

## **Consideration of Special Factors**

The IEP should document consideration of special factors including all of the following:

- The communication needs of the student
- In the case of a student with limited English proficiency, the language needs of the student as those needs relate to the student's IEP
- In the case of a student whose behavior impedes his/her learning or that of others, consideration of positive behavioral interventions, strategies, and supports to address that behavior

### **ARD Committee Meetings for Early Childhood Students New to CFISD**

- The ECSE teacher drafts the PLAAFP and IEP goals and objectives, based on the assessment information, and reviews the drafts with the parent prior to the ARD committee meeting.
- The diagnostician/LSSP, administrator, ECSE teacher and SLP staff members will meet prior to the ARD Committee meeting to discuss evaluation findings and the draft IEP and to reach consensus regarding proposed programming and placement.
- Upon the request of a parent whose child was previously served in ECI, CFISD will invite an ECI representative to the initial ARD Committee meeting.
- The diagnostician/LSSP, administrator and ECSE teacher are responsible for ensuring the parent
  - Receives the draft PLAAFP and goals/objectives
  - Understands the draft document and has the opportunity to ask questions and to provide input regarding the draft documents
  - Understands that his/her input is important and valued by other members of the ARD Committee

### **ARD Committee Meetings for a Student who is Deaf or Hard of Hearing**

The ARD Committee documents that all of the following were considered:

- The student's language and communication needs
- Opportunities for direct communications with peers and professional personnel in the student's language and communication mode
- The student's academic level(s)
- The student's full range of needs, including opportunities for direct instruction in the student's language and communication mode
- The student's full range of needs, including opportunities for direct instruction in the student's language and communication mode

For students who are deaf or hard of hearing, parents will be provided with written information about programs offered by the Texas School for the Deaf, including eligibility and admissions requirements and the rights of students related to admission.

If practicable and not in conflict with any ARD Committee recommendations, a student who is deaf or hard of hearing must have an education in the company of a sufficient number of peers

using the same language mode and with whom the student can communicate directly. If practicable, the peers must be of the same or approximately the same age and ability.

A student who is deaf or hard-of hearing shall be given the opportunity to be exposed to deaf or hard-of-hearing role models.

Appropriate psychological counseling services for a student who is deaf or hard-of-hearing shall be made available at the student's school site in the student's primary mode of communication. In the case of a student who is hard of hearing, appropriate auditory systems to enhance oral communication shall be used, if required by the student's ARD Committee.

In addition to satisfying state and federal requirements for vocational training, CFISD will develop and implement a transition plan for the transition of a student who is deaf or hard of hearing into a regular class program if the student is to be transferred from a special class or center or nonpublic, nonsectarian school into a regular class in a public school for any part of the school day. The transition plan must provide for activities

- To integrate the student into the regular education program, specifying the nature of each activity and time spent on the activity each day
- To support the transition of the students from the special education program into the regular education program

For students receiving AI services, the ARD Committee/Individualized Family Services Plan (IFSP) team documents that the student's hearing loss severely impacts processing of linguistic information even with recommended amplification and that the loss adversely affects educational performance. Regional Day School for the Deaf services for eligible CFISD students are provided by Northwest Harris County Cooperative for the Deaf and Hard of Hearing Shared Service Arrangement staff members.

**NOTE:** For students whose communication needs include full access to communication through sign language, interpreting services must be provided by certified personnel. An interpreter may be certified by the Texas Department of Assistive and Rehabilitative Services (OARS) or the Registry of Interpreters for the Deaf. In the event of a critical interpreter shortage, parents may give permission for a pre-certified interpreter to be used for specific classes. CFISD must ensure that hearing aids worn in school by children who are deaf or hard of hearing are functioning properly.

### **ARD Committee Meetings for a Student with a Visual Impairment**

For students who are "functionally blind", there must be documentation that each member of the ARD Committee or IFSP team has received information describing the benefits of Braille instruction. ("Functionally blind" refers to students who will use tactual media, which includes Braille, as a primary tool for learning.)

For all students with a visual impairment, the IEP/IFSP specifies the appropriate learning and literacy media as determined by the Learning Media Assessment. A teacher with an endorsement to teach students with visual impairments will provide the Braille instruction.

The IEP/IFSP developed by the ARD Committee or IFSP team describes or documents each of the following:

- Orientation and mobility training
- The use of Braille and/or large print
- Other training to compensate for severe visual loss
- Access to special tools, appliances, aids, or devices necessary to compensate for a severe visual loss
- That the parent or student has been made aware of resources in the community and state.

For a student with a visual impairment or deaf-blindness, the IEP describes arrangements for contact and continuing services beyond regular school hours, if needed, to ensure that the student develops the compensatory, communicative, orientation and mobility, social adjustment, and vocational skills required for success in classroom settings and to derive lasting, practical benefits from the education within the CFISD.

