dallas Office
1999 Bryan Street, Suite 2600
Dallas, Texas 75201
Email: OCR_Dallas@ed.gov

What Do I Need to Know About Due Process Hearings?

If at all possible, you should try to reach agreement with the school about your child's education. However, if you have a dispute that you and the school district cannot resolve, you may ask for an impartial due process hearing. If you disagree with the IEP or have any other complaint concerning your child's education, you have a right to a due process hearing before an impartial hearing officer. You have a right to a final decision from the hearing officer within 45 days of your request for the hearing. However, in reality, it may take several months to get a final decision.

Asking for a due process hearing is a very important decision. Due process hearings are expensive and stressful. School districts win many more hearings than do parents. It is a good idea to carefully consider the other steps you can take to solve a problem before you request a hearing. You can try other remedies (see previous sections on Mediation and Complaints) instead of, or in addition to, an impartial due process hearing.

If you file for a due process hearing, you will be contacted by TEA and offered mediation. Whether you accept that offer, or go directly to a due process hearing, is your choice. However, if you choose *not* to accept mediation, the school district may require you to meet with an impartial party who will encourage the use and explain the benefits of mediation.

Representation by an Attorney

Before you ask for a due process hearing, you must decide whether to hire an attorney to represent you. Although some parents have represented themselves successfully, or used a lay advocate, it is very difficult to win without an attorney. The due process procedure used in Texas is similar to going to court. The hearings follow special rules that apply only to due process hearings, as well as use the Texas Rules of Evidence and the Texas Rules of Civil Procedure, which are very formal and difficult to understand. The school district's attorney knows these rules and will use them.

Also, at the hearing, a court reporter makes an official record. This means a court reporter will prepare a transcript of all the witnesses' testimony. The court reporter will put this transcript and all other evidence (such as evaluation reports and IEPs) into the official record of the hearing. If your case eventually goes to court, this record will be a large part of what the judge will use to decide the case. If your evidence is presented correctly at the hearing, it will not have to be presented again in a formal trial. It is difficult for a parent or lay advocate to know how to present evidence correctly. The best way to protect your rights, and those of your child, is to have an attorney at the due process hearing.

If you represent yourself and lose your due process hearing, you will need an attorney if you want to appeal your decision in Federal court. Even if you win the hearing, the school district may well appeal the decision, at which point you will need an attorney. It is more effective if the attorney who

will represent you in court has worked with you during the due process hearing and really understands your case. Try to have an attorney before you ask for a hearing.

Finding an Attorney

Of course, cost is a factor in your decision to use a lawyer or to ask for a hearing. IDEA 2004 requires each school district to inform you of any free or low-cost legal assistance that might be available in your area. If they have not, you should ask the school officials for this information.

In Texas, it is unfortunately very difficult to find an attorney who will take a special education case. Special education cases are typically complex and difficult, and attorneys are aware they cannot be awarded attorney fees unless they win the case.

Many parents have learned through contacts in their local parent and advocacy organizations of attorneys willing to take cases for a reasonable fee. Check with your local parent and/or advocacy organizations for suggestions.

Advocacy, Inc., a statewide legal rights advocacy system, provides legal services to people with disabilities and takes some special education cases within priority areas. Call **1-800-252-9108** to find out if they can take your case. If they cannot take your case, ask for a copy of their list of private attorneys who take special education cases.

Requesting a Hearing

NEW: IDEA 2004 expands the information that must be included when requesting a due process hearing. The party requesting due process (typically a parent or the parent's attorney) must provide what is called "due process complaint notice" to the other party (typically the school district) and to TEA. This notice must include:

- ◆ the name of the child, the address of the child, and the name of the school district;
- ◆ a description of the problem in dispute, including relevant facts; and
- ◆ a proposed resolution to the problem.

