

# Parent's Guide to the Admission, Review and Dismissal Process

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# PARENT'S GUIDE TO THE ADMISSION, REVIEW, AND DISMISSAL PROCESS

## Early Childhood Intervention

Help is available for families with infants and toddlers who have developmental delays. The agency in Texas that provides these early intervening services is Texas Health and Human Services. The program for very young children is the Early Childhood Intervention (ECI) program. These services are for children under the age of three.

At age three, children with disabilities may become eligible for services from a public school. Not all children who receive ECI services qualify for services provided by a public school. Therefore, at least 90 calendar days before a toddler receiving ECI services turns three years old, a meeting will be scheduled to help the family transition from ECI services to special education services, if appropriate. If the child qualifies, special education services must be made available to the child on his or her third birthday. *Beyond ECI* is a publication that contains information about the transition from the early childhood program to special education. This publication can be found at [https://www.navigatelifetexas.org/uploads/files/general-files/Beyond-ECI-ECI-17\\_1117.pdf](https://www.navigatelifetexas.org/uploads/files/general-files/Beyond-ECI-ECI-17_1117.pdf).

## Help for the School-Aged Child

If you have a concern about your school-aged child's learning or behavior, the first step is to talk to your child's teacher or the school principal about your concerns. If this step is unsuccessful, you should ask school personnel about making a referral to the campus-based student support team, which is a team of teachers and other personnel who meet regularly to address any learning or behavioral concerns that children are having.

Before a child who is experiencing difficulty in the general education classroom is referred for a special education evaluation, the child should be considered for all support services available to all children. These services may include, but are not limited to: tutoring; remedial services; compensatory services; response to scientific, research-based intervention; and other academic or behavior support services.

## Response to Intervention

Federal law directs schools to focus on helping all children learn by addressing problems early. Response to Intervention (RtI) is an approach that many schools use for identifying and helping children who are at risk for not meeting grade-level standards. The basic elements of an RtI approach are: the provision of scientific, research-based instruction and interventions in the general education classroom; monitoring and measurement of the child's progress in response to the interventions; and use of these measures of progress to make educational decisions.

The RtI approach includes a multi-leveled system of interventions in which each level or tier represents an increasingly intense level of services. Interventions provided to a child will be continually adjusted based on progress monitoring until the child is progressing adequately.





Prior written notice must be given at least five school days in advance of the actions that the school

If your child is under five years of age by September 1 of the school year and not enrolled in public school, or is enrolled in a private or home school setting regardless of age, the initial evaluation and the resulting report must be completed no later than 45 school days from the day the school receives your written consent.

There is an exception to the 45 school day

A teacher who is certified in the education of students who are deaf or hard of hearing, if the child has a suspected of being or is documented as deaf or hard of hearing;

A teacher who is certified in the education of students with visual impairments, if the child has a suspected or documented visual impairment; or

A teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students who are deaf or hard of hearing, if the child has suspected or documented deaf-blindness.

The school must invite you to each ARD committee meeting for your child and make efforts to ensure one or both parents' participation. Written notice of the meeting must be given to you at least five school days before the meeting, unless you agree to a shorter timeframe. The written notice must include the purpose, time, location of the meeting, and a list of who will be attending the meeting. If you are unable to speak English, the school must provide the notice in your native language, unless it is clearly not feasible to do so. If your native language is not a written language, the school must take steps to ensure that the notice is translated orally or by other means so that you understand the notice.

The ARD committee meeting must be at a time and place agreeable to you and the school. If the time or date the school proposes is not convenient for you, the school must make reasonable efforts to find a time that you are able to meet. If neither parent can attend the meeting, you

Emotional disturbance;  
Intellectual disability;  
Multiple disabilities;  
Noncategorical early childhood (ages three through five);  
Orthopedic impairment;  
Other health impairment;  
Specific learning disability;  
Speech or language impairment;  
Traumatic brain injury; or  
Visual impairment (including blindness from birth).

The ARD committee must make the eligibility determination within 30 calendar days from the date of completion of the initial evaluation report. If the 30th day falls during the summer and school is not in session, the ARD committee has until the first day of classes in the fall to finalize decisions concerning the initial eligibility determination, the IEP, and placement unless the initial evaluation indicates that the child will need extended school year (ESY) services during t ntf(r)-27.cde1 g4ttermi BDC -2

consent to the initial provision of services, the school may not ask for mediation or request a due process hearing to override your refusal to consent to services. No special education and related services will be provided if you refuse consent.

The major components of the IEP include:

Your child's present levels of academic achievement and functional performance (**PLAAPF**);  
Annual goals;  
A



Accommodation information is available at [https://tea.texas.gov/Student\\_Testing\\_and\\_Accountability/Testing/Student\\_Assessment\\_Overview/Accommodation\\_Resources](https://tea.texas.gov/Student_Testing_and_Accountability/Testing/Student_Assessment_Overview/Accommodation_Resources).

If the ARD committee determines that your child must take an alternate assessment instead of a particular state or districtwide assessment, statements must be provided regarding why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child. In addition, your child's IEP must contain a description of benchmarks or short-term objectives as part of the child's annual goals.

If your child does not perform satisfactorily on a state assessment, the ARD committee must address the manner in which the child will participate in an accelerated instruction program or intensive program of instruction.