For a functionally blind child, CFISD must provide Braille reading and writing instruction that is sufficient to enable the child to communicate with the same level of proficiency as other children of comparable ability and in the same grade. Each person assisting in the development of the IEP of a functionally blind child must receive information describing the benefits of Braille instruction.

The state audit folder of a student with a visual impairment and/or deaf-blindness must contain parental consent or refusal of consent for the Texas Education Agency to release relevant student registration data and deaf-blindness census to specified entities for educational and statistical purposes.

The student's parent must receive written information each year about programs offered by the Texas School for the Blind and Visually Impaired (TSBVI), including eligibility and admissions requirements and the rights of students relating to admission.

### **ARD Committee Meetings for a Student with Autism Spectrum Disorder**

For students with Autism Spectrum Disorder, the following strategies, based on peer-reviewed, research-based educational programming to the extent practicable and, when needed, shall be addressed in the student's IEP:

- Extended educational programming
- Daily schedules reflecting minimal unstructured time and active engagement in learning activities
- In-home and community-based training or viable alternatives that will assist the student with acquisition of social/behavioral skills
- Positive behavior support strategies based on relevant information
- Beginning at age 14 or younger, futures planning for integrated living, work, community and educational environments that considers skills necessary to function in current and post-secondary environments
- Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorder

- Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the child's developmental and learning level that encourages work towards individual independence
- Communication interventions, including language forms and functions, that enhance effective communication across settings
- Social skill supports and strategies based on social skills assessment/curriculum and provided across settings
- Professional educator/staff support
- Teaching strategies based on peer reviewed, research-based practices for students with Autism Spectrum Disorders

If an ARD Committee determines that the services listed above are not needed, the IEP must include a statement to that effect and the basis upon which the determination was made.

### Absences

A student diagnosed with Autism Spectrum Disorder who is not actually on campus at the time attendance is taken may be considered in attendance for funding purposes if the student is temporarily absent because of a documented appointment with a health care professional, including a health care practitioner, to receive a generally recognized service for persons with that disorder. To be considered temporarily absent, the student must begin classes or return to school on the same day of the appointment. The appointment should be supported by a document, such as a note from the health care professional.

A health care professional, as defined by §1355.01S(b) of the Insurance Code, is a person with one of the following:

- Who is licensed, certified or registered by an appropriate agency of the State of Texas
- Whose professional credential is recognized and accepted by an appropriate agency of the United States
- Who is certified as a provider under the TRICARE military health system

Generally recognized services for students with Autism Spectrum Disorder may include:

- Evaluation and assessment services
- Applied behavior analysis
- Behavior training and behavior management
- Speech therapy
- Occupational therapy
- Physical therapy
- Medications or nutritional supplements used to address symptoms of ASD

### **ARD Committee Meetings for Students Identified as Limited English Proficient (LEP)**

For students with disabilities who are identified as Limited English Proficient (LEP), the ARD

Committee, works in conjunction with the Language Proficiency Assessment Committee (LPAC) to determine entry and exit criteria.

### **ARD Committee/LPAC Collaboration**

Representatives from the ARD Committee and the LPAC will meet informally consider information regarding the cognitive and linguistic abilities as well as the affective needs of the student. These joint meetings may occur not only to facilitate a student's entry into and out of the respective programs but also to review progress, determine linguistic accommodations and discuss other issues related to the student's IEP.

Recommendations from these informal meetings must be presented at ARD Committee meetings to ensure that the appropriate considerations regarding second language acquisition in English is addressed in the development of the student's IEP.

When it appears that second language acquisition support is no longer needed, key members of the ARD Committee and the LPAC should identify appropriate oral language, reading and writing assessments and performance standards to verify that the student no longer needs second language acquisition support to address learning needs. Recommendations are then considered during a formal ARD Committee meeting and decisions are made regarding the exit from LEP services.

### **LPAC Parent Representatives**

Due to the requirements of the Family Educational Rights and Privacy Act (FERPA), care should be taken to ensure that student confidentiality is protected when discussing special education and LEP issues. The district has the option of

- Training the parent of the student receiving special education as the LPAC parent representative, thereby avoiding the issue of student confidentiality
- Notifying parents in its annual FERPA notification that CFISD treats LPAC parent representatives as school officials with legitimate educational interests in the education records of students for whom they act as LPAC parent representative
- Obtaining written consent to disclose information from the student's parent

### **ARD Committee Meetings for a Student with Behavioral Concerns**

#### Functional Behavior Assessment (FBA)

Behavior problems are best addressed when the cause of the behavior is known. Cause can be determined when a functional assessment of the student's behavior is conducted. The school must conduct an FBA and develop a behavior intervention plan (BIP) for any student with a disability who exhibits severe behavior difficulties and/or who puts peers or self at risk because of these behaviors.