If the parent files, then the school will review the notice. If the school does not think the notice sufficiently meets the notice requirements, they must notify the hearing officer and parent in writing within 15 days of receiving the complaint notice. The hearing officer will notify the parent within 5 days if he thinks the complaint notice is sufficient or not. If the hearing officer determines the notice is not sufficient, the hearing officer can allow the parent to amend the due process complaint notice.

In addition if the school has not already done so they must send you a response within 10 days of receiving your due process complaint notice that includes:

- an explanation of why they proposed or refused to take the action described in the complaint;
- a description of other options considered and the reasons why those options were rejected;
- a description of the evaluations, assessments, records or reports used as a basis for their action; and
- a description of the factors that are relevant to the school's proposal or refusal*.

*Note: It is important that your due process complaint notice address all of the issues you are disputing. At the hearing you will not be able to bring up an issue that was not included in your complaint notice unless the school agrees.

Under IDEA 2004, a request for a due process hearing must be filed within two years of the date the parent or school knew or should have known about the action that forms the basis of the complaint. Current Texas law only allows you to go back one year instead of two.

There are two ways you or your attorney can file for a due process hearing – by drafting your own due process complaint notice or by using TEA’s form. The TEA form is available at: www.tea.state.tx.us/special.ed/hearings/duepro.html.

The Due Process Complaint Notice letter or the TEA form available online must be sent to the school district superintendent and to:

**Office of Legal Services
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701**

The Texas Education Agency (TEA) will send you a letter telling you the name of the hearing officer they have assigned to your case. The hearing officer will schedule the hearing for a date that is within a few weeks of the date TEA receives your complaint. For this reason, it is a good idea for you and your attorney to prepare your case before you request the hearing. However, this is not always possible. If you do not think you can be ready in time for the hearing, your attorney can request an extension of time from the hearing officer. The hearing officer will usually grant reasonable requests for extensions of time. The school district may also ask for an extension of time.

If you have additional questions about the due process hearing process, you can call TEA’s Office of Legal Services at: 512-463-9720.

NEW: Resolution Session

This is another, and very important, requirement of IDEA 2004. Before conducting a due process hearing the school must convene a meeting with the parents and the relevant members of the ARD committee who have knowledge of the facts in the due process hearing complaint. The meeting must include a school representative who has decision-making authority and must be held within 15 days of receiving the complaint. The school may not bring an attorney to the meeting unless the parent is bringing an attorney.

The purpose of the resolution session meeting is to give the parents the opportunity to discuss their complaint and the school is given the opportunity to resolve the complaint. The resolution session meeting is required unless both the parent and school agree in writing to waive the meeting or they agree to mediation. If the school has not resolved the complaint within 30 days of receiving it, the due process hearing will proceed. Unless an extension of time has been ordered, the hearing officer’s decision is due 45 days from the date of your request for a hearing, *even if the parties choose to use the resolution process first*.

If a resolution is reached, the parents and the school must sign a legally binding agreement. The agreement is enforceable in state or federal court. Either the school or the parent can withdraw their agreement within three days of signing it.

Time and Place of the Hearing

After the completion of the Resolution Session timeline (30 days after receiving the complaint), the hearing should immediately proceed at a time and place set by the hearing officer. If the hearing is

set at a time that doesn't work for you, ask to have it changed. You or your attorney should immediately tell the hearing officer of the time conflict and your preferred time.

Decision of the Hearing Officer

At the end of the hearing, the hearing officer will usually work out an agreement with the two sides for a date on which a decision will be due. Usually the hearing officer will allow each side to submit a brief (that is, a written summary of the arguments and authorities for their case) before the decision is due. After the hearing and after all parties submit their briefs, the hearing officer will issue a written opinion deciding the dispute.

If you win, you may be entitled to recover attorney's fees. If a hearing officer determines an appropriate IEP would have provided services for which you have already paid, you can ask the hearing officer to order reimbursement for those expenses. Typical examples are extended school year (ESY) and related services (such as physical therapy). You should discuss these issues with your attorney.

