



Special Education in Texas

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Programs and Policy

Agenda



What is Special Education



What is Section 504



Meaning and Application of Common Acronyms



What Is Special Education?

Q What is special education?

A Special education is directed by the Individuals with Disabilities Education Act (IDEA). IDEA is a federal law that has been in effect since 1975. IDEA requires public schools to provide a free appropriate public education (FAPE) to eligible students ages 3-21 with disabilities. IDEA also provides legal protections for these students and their parents.



IDEA requires public schools to...

1

Find and evaluate students who have or are suspected of having a disability and need special education services (Child Find).

2

Develop and implement an individualized education program (IEP) for eligible students with a disability.

Q What is Special Education?

A

Special education means specially designed instruction (SDI), at no cost to the parent, to meet the unique needs of the student with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, as well as physical education.



Specially Designed Instruction

Free to families

Meet and address the unique needs of the student

Adapt content, methodology, or delivery of instruction

Ensure access to the general curriculum

Q What is an Individualized Education Program (IEP)?

A An IEP is a written statement for each child with a disability that is developed, reviewed and revised by the admission, review, and dismissal committee, of which parents are active members.



An IEP Includes:

- present levels of academic achievement and functional performance (PLAFFP)
- participation in state and district-wide assessments
- transition services
- annual goals
- special factors
- special education
- related services
- supplementary aids and services
- extended school year services
- least restrictive environment
- behavior intervention plan, if appropriate

Two Requirements that qualify a student for an IEP

1

A child qualifies for special education services under one or more of the disability categories outlined in the IDEA. The law lists specific challenges, like learning disabilities, ADHD, autism, and others.

2

The disability must affect the child's educational performance and/or ability to learn and benefit from the *general education curriculum*. **The child must need specialized instruction to make progress in school.**



Public Schools Must Provide Services to Students determined to be eligible in one or more of the

13 disability categories

Specific Learning Disability (SLD)

Speech Impairment (SI)

Other Health Impairment (OHI)

Autism (AU)

Emotional Disturbance (ED)

Intellectual Disability (ID)

Traumatic Brain Injury (TBI)

Noncategorical Early Childhood (NCEC)
(termed developmental delay in federal law)

Multiple Disabilities (MD)

Deaf/Hard of Hearing (DHH)
(sometimes referred to as auditory impairment)

Orthopedic Impairment (OI)

Deaf-Blindness (DB)

Visual Impairment (VI)

Related Services are supportive services required to assist students in benefiting from SPED

Related Services* include, but are not limited to:

- Transportation
- Assistive Technology
- Audiology Services
- Counseling Services
- Interpreting Services
- Medical Services
- Music Therapy
- Occupational Therapy
- Orientation and Mobility Services
- Parent Counseling and Training
- Physical Therapy
- Psychological Services
- Recreation
- Rehabilitation Counseling Services
- School Health Services
- Social Work Services in school
- Speech-Language Therapy**

*Related Services are discussed, reviewed, agreed upon and established during the ARD.

**In Texas, Speech-Language therapy is an instructional service that can be a stand-alone service as well.

Dispute Resolution Methods

State IEP Facilitation

- Parent or school can request (both must agree to use it). Must be filed within 5 days of meeting that ended in disagreement.
- Designed to help reach consensus with trained facilitator.

Complaint Investigation

- Any person or organization can file a request for TEA to investigate alleged violations of special education requirements.
- If investigated, TEA issues a written decision.
- Must be filed within one calendar year of alleged incident.

Mediation

- Parent or school can request (both must agree to use it) when they cannot agree on a student's services.
- No time limits.
- Results in agreement enforceable in court if parties reach agreement.

Due Process Hearing

- Formal way for parents and schools to resolve disagreements about a student's services.
- If taken all the way to hearing, hearing officer issues a written decision, which may be appealed to state or federal court.
- Must be filed within two years of the date when a party knew or should have known about the problem.



What Is Section 504?

Q What is Section 504?



A

Section 504 is part of the Rehabilitation Act of 1973 that prohibits discrimination based on disability. It is a civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of students without disabilities.

Section 504's Two Main Purposes

Provide



1. Provide Free Appropriate Public Education (FAPE) for students with disabilities in K–12 public schools.

Prohibit



2. Prohibit discrimination against people with disabilities in “programs and activities” that receive federal funding.

Q Who is Eligible for a Section 504 Plan?

- A
1. A child who has a physical or mental impairment that substantially limits a major life activity.
-



2. The purpose of a Section 504 plan can be thought of as a bridge that facilitates FAPE and is designed to meet the needs of the student as adequately as that of their non-disabled peers.
-

3. Civil rights complaints filed with Office for Civil Rights (OCR). Grievance procedures must be in place at the district level to offer an impartial hearing as well.



Meaning and Application of Common Acronyms

Q What is an ARD meeting and ARD committee?

A The Admission, Review and Dismissal (ARD) committee is the team that meets to determine eligibility based on a full and individual initial evaluation (FIIE) report, and to develop an IEP for the child, if applicable. They also conduct annual review meetings and other meetings as required. The ARD meeting is the meeting in which the student's IEP may be developed or revised.