Likewise, the requirement applies when a student with a disability is being considered for serious disciplinary action (e.g., a change in placement or expulsion). The school must, either before or no later than 10 days after disciplinary action is taken, conduct an FBA and implement a BIP for the behavior that led to the disciplinary action. If an FBA has already been conducted and a BIP is already in place, the ARD Committee should review the BIP to determine if it is still appropriate.

Relevant members of the ARD Committee, including the student's general education teacher, should provide information for the FBA. These committee members should

- Target the specific behavior that is impeding learning by clearly defining and describing observable behaviors
- Use information from a variety of sources, such as discussions, interviews, student records, direct observations and standardized instruments, if available, to identify duration, frequency, intensity level and patterns of behavior
- Identify and describe any antecedents (events that logically serve as a stimulus for the behavior)
- Identify and describe any consequences (events that appear to be reinforcing the student's behavior)
- Determine the purpose of the student's behavior (what the student is getting, escaping/avoiding or controlling as a result of the behavior)
- Describe the relationship between the behavior and the event and discuss possible environmental variables that can be changed
- Develop the behavioral intervention plan and accommodations

### Behavior Intervention Plan (BIP)

A Behavior Intervention Plan (BIP) is a proactive plan for managing a student's behavior and replacing inappropriate behaviors with more appropriate ones. The BIP assists the teacher by addressing classroom management procedures that encourage the development of desirable behaviors while managing or changing undesirable student behaviors.

A BIP must be considered for every student identified as having an emotional disturbance and for other students for whose behavior interferes with school progress. A BIP should be developed when the student's behaviors require more specific intervention than those routinely provided in a classroom.

Behavior interventions based on positive intervention strategies are more effective in changing undesirable behavior than are punitive strategies (e.g., suspension). Such intervention strategies should be developed thoughtfully, implemented in a systematic fashion, and evaluated periodically so that changes can be made when needed.

When a student with a disability violates the student code of conduct and is removed from their educational setting multiple times, resulting in a change of placement (for not more than 10 days) the following procedures should apply:

- A psychological/behavior consultation, which requires informed consent from parent, may be requested if the child has not had any prior psychological testing
- An evaluator will collect background information regarding the student and his or her behavior. Data can be obtained from the student's academic and disciplinary records, from interviews with the parents, from observation of the student in multiple settings, from a student interview or teacher interview, and relevant checklists or behavior-rating scales.
- This information will be used to conduct an FBA based on the professional analysis of the contextual aspects of the presenting behavior(s). Following the FBA, a determination is made as to whether the behavior in question could be a manifestation of the student's disability.
- The evaluator will recommend further psychological testing, if indicated, and/or other

behavioral interventions to be considered for implementation within the student's BIP or behavioral IEP.

After a thorough review and study of the above data, the ARD Committee should, if deemed necessary

- Develop a BIP that includes behavioral goals that relate to increasing or decreasing the specific behavior, including positive measures
- Create an effective behavior support plan
- Determine specific intervention strategies appropriate for the behavior
- Designate individuals responsible for implementation of the plan
- Determine dates for review of the plan and evaluation of its success
- Focus on expanding the student's skills and opportunities across time and settings
- Specify appropriate methods for evaluation of the plan
- Request further evaluation to rule out other disabilities that may be related to the behavior(s) in question.

#### Behavioral Goals and Objectives

Based upon information derived from the FBA, the ARD Committee selects and prioritizes student goals and objectives that focus on documented behaviors that interfere with the learning process. When developing behavioral goals, the ARD Committee should first identify the behaviors that significantly interfere with school functioning. The committee should then strive to develop realistic goals that are related to the student's present level of behavioral performance.

In designing the behavioral IEP, these guidelines should be followed:

- Services for students, including those detailed in the BIP behavior, must be individually designed for a student based on evaluation data.
- The plan for services must be developed by the ARD Committee, and not solely by teachers or by reference to a standard program offered by the district.
- Parents must be actively involved in the development of the IEP and fully informed of behavior management methods and techniques to be used in the classroom.
- CFISD will provide a continuum of placements for students so that IEPs may be appropriately implemented and so that students have opportunities for generalizing newly acquired skills to other settings.
- The IEP must be implemented as developed. If modifications are needed, staff must carefully consider whether the change proposed constitutes a change in the IEP requiring the convening of an ARD Committee meeting or an ARD amendment.
- Communication with parents and with other district staff must accurately reflect the child's activities and behavior in the classroom. The method for evaluating the behavioral IEP must be clear to the parent and to other members of the ARD Committee.