New provisions in IDEA 2004 allow the hearing officer to require the parent or the parent's attorney to pay attorney's fees to the school district award if the parent's complaint was frivolous, unreasonable or without foundation and/or if the complaint was presented for an improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

Appeal to Court

If you or the school district do not agree with the hearing officer's final decision, either party may appeal to state or federal court. The appeal must be filed within 90 days from the date decision. If you do not already have an attorney, you will need one for the appeal.

Placement During Due Process Hearings and Court Appeals

If you choose to challenge the school's evaluation, program or placement in a due process hearing, the IDEA requires the student to remain in the current placement during the hearings and appeals. This is often referred to as the "stay put" provision of the law.

NEW: In discipline cases where a student has already been removed from the classroom for an interim period, the "stay put" provisions do not apply. You also may be entitled to an expedited hearing. (See section on discipline/behavior).

LETTER REQUESTING MEDIATION

(Be sure to keep a copy for yourself.)

Date

Texas Education Agency
Division of IDEA Coordination
1701 North Congress Avenue
Austin, Texas 78701

Dear Texas Education Agency:

I am the parent of (name of student), a student who receives special education. I am writing this letter to request TEA mediation of my dispute with the _____ Independent School District concerning the education of my child. It is my hope that mediation will resolve this disagreement so it will not be necessary for me to request an impartial due process hearing.

(Tell in this paragraph why you are requesting mediation. Briefly describe the facts and tell how and why you disagree with the school.)

Sincerely,

Your name (required)
Your address (required)
Your telephone number (required)
Your fax number (optional)
Your email address (optional)

cc: Superintendent of your school district (optional)

Due Process Complaint Notice Letter

(Remember, you can use a form on TEA's website instead of writing your own letter to request a due process hearing. You must send your request to both the superintendent and TEA.)

Date

Name of Superintendent

____ ISD

School district mailing address

Dear Superintendent _____ and Texas Education Agency:

I wish to request a hearing before an impartial hearing officer in order to challenge the failure of the _____ Independent School District to provide an appropriate education program for my child (student's name and address), a student receiving special education at (name of school).

(Tell in this paragraph why you are requesting a hearing. It is important to tell all the reasons why you are requesting a hearing. Briefly describe the facts and, as specifically as possible, tell how and why you disagree with the school. Make sure you describe the problem as it relates to what the school wants or doesn't want to do).

I believe the problem can be resolved by (include ways you think the problem can be solved.)

Sincerely,

Your name

Your address

Your telephone number

Your fax number (optional)

Your email address (optional)

CC: Texas Education Agency
Office of Legal Services
1701 North Congress Avenue
Austin, Texas 78701

Texas Special Education Resources

State Agencies
Disability Organizations
Education Service Centers
Legal Assistance

State Agencies

Department of Aging and Disability Services (DADS)

701 W. 51st Street
Austin, Texas 78751
512-438-3011

www.dads.state.tx.us

DADS offers services previously provided by:
(TDMHMR) Texas Department of Mental Health and Mental Retardation (Mental Retardation Services)
(TDHS) Texas Department of Human Services
(TDoA) Texas Department of Aging

Department of State Health Services (DSHS)

1100 West 49th Street
Austin, Texas 78756-3199
888-963-7111; 512-458-7111

www.dshs.state.tx.us

DSHS offers services previously provided by:
(TDMHMR) Texas Department of Mental Health and Mental Retardation (Mental Health Services)
(TDH) Texas Department of Health
(TCADA) Texas Commission on Alcohol and Drug Abuse

Department of Family and Protective Services (DFPS)

701 West 51st Street
Austin, Texas 78751
800-252-5400 (Hotline for Abuse of Children & Elderly or Disabled Adults)

www.dfps.state.tx.us

DFPS offers services previously provided by:
(PRS) Texas Department of Protective and Regulatory Services (Child and Adult Protective Services)

Health and Human Services Commission (HHSC)

