

行政院及各所屬機關出國報告
(出國類別：考察)

考察美國德州推動視覺障礙教育辦理情形

服務機關：台北縣中和市秀山國民小學

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出國報告

九十三年度考察美國德州推展視障教育輔導辦理情形

(民國 93 年 8 月 9 日至 14 日)

壹、目的

視覺障礙巡迴輔導 源起於民國五十五年台灣省政府教育廳所推行的一項教育實驗計畫。該項計畫係將視覺障礙兒童安置在離家最近的一般學校，讓其混合在普通班級就讀，由各縣市政府視覺障礙混合教育巡迴輔導員巡迴各學校進行特殊課程教學輔導。

巡迴輔導員或接受視覺障礙教育特殊訓練的教師，每日巡迴各安置有視覺障礙兒童的學校，指導視覺障礙學生定向行動、點字、閱讀指導及生活技能，同時提供支援服務，為學校提供教材與設備的訊息等工作

民國八十六年起台南市、台北市教育局陸續擇校設置視障資源班及重點視障資源班，為視障生提供了另一種安置選擇。教師需設計個案基本資料及教學方案，上課採一對一的教學，進行補救教學和定向行動訓練，同時鼓勵學生利用殘餘視力，加強生活經驗並利用聽覺及觸覺輔助學習。由於全盲及重度視障生在學習上的特殊需求相當多，其中包括輔具、支援性視障課程、特殊教材教具提供等。當時每位巡迴輔導老師必須輔導 13-15 位不同地區、年級、需求之視障生的狀況，無法滿足其學習需求。

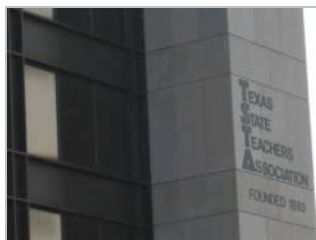
目前的特教環境與資源，藉由轉銜機制於各不同教育階段採連續性服務與安置方式，評估特殊學生之障礙程度、學習能力、學校資源、家長支持程度等，作適當安排，並依其學習成效彈性調整課程。以達「最少限制環境」原則，持續評量學習，作彈性的調整，方能適當教育安置，提供平等受教環境。

惟視覺障礙教育巡迴輔導員兼辦行政之問題依舊存在，如何建立評估需求資料，簡化服務流程，系統規畫輔導內容，落實教學。解決視覺障礙教育巡迴輔導員人數流動性，改善視障教學輔導的內容、方式。提升教材教具與輔具管理、流動與運用，都是亟待尋求解決的。

貳、行程紀要

本次參訪行程依原計畫執行，惟學校與單位逢假期部份主題無法實務訪視，訪視行程德州大學博士班學生楊惠菁協助，參訪單位以該州行政近

期執行內容，推動特殊教育具體方案與實施流程、概況提作說明，吾以台灣目前推動資料系統並提供平台作多項特教服務作報告，交換意見。學校部分參訪德州盲校，學校於八月十七日開學，學校成員忙碌穿梭開課準備，感謝該校老師說明詳盡解說學校運作情形等。



德州奧斯汀市

各種障別課程的主題說明



本項實驗課程整體架構說明
該學員課程中未出席
講師需個別說明

教師詳細說明輔具對障礙者可提供協助學習



德州盲校



大字書 點字書圖書管理
各項相關書冊點字版本
逐步擴充建置
有藝術 文學等多種類書冊

走廊角落置放學生陶藝作品
色彩艷麗造型創意
該作品為十二年級學生



參訪過程中
老師推著疊疊學生大字書、點字書
分放各教室，學生進教室即可使用教材
另一老師推著維修機具進入器材室，舊型的
打字機吸引著目光，台灣製作大字書的設備
遠勝於此