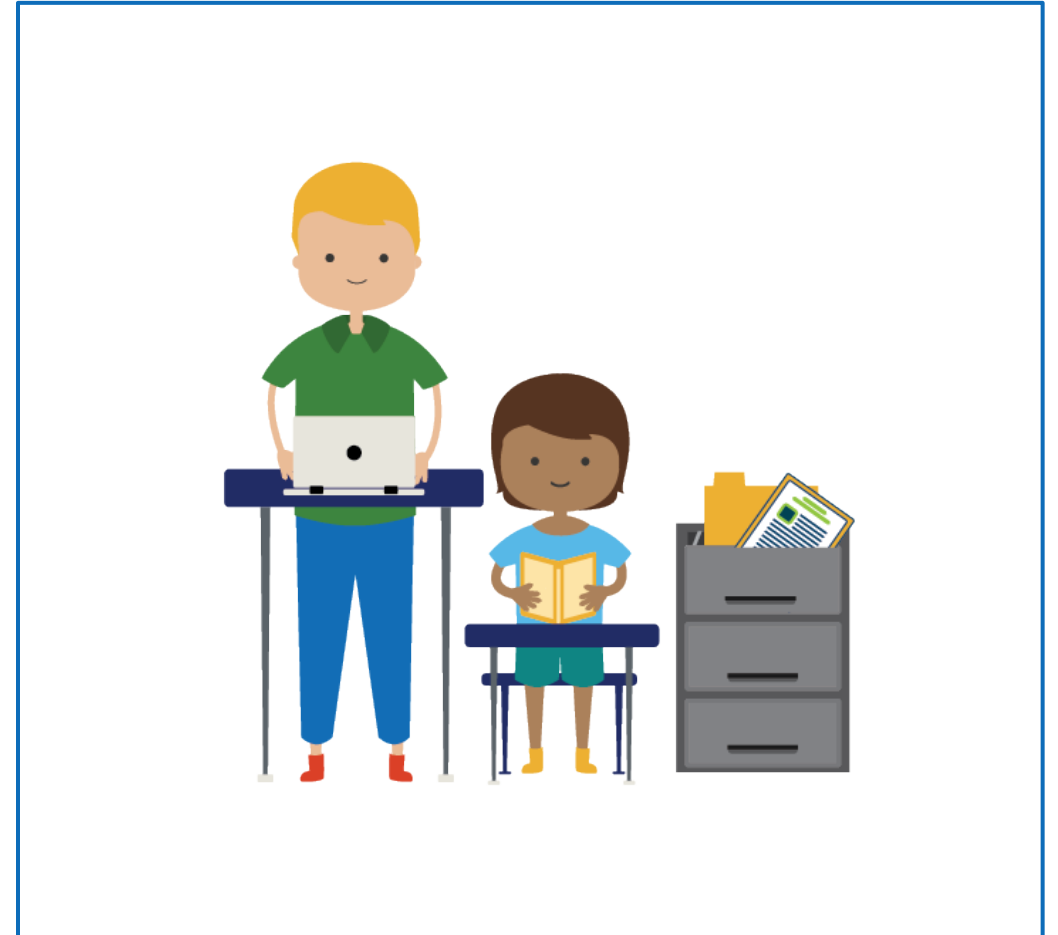
Q What is FAPE?

A FAPE stands for Free Appropriate Public Education. Students with Section 504 plans and IEPs must receive this. The application of FAPE differs somewhat between the statutes based on whether the student qualifies for a disability under IDEA or Section 504.



Q What do FBA and BIP mean?

- A
- FBA stands for Functional Behavior Assessment. It is an evaluation that assists in determining the reason for, or function of, a student's behavior. Helps the ARD committee determine if a BIP is needed.
 - BIP is behavior intervention plan. ARD committees can develop this to teach or reinforce positive behaviors.



Q What does MD mean?

- A MD Review is a Manifestation Determination Review. When a student faces a change of placement because of a disciplinary removal, the ARD committee must meet to review data and address two questions:
1. Was the behavior that resulted in the disciplinary removal caused by or directly related to the disability?
 2. Was the behavior due to the school's failure to implement the IEP?

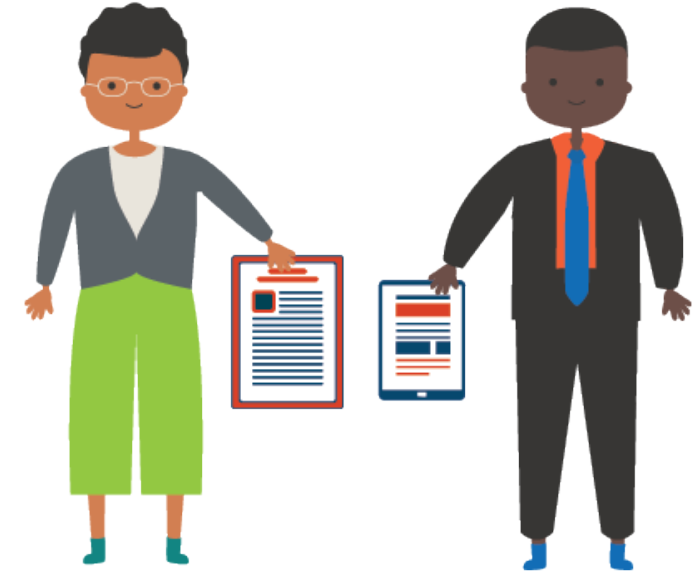




Additional Special Education Resources

Technical Assistance Documents

- [Child Find and Evaluation](#)
- [Section 504 Guide](#)
- [Behavior Guide](#)
- [IEP Development](#)
- [Dispute Resolution Handbook](#)
- [Comparison of Dispute Resolution Methods](#)
- [Fact Sheet about IDEA](#)
- [Fact Sheet about Section 504](#)



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