4900 North Lamar Blvd.
Austin, Texas 78751-2316
512-424-6500 / TTY 512-424-6597

www.hhsc.state.tx.us

Texas Education Agency (TEA)

1701 North Congress Avenue
Austin, TX 78701
512-463-9734 main number
800-252-9668 Parent Information Line (includes complaint management)
512-463-9414 Division of IDEA Coordination

www.tea.state.tx.us/special.ed

Department of Assistive and Rehabilitative Services (DARS)

4800 North Lamar Blvd., 3rd Floor
Austin, Texas 78756
512-377-0800

www.dars.state.tx.us

DARS offers services previously provided by:
(TRC) Texas Rehabilitation Commission
(TWC) Texas Workforce Commission
(TCB) Texas Commission for the Blind
(TCDHH) Texas Commission for the Deaf and Hard of Hearing
(ECI) Texas Council on Early Childhood Intervention

Texas Council for Developmental Disabilities (DD Council)

6201 East Oltorf, Suite 600
Austin, Texas 78741
800-262-0334; 512-437-5432 (voice)
512-437-5431 (TTY)

www.txddc.state.tx.us

Texas Disability Advocacy Organizations

ADAPT

1319 Lamar Square Drive, Suite 101
Austin, Texas 78704
512-442-0252
www.adapt.org

Advocacy, Inc.

7800 Shoal Creek Blvd., Suite 171-E
Austin, Texas 78757-1024
800-252-9108; 512-454-4816 (voice or TTY)
www.advocacyinc.org

Any Baby Can

5410 Fredericksburg Road, Suite 104
San Antonio, Texas 78229
210-377-0222; 800-524-3755
www.anybabycansa.org

The Arc of Texas

8001 Centre Park Drive, Suite 100
Austin, TX 78754
800-252-9729; 512-454-6694
www.thearcoftexas.org

The Arc of Texas in the Rio Grande Valley

601 North Texas Blvd.
Weslaco, Texas 78596
888-857-8688; 956-447-8408
www.thearcoftexas.org

The Arc of the Capital Area

2818 San Gabriel
Austin, TX 78705
Wk: 512-476-7044
www.arcofthecapitalarea.org

The Arc of Dallas

12700 Hillcrest Rd, Suite 200
Dallas, TX 75230
214-634-9810
www.arcdallas.org

The Arc of Ector County

955 E. 92nd
Odessa, TX 79765
432-362-2702

The Arc of Fort Bend

3660 Glenn Lakes Lane
Missouri City, TX 77459
281-499-2234
www.arcofortbend.org

The Arc of Greater Houston

3737 Dacoma, Ste. E
Houston, TX 77092
713-957-1600
<http://www.thearcofgreaterhouston.com>

The Arc of Greater Tarrant County

259 Bailey, Ste. B
Fort Worth, Texas 76107
817-877-1474
thearc@flash.net

The Arc of Gregg County

601 Boyd Street
Longview, TX 75601
903-753-0723
dove@internetnetwork.net

The Arc of the Gulf Coast

1600 E. Hwy. 6, Ste. 201
Alvin, TX 77511
281-388-1161
arcgc@swbell.net

The Arc of McLennon County

1825 Morrow Avenue
Waco, TX 76707
254-756-7491
stacy@wacoarc.org

The Arc of Midland (MARC)

2701 North "A" Street
Midland, TX 79705
915-498-8590
www.arcmidlandtx.org

The Arc of San Antonio

13430 West Avenue
San Antonio, TX 78216
210-490-4300
www.arc-sa.org

The Arc of Tyler
810 Vine Heights
Tyler, TX 75701
903-597-0995
arcoflyer@tyler.net

The Arc of Wichita County
3307 Buchanan Street
Wichita Falls, TX 76308
940-692-2303
thearc@arcwctx.org

**Attention Deficit Disorder Association (ADDA)
of Texas Southern Region**
12345 Jones Road, Suite 287
Houston, Texas 77070
281-955-3720

