SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Authorities: 20 U.S.C. §§ 1401, 1414, 7801; 34 C.F.R. Part 300; Texas Education Code; 19 T.A.C. Chapter 89; Fifth Circuit Federal Court of Appeals

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<tr>
<th>FEDERAL AND STATE REQUIREMENTS</th>
<th>CITATIONS</th>
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<td>Supplementary aids and services, special education, and related services must be based on peer-reviewed research to the extent practicable.</td>
<td>300.320(a)(4) 1414(d)(1)(A)(i)(IV)</td>
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<td>The admission, review, and dismissal (ARD) committee must determine needed supplementary aids and services to be provided to the child, or on behalf of the child.</td>
<td>300.320(a)(4) 89.1050(a)(1) 1414(d)(1)(A)(i)(IV)</td>
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<td>The term &quot;supplementary aids and services&quot; means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable the child with a disability to be educated with nondisabled children to the maximum extent appropriate.</td>
<td>300.42 1401(33)</td>
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<td>The ARD committee must determine needed special education services.</td>
<td>300.320(a)(4) 89.1050(a)(1) 1414(d)(1)(A)(i)(IV)</td>
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<td>The term &quot;special education&quot; means specially designed instruction, at no cost to parents, to meet the unique needs of the child with a disability.</td>
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<td><strong>RELATED SERVICES</strong></td>
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<td>The ARD committee must determine needed related services.</td>
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<td>The term &quot;related services&quot; means transportation, and such developmental, corrective, and other supportive services as may be required to assist the child with a disability to benefit from special education.</td>
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<td><strong>PROGRAM MODIFICATIONS AND SUPPORTS FOR SCHOOL PERSONNEL</strong></td>
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<td>The ARD committee must determine needed program modifications or supports for school personnel that will be provided to the child to enable the child to:</td>
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<td>• Advance appropriately toward attaining the annual goals;</td>
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<td>• Be involved in and make progress in the general education curriculum, and be afforded an equal opportunity to participate in extracurricular and other nonacademic activities including, to the maximum extent appropriate, in nonacademic settings and services such as:</td>
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<td>○ Meals;</td>
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- Recess periods; 300.117
- Counseling services; 300.107(b) 300.117
- Athletics; 300.107(b) 300.117
- Transportation; 300.107(b) 300.117
- Health services; 300.107(b) 300.117
- Recreational activities; 300.107(b) 300.117
- Special interest groups or clubs sponsored by the local educational agency (LEA); 300.107(b) 300.117
- Referrals to other agencies that provide assistance to individuals with disabilities; 300.107(b) 300.117
- Employment of children, including both employment by the LEA and assistance in making outside employment available; and 300.107(b) 300.117
- Be educated and participate with other children with disabilities and nondisabled children. 300.320(a)(4)(iii) 1414(d)(4)(A)(ii)(V)
### EDUCATION PROGRAM (IEP)

- The LEA is required to provide training to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the IEP developed for the child receiving instruction from the educator:
  - TEC 21.451(e)
  - TEC 21.451(d)(2)

- The LEA may determine the time and place at which the training is delivered:
  - TEC 21.451(e)

- The LEA must include training based on scientifically-based research that:
  - TEC 21.451(d)(2)
  - 7801(37)

- Relates to instruction of children with disabilities; and
  - TEC 21.451(d)(2)(A)

- Is designed for educators who work primarily outside the area of special education; and
  - TEC 21.451(d)(2)(B)

- In developing or maintaining the training, the LEA must consult with persons with expertise in research-based practices for children with disabilities such as:
  - TEC 21.451(f)

- Persons from colleges, universities, private and nonprofit organizations, regional education service centers;
  - TEC 21.451(f)

- Qualified LEA personnel; and
  - TEC 21.451(f)

- Any other persons identified as qualified by the LEA.
  - TEC 21.451(f)

### INTENSIVE PROGRAM OF INSTRUCTION

- For the child who did not perform satisfactorily on statewide assessment under the STATE AND DISTRICTWIDE ASSESSMENTS framework:
  - TEC 28.0213(a)
  - TEC 28.0213(e)
  - TEC 39.023
The ARD committee must design the intensive program of instruction:

- To enable the child to attain a standard of annual growth on the basis of the child's IEP; and
- If applicable, to carry out the purposes of the STUDENT SUCCESS INITIATIVE.