參、德州盲校

一、推廣視覺障礙學生延伸核心基礎課程

延伸核心基礎課程是基於視覺障礙學生特殊障礙將所需要的技能實體化。

視覺障礙學生在她們基礎教育以外需要額外的延伸核心基礎課程

核心學術課程

- 英語
- 其他語言
- 數學
- 健康教育
- 科學
- 體育
- 社會學
- 歷史
- 經濟
- 商業教育
- 美術
- 職業教育

延伸核心課程

- 補救學術的技能 包含溝通方法
- 定向行動
- 社交技巧

- 獨立生活的技能
- 休閒技能
- 職業教育
- 使用協助的科技
- 形像化的技能

協助或功能性技巧：包含學習經驗例如觀念的建立以及空間概念，組織技巧，使用點字法或是弱視力的儀器讀或寫，日曆系統的使用，使用紀錄的材料等。

定向行動訓練集中在保持安全的視力或是可以獨立選擇旅行的能力，教導學生使用長的竹棍和使用望遠鏡或是單眼望遠鏡技巧，來幫助剩餘的視力。視覺障礙的學生必須接受社交的技巧訓練，因為她們沒有辦法從人們的反應來觀察 她們必須備教導什麼時候要笑、皺眉頭、點頭、眨眼、聳肩、以及其他許多的溝通技巧。

獨立生存的技巧就是人們日常生活的雜事，根據他們的能力來處理家裡和個人日常所需。這些雜務包括打扮、進食和準備餐點，處理家庭雜務、時間金錢管理等等。

休閒技能包含了傳統的以及體育的活動。不過，視覺障礙的學生需要經過領導來辨識她們的選擇，不像一班的兒童可以藉由觀察來發現如何實行這些休閒

視障學生的職業教育需要開始的越早越好，包括自我認知以及職業探索活動，找工作的技能指導，鼓勵增加工作經驗

協助科技的使用及維護在視覺障礙的學生課程中是非常重要的。協助的科技能使視障學生利用網路進入並儲存圖書館的資訊。除此之外，視障學生可以使用協助科技來做筆記、準備考試、做研究等等的學術用途。

視覺效能技能，是給視覺障礙蛋仍保有視覺的學生能最佳的使用她們所剩於的視力。在這個方面的指導將著重於光學設備：例如擴大器、生活協助、望遠鏡、閉路電視等等。

二 盲校的支援系統

經過地方學區評估，確認個案將 IEP 轉 IFSP 作為提供特殊教育的指南

這些服務將透過(ARD)會議中討論執行，IEP 團隊將確定什麼選擇是對學生最少限制的學習環境，包括採融合教育或資源教室或回家安置(若醫療問題學生無法安全的到校學習)等。

老師完成學習評估(LMA)，確定將使用何種類型的學習工具(盲人識字系統, 大印刷字體, 等)，並與您的 TVI 聯繫談論具體技能和概念需要和方法學使用收集評估資料。學會更多關於前讀書活動。

學校與州立相關單位開發支援系統 assistive 技術，提供電腦與相關設備，訓練教材 教學計畫，積極開發算術和科學，以具體方式研發遠距離學習網站與教育軟體，包括圖像、多媒體、網路形式、欄位、圖表、算術、互動機制等開發環境。

另由國家科學基金會為視障傷殘者製作節目，三菱電機公司也資助致力幫助青年人傷殘, 通過技術，發揮他們最大的潛力並能充分地參予社會。

教育性節目訓練和支援，充份提供視障者父母資訊。如

我的孩子何處將去學校?

在哪裡我可以學會盲人識字系統?

在哪裡我可以學會手勢語?

在哪裡我知道我的權利?

在哪裡我可以找到其它視覺損傷孩子的父母?

在哪裡我可以遇見視覺損傷的成人?

什麼其它支持系統是可利用的?

3-3 視障巡迴

當視障巡迴老師的工作量大小是不被指定的，它建議，最大工作量建立在 10 個全時等值(FTEs) 依循常例以下列三個因素作適當的調整

1. 接受直接服務學生的數量
2. 接受諮詢服務學生的數量
3. 平均每日花費旅途的時間

專業服務和旅途的時間是同等的兩個考量因素，必須被考慮在服務學生的工作量計算當中；平時影響工作量大小的其它因素 包括相關活動如懇親會、學生 staffings 、咨詢、評估、觀察、紀錄，和回覆書信。並且包括聯絡的頻率和學生接受直接服務的時段，及為專業發展和材料準備的時間。-

視覺損傷的學生和其它孩子一樣被編入一般的教室中學習，為視覺損傷的學生選擇安置教室，校長應該選擇能接受的老師，並對視障學生能勝任各項學習仍有所期待。

除學校和教室老師對學生有教學上的責任外，也即時提供視障巡迴輔導規劃支助性的服務，由地方學校對一般學生所提供的教材，同時也提供視覺減損傷的學生所需教材、特別設備(即錄音機、筆記採取設備，放大器，boldline 紙)。