Brain Injury Association of Texas
1339 Lamar Square Drive
Suite 103
Austin, Texas 78704
512) 326-1212; 800-392-0040
Fax: (512) 326-8088
www.biatx.org

Center for Disability Studies
4030 W. Braker Lane
Building 1, Suite 180
Austin, TX 78759
512-232-0740
<http://tcds.edb.utexas.edu>

Coalition of Texans with Disabilities (CTD)
316 West 12th Street, Room 405
Austin, Texas 78701
512-478-3366 (voice or TTY); 800-998-3363
www.cotwd.org

**Deaf-Blind Multi-handicapped Association
of Texas (DBMAT)**
815 High School Drive
Seagoville, Texas 75159
972-287-1904

Family to Family Network
13150 FM 529, Suite 106
Houston, TX 77041
713-466-6304
www.familytofamilynetwork.org

Family Support Network
219 North Main Street, Suite 203
Bryan, TX 77803
979-845-4612
Fax: 979-845-5492

Mental Health Association in Texas (MHAT)
1210 San Antonio St., Ste. 200
Austin, Texas 78701
512-454-3706
<http://www.mhatexas.org>

Partners Resource Network, Inc.
www.partnerstx.org
PATH Project
1090 Longfellow Dr., Suite B
Beaumont TX 77706-4819
1-800-866-4726 (Texas Parents only)
409-898-4684 Fax 409-898-4869
Asistiendo familias en español
-- llame la linea gratis 1-800-866-4726
<http://www.partnerstx.org/index.cfm?pageid=content/path>

PEN Project
1001 Main St. Suite 804
Lubbock, TX. 79401
Phone 806-762 -1434
FAX 806-762-1628
Texas Only - Toll Free 877 -762-1435
Asistiendo familias en español
-- llame al numero gratis 1-877-762-1435
<http://www.partnerstx.org/index.cfm?pageid=content/pen>

TEAM Project
3311 Richmond Avenue, Suite 334
Houston, Texas 77098
713-524-2147
Toll Free 877-832-8945
Asistiendo familias en español
-- llame la linea gratis
877-832-8945
<http://www.partnerstx.org/index.cfm?pageid=content/team>

Learning Disabilities Association of Texas
1011 West 31st Street
Austin, Texas 78705
800-604-7500; 512-458-8234
www.ldat.org

National Alliance for the Mentally Ill (NAMI Texas)

611 South Congress, Suite 430
Austin, TX 78704
800-633-3760; 512-693-2000
<http://texas.nami.org/>

Special Kids, Inc. (SKI)

Serves Houston Independent School Districts:
South, South Central & Central
P.O. Box 266958
Houston, TX 77207-6958
713-734-5355 Office
713-643-6291 Fax
E-mail: speckids@aol.com

Texas Parent to Parent

3710 Cedar Street, Box 12
Austin, TX 78705
512-458-8600; 800-896-6001
www.txp2p.org

United Cerebral Palsy of Texas (UCP/TX)

900 Congress Avenue, Suite 220
Austin, Texas 78701
800-798-1492; 512-472-8696
www.ucp.org

Uniting Parents

301 S. Polk, Suite 740
Amarillo, TX 79101
806-337-1700
806-337-1702

Regional Education Service Centers

Texas has 20 Education Service Centers (ESCs) which serve school districts and parents within defined boundaries. Their job is to provide training and technical assistance to districts and parents in a variety of areas, including special education.

Several ESCs provide statewide technical assistance on specific areas regarding the education of students with disabilities as noted below. All ESC web sites can be accessed through the TEA site (www.tea.state.tx.us).