For the child who did not perform satisfactorily on an end-of-course assessment instrument for secondary level courses in Algebra I, Algebra II, geometry, biology, chemistry, physics, English I, English II, English III, world geography, world history or United States history:

- The ARD committee must determine the manner in which the child will participate in an accelerated instruction:

ACCELERATED INSTRUCTION UNDER THE TEXAS READING INITIATIVE

For the child in kindergarten and first and second grade who did not perform satisfactorily on a reading assessment instrument selected from the list adopted by the Commissioner of Education or by the district-level committee, and administered as part of the Texas Reading Initiative:

- The ARD committee must determine the manner in which the child will participate in an accelerated
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<th>Topic</th>
<th>Description</th>
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<td><strong>reading instruction program.</strong></td>
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<td><strong>STUDENT SUCCESS INITIATIVE FOR CHILDREN IN GRADES THREE THROUGH EIGHT</strong></td>
<td>The ARD committee must determine the manner in which the child will participate in an accelerated instruction program when required as part of the STUDENT SUCCESS INITIATIVE.</td>
<td>TEC 28.0211(i)(1) TEC 28.0211</td>
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<td>The ARD committee must determine whether the child will be promoted or retained when required as part of the STUDENT SUCCESS INITIATIVE.</td>
<td>TEC 28.0211(i)(2) TEC 28.0211</td>
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<td><strong>INITIATION, FREQUENCY, AND DURATION OF SERVICES</strong></td>
<td>The ARD committee must provide:</td>
<td>300.320(a)(7) 1414(d)(1)(A)(i)(VII)</td>
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<td>• The projected date for the beginning of the services and modifications;</td>
<td>300.320(a)(7) 1414(d)(1)(A)(i)(VII)</td>
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<td>• The anticipated frequency of those services and modifications; and</td>
<td>300.320(a)(7) 1414(d)(1)(A)(i)(VII)</td>
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<td>• The anticipated duration of those services and modifications.</td>
<td>300.320(a)(7) 1414(d)(1)(A)(i)(VII)</td>
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<td><strong>LOCATION</strong></td>
<td>The ARD committee must determine the anticipated location of those services and modifications:</td>
<td>300.320(a)(7) 89.1050(a)(1) 1414(d)(1)(A)(i)(VII)</td>
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- The campus location must be as close as possible to the child's home; and
  
  300.116(b)(3)
  White v. Ascension Parish School Board
  (5th Cir. 2003)

- Unless the IEP requires some other arrangement, the child is educated at the campus location that the child would attend if nondisabled.
  
  300.116(c)
  White v. Ascension Parish School Board
  (5th Cir. 2003)

- If, for the purpose of receiving special education services, the LEA assigns the child to a campus location other than the campus location the child would attend based on the child's residence:
  
  TEC 25.0343(a)

- The LEA must permit the child's parent, guardian, or other person standing in parental relation to the child to obtain a transfer to the assigned campus for any other child residing in the household of the child receiving special education services, provided that:
  
  TEC 25.0343(a)  
  TEC 25.0343(c)

  - The other child is entitled to attend school in the LEA;
    
    TEC 25.0343(a)(1)

  - The appropriate grade level for the other child is offered at the campus;
    
    TEC 25.0343(a)(2)

  - The child receiving special education services does not reside in a residential facility; and
    
    TEC 25.0343(d)

  - The LEA is not required to provide transportation to the other child who transfers to another campus location under this section; however, this does not affect any transportation services provided by the LEA in accordance with other laws for the child receiving special education services.
    
    TEC 25.0343(b)

**RESIDENTIAL FACILITY**
If the ARD committee has determined that a residential facility is the **LEAST RESTRICTIVE ENVIRONMENT (LRE)**: 89.61(a)(4)

- The ARD committee must document the appropriateness of the particular residential facility selected by the LEA including: 89.61(a)(4)
  - The appropriateness of the facility for the individual child; 89.61(a)(4)(D)
  - That the facility meets minimum standards for health and safety; 89.61(a)(4)(F)
  - That the educational program provided at the residential facility is appropriate; and 89.61(a)(4)(F)
- The LEA must make an initial and an annual on-site visit to verify that the residential facility can, and will, provide the services listed in the child's IEP which the facility has agreed to provide to the child. 89.61(a)(4)(E)