### Transition

IDEA and state law require that IEPs for older students address transition services. *Transition services* are a coordinated set of activities designed to help the child move from school to post-school activities. The age at which transition planning must begin, however, differs under federal and state law. Beginning with the 2018-19 school year, not later than when a student reaches 14 years of age, the ARD committee must consider and, if appropriate, address the following issues in the IEP:

- (1) Appropriate student involvement in the student's transition to life outside the public school system;
- (2) If the student is younger than 18 years of age, appropriate involvement in the student's transition by the student's parents and other persons invited to participate by:
  - (A) The student's parents; or
  - (B) The school district in which the student is enrolled;
- (3) If the student is at least 18 years of age, involvement in the student's transition and future by the student's parents and other persons, if the parent or other person:
  - (A) Is invited to participate by the student or the school district in which the student is





to attend the meetings. You may only attend meetings if your adult student invites you or gives the school permission to invite you.

### **Children with Autism**

For a child with autism, there are 11 strategies that must be considered, based on peer-reviewed, research-based educational practices to the extent practicable. When needed, these strategies must be addressed in the IEP. When not needed, the IEP must include a statement to that effect and the basis upon which the determination was made. The additional strategies the ARD committee must consider are:

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Compensatory skills, such as braille and concept development, and other skills needed to access the rest of the curriculum;  
Orientation and mobility instruction;  
Social interaction skills;  
Career planning;  
Assistive technology, including optical devices;  
Independent living skills;  
Recreation and leisure enjoyment;  
Self-determination; and  
Sensory efficiency.

### **Behavioral Intervention Plan (BIP)**

If the ARD committee determines that a behavior improvement plan or a BIP is appropriate for your child, that plan must be included as part of your child's IEP and provided to each teacher with responsibility for educating your child.

### **Extended School Year Services**

The ARD committee must consider whether your child qualifies for ESY services. Your child qualifies for ESY services if, in one or more critical areas addressed in your child's current IEP, your child has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be regained within a reasonable period of time. The term

settings, to enable children with disabilities to be educated with children without disabilities to the maximum extent appropriate.

A core part of the special education process involves determining the appropriate educational placement for implementing a child's IEP. Placement refers to the points along the continuum of placement options (i.e., regular classes, special classes, special schools, homebound instruction, instruction in hospitals and institutions) available for a child with a disability. Placement does not refer to the specific physical location or site where the services will be delivered. The ARD committee determines the educational placement based on the child's IEP.

### **ARD Committee Decision**

A decision of the ARD committee concerning the required elements of the IEP must be made by mutual agreement of the members if possible. This mutual agreement is called consensus. The ARD committee should work toward consensus, but the school has the ultimate responsibility to ensure





## Revocation of Consent for Services

Just as you have the authority to consent to the initial provision of special education and related services, you have the authority to revoke your consent for services. Your revocation of consent must be in writing. Once the school receives your written revocation, it must honor your decision. However, before the school discontinues services, it must provide you with prior written notice that services will stop. Although the school must discontinue services, the school is not required to amend your child's education records to remove any references to your child's previous special education and related services in the past.

If you revoke your consent for the continued provision of special education and related services, your child will be considered a general education student and will not be entitled to any of the protections under IDEA. Furthermore, if you revoke your consent for services, the school may not request mediation or a due process hearing in an attempt to change or challenge your decision.

## Graduation

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High School Program, or Minimum High School Program), as well as passing the required state assessments.

All graduating students who were eligible for special education services must be provided with a summary of academic achievement and functional performance. This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. For some students, the summary must include an evaluation of the student.

A child or adult student who graduates but is under age 22 may, under some circumstances, be able to return to school and receive services through the end of the school year in which he or she reaches age 22. If your child seeks to return after having graduated, the ARD committee must determine the needed educational services.

### Discipline

There are special rules that apply to disciplinary actions taken against a child with a disability than apply to actions taken against nondisabled students. Generally, a child with a disability cannot be removed from his or her current educational placement for more than 10 consecutive school days if the misconduct was related to his or her disability. In addition, certain disciplinary situations that arise with regard to a student with a disability trigger a requirement to hold an ARD committee meeting.

### Short-Term Removals

School officials may remove your child from his or her current educational placement if your child violates the code of student conduct. This removal can be to an appropriate interim alternative educational setting (IAES), another setting, or suspension for not more than 10 consecutive school days to the extent that the disciplinary measure is applied to children without disabilities, and for additional removals of not more than 10 consecutive school days in that same school year, for separate incidents of misconduct as long as those removals do not constitute a change in placement. This is often referred to as the *10-day rule*.

Disciplinary removals for 10 consecutive school days or less do not trigger the requirement to hold an ARD committee meeting. The school is only required to provide services to your child during a short-term removal if it provides services to a child without a disability who is similarly removed.

### Cumulative Removals Totaling 10 Days or More

School officials may order additional short-term removals in the same school year for separate incidents of misconduct, provided that these removals do not constitute a change of placement. After your child's removal, the school must provide services to your child during the removal period.

education curriculum, although in another setting, and to progress toward meeting the goals set out in your child's IEP. School personnel must consult with at least one of your child's teachers to decide which services are needed.

### Change of Placement



Conduct a functional behavioral assessment (**FBA**), unless the school had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a BIP;  
or  
If a BIP is already in place, review the BIP and modify it as necessary to address the behavior.

In addition, the ARD committee must return your child to the placement from which your child was removed unless:

You and the school agree to a change of placement as part of the modification of your child's BIP.

## **Expedited Due Process Hearing**

If you disagree with a decision regarding placement in an IAES or manifestation determination, you may request an expedited due process hearing. The school may also request a due process hearing if the school wants to challenge your child's return to school after the ARD committee has determined that his or her conduct was a manifestation of his or her disability.

## **Dispute Resolution**

From time to time, disputes may arise relating to the identification, evaluation, educational placement, or the provision of a FAPE to your child with a disability. If disagreements arise