Region 1 ESC

1900 West Schunior
Edinburg, Texas 78541-2234
956-984--6000

Region 2 ESC

209 North Water Street
Corpus Christi, Texas 78401-2599
361-561-8400

Region 3 ESC

1905 Leary Lane
Victoria, Texas 77901-2899
361-573-0731

Region 4 ESC

7145 West Tidwell
Houston, Texas 77092-2096
713-462-7708

Region 5 ESC

2295 Delaware Street
Beaumont, Texas 77703-4299
409-838-5555

Region 6 ESC

3332 Montgomery Road
Huntsville, Texas 77340-6499
936-435-8400

Region 7 ESC

1909 N. Longview Street
Kilgore, TX 75662-6827
903-988-6700

Region 8 ESC

P. O. Box 1894
Mt. Pleasant, TX 75456-1894
Location: 2230 N. Edwards Avenue
903-572-8551

Region 9 ESC

301 Loop 11
 Wichita Falls, TX 76306-3706
 940-322-6928

Region 10 ESC

P. O. Box 831300
 Richardson, TX 75083-1300
 Location: 400 E. Spring Valley Road
 972-348-1700

Region 11 ESC

3001 North Freeway
 Fort Worth, TX 76106-6596
 817-740-3600

Region 12 ESC

P. O. Box 23409
 Waco, TX 76702-3409
 Location: 2101 W. Loop 340
 254-297-1212

Region 13 ESC

5701 Springdale Road
 Austin, TX 78723-3675
 512-919-5313

Region 14 ESC

1850 Highway 351
 Abilene, TX 79601-4750
 325-675-8600

Region 15 ESC

P. O. Box 5199
 San Angelo, TX 76902-5199
 Location: 612 South Irene Street
 325-658-6571

Region 16 ESC

5800 Bell Street
 Amarillo, TX 79109-6230
 806-677-5000

Region 17 ESC

1111 West Loop 289
 Lubbock, TX 79416-5029
 806-792-4000

Region 18 ESC

P. O. Box 60580
 Midland, TX 79711-0580
 Location: 2811 LaForce Blvd.
 432-563-2380

Region 19 ESC

P. O. Box 971127
 El Paso, TX 79997-1127
 Location: 6611 Boeing Drive
 915-780-1919

Region 20 ESC

1314 Hines Avenue
 San Antonio, TX 78208-1899
 210-370-5200

More Regional Education Service Centers

- 1 Edinburg
- 2 Corpus Christi
- 3 Victoria
- 4 Houston
- 5 Beaumont
- 6 Huntsville
- 7 Kilgore
- 8 Mt. Pleasant
- 9 Wichita Falls
- 10 Richardson
- 11 Fort Worth
- 12 Waco
- 13 Austin
- 14 Abilene
- 15 San Angelo
- 16 Amarillo
- 17 Lubbock
- 18 Midland
- 19 El Paso
- 20 San Antonio

Legal Assistance

County Bar Associations

These are organizations of lawyers in major counties. Several county bar associations have a lawyer referral service which can refer parents to lawyers who specialize in education or child-related cases. See the yellow pages of your phone book. If your county does not have an association, contact the Lawyer Referral Service of the State Bar of Texas.

Lawyer Referral Service

State Bar of Texas

P.O. Box 12487

Austin, Texas 78711-2487

1-800-252-9690 or

<http://www.texas.bar.com>

(Select Lawyer Referral under Quick Links)

They will refer you to a lawyer near you who handles special education cases. A small fee (@\$20) is charged for a half- hour consultation. Lawyers who speak languages in addition to English are available.

Legal Aid or Legal Services

There are currently three Legal Aid regional offices that have lawyers who take some special education cases for families who meet their income requirements. They are:

Legal Aid of Northwest Texas (14 branch offices in Northwest Texas)

<http://www.lanwt.org>

1-888-529-5277 (Monday-Friday from 9:00 a.m. until noon)

Lone Star Legal Aid

<http://www.lonestarlegal.org>

Serves East Texas. Go to website for phone numbers for each of its offices.

Texas Rio Grande Legal Aid

<http://www.trla.org>

1-888-988-9996

If no Legal Aid or Legal Services office is listed in your local telephone directory, call or write the Texas Legal Services Center to see if your county is served.

Texas Legal Services Center

<http://www.tlsc.org>

815 Brazos, Suite 1100

Austin, Texas 78701

1-800-622-2520

This office has the telephone number and address of every Legal Aid or Legal Services office in Texas.

ADVOCACY, INC.

The mission of Advocacy, Inc. is to advocate for, protect and advance the legal, human and service rights of people with disabilities.

Main Office:

7800 Shoal Creek Boulevard, Suite 171-E
Austin, Texas 78757-1024
(512) 454-4816 (Voice/TTY)
Fax: (512) 323-0902
(512) 454-0063 (TTY Answering Machine)
Intake: (800) 252-9108 (Voice/TTY)

ADVOCACY, INC.'S REGIONAL AND SATELLITE OFFICES

Central Texas Regional Office:

7800 Shoal Creek Boulevard, Suite 142-S
Austin, Texas 78757
(512) 454-4816 (Voice/TTY)
Fax: (512) 302-4936
Intake: (800) 315-3876 (Voice/TTY)

East Texas Regional Office:

1500 McGowen, Suite 100
Houston, Texas 77004
(713) 974-7691 (Voice/TTY)
Intake:(800) 880-0821 (Voice/TTY)
Fax: (713) 974-7695

Nacogdoches Satellite Office:

c/o East Texas Legal Services
414 East Pillar
Nacogdoches, Texas 75963-1308
(936) 560-1455 (Voice/TTY)
Fax: (936) 560-5385

Beaumont Satellite Office:

3420 Fannin Street, Suite 201
Beaumont, Texas 77701
(409) 832-4872 (Voice/TTY)
Fax: (409) 832-4897

El Paso Regional Office:

300 E. Main, Suite 205
El Paso, Texas 79901
(915) 542-0585 (Voice/TTY)
Intake: (800) 948-1824 (Voice/TTY)
Fax: (915) 542-2676

West Texas Regional Office:

1001 Main Street, Suite 300
Lubbock, Texas 79401-3200
(806) 765-7794 (Voice/TTY)
Intake:(800) 880-4456 (Voice/TTY)
Fax: (806) 765-0496

South Texas Regional Office:

6800 Park Ten Blvd., Suite 208-N
San Antonio, Texas 78213
(210) 737-0499 (Voice/TTY)
Fax: (210) 737-2403
Intake: (800) 880-8401

McAllen Satellite Office:

1418 Beech, Suite 113
McAllen, Texas 78501
(956) 630-3013 (Voice/TTY)
Intake: (800) 880-8401 (Voice/TTY)
Fax: (956) 630-3445

Corpus Christi Satellite Office:

c/o Coastal Bend Legal Services
Pueblo Law Center
3825 Agnes Street
Corpus Christi, Texas 78405-3002
(361) 883-3623 (Voice/TTY)
Fax: (361) 883-7615

Laredo Satellite Office:

c/o Coastal Bend Legal Services
1702 Convent
Laredo, Texas 78040-1413
(956) 722-7581 (Voice/TTY)
Fax: (956) 722-1015

**ADVOCACY, INC.'S REGIONAL
AND SATELLITE OFFICES** *(Cont'd)*

North Texas Regional Office:

1420 West Mockingbird Lane, Suite 450
Dallas, Texas 75247-4932
(214) 630-0916 (Voice/TTY)
Intake: (800) 880-2884 (Voice/TTY)
Fax: (214) 630-3472

Wichita Falls Satellite Office:

801 Burnett St., Suite 116
Wichita Falls, Texas 76301-3290
(940) 761-1199 (Voice/TTY)
Fax: (940) 761-1261

Longview Satellite Office:

211 W. Tyler St., Ste. A
Longview, TX 75601
(903) 758-8888
Fax: (903)758-7815

Fort Worth Satellite Office:

c/o The Arc of Tarrant County
1300 W. Lancaster Ave., #110
Fort Worth, Texas 76102
(817) 336-0075
(816) 336-0072