巡迴輔導老師須參加相關單位為視覺減弱的孩子制定計劃的相關會議，如安置和教育計劃。

透過視障巡迴輔導有效的服務應包括

- 視覺功能評估
- 提供學校教師諮詢
- 對判定為視覺障礙的孩子作持續性的觀察
- 專業技巧的指導
- 對相關教學人員 Inservice 訓練
- 安排專業人員提供定向行動訓練
- 由其他醫生或專業團隊介入
- 提供適當的設備與教材

3-3 視障輔導專業人員培訓計畫

在地域性會議中，1997 年 TSBVI's 代表 舉辦 Outreach Program 與所有視障老師. 和定向行動專家、行政決策者等，確立了開發培訓輔導者計劃。

輔導員是以技術為導向的，幫助有經驗以及沒有經驗的醫師之間的互動關係 包括計畫中的以及自發性的活動，不是由大學來內執導的過程，而是醫生的實習和實習課程，輔導員為醫師走向職業過程中的夥伴。

在德州開設全國的顧問指導課程，針對所有新進視覺障礙老師以及定向行動專家，剛開始為視覺障礙預備課程 (VIP) 的一部分，他是一個與二十個教育機構，兩間德州的大學 (德州理工、奧斯丁大學)，德州視障學校 the Texas School for the Blind and Visually Impaired (TSBVI) 德州教育處 the Texas Education Agency (TEA) 德州協助與修復部門等機構的合作計畫。

其最終的目的就是為德州視障兒童提供一個更好品質的視障專家 視覺障礙計畫課程由德州教育處 (TEA) 所贊助 致力於充實專業知能、提供顧問諮詢，輔導、推廣等等。輔導員計畫德州州立立法機構 Texas State Legislature 以及聯邦補助金所贊助，將持續到 2005 年八月。

1997~1998 就業預備顧問局 the Professional Preparation Advisory Group (PPAG) 由上述的人員以及視障團體 評估了視障者的就業機會並且提出一個行動計畫 其重點是在擴展大學以及地區教育機構的合作 發展合作課程 增加訓練選擇 擴充徵募的策略 以及建立一個計畫

1997~1998 由 the Professional Preparation Advisory Group (PPAG) 的人員以及視障團體，評估了視障者的就業機會並且提出一個行動計畫，其重點是在擴展大學以及地區教育機構的合作，發展合作課程，增加訓練選擇，擴充徵募的策略，以及建立輔導就業規劃流程。

在 1998 一月 ESC-XI 接受一個 TEA 的三年契約，有關地方分權訓練、贊助，並且在德州雇用五十個新進定向行動專家以及 100 個新進的視覺障礙教師，組織並協調一個輔導計畫。所有定向行動專家以及視覺障礙教師在德州的訓練為本計畫的初步提議。

而建立這個計畫則是和德州盲校的附屬協定，主要目的就是每一個在上任前的視障老師以及定向行動專家只要參加任何一個訓練課程，在他從事視障專業時的第一年持續擁有進修與持續進階的專業訓練。

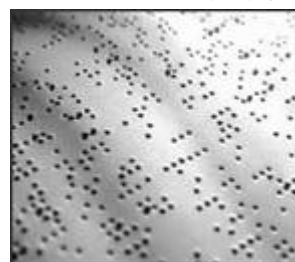
肆、視障用書發展情形

從六十年代中期到現在 美國視障學童使用盲人識字系統主要讀的媒介從百分之 50 下降到百分之 12，大多數的一般盲生於稱生活中被安排使用錄音帶或對談式的電腦下學習，概念式的學環境下形成許多文盲。

在盲人識字系統教學和學習發生的現象，不是因為識字的價值有在任何情況下被輕視。相反，在經濟和資訊日趨複雜性駕馭著民主社會，有文化修養的公眾是社會的基石，能力讀和寫是越來越關鍵的。雖社會接納度更增長了他們的障礙，當法律支持他們持有相等的工作機會，並且擴展提供視障者的生產與貢獻的機會，逐漸減少對視障者的偏見。

盲人識字系統是視障者能真實地閱讀寫作的唯一的手段。容易的讀物譬如小說，聲音使用記錄人的聲音，或電子被綜合的仿造人的聲音可令人滿意。但語音並不是唯一學習的方式，同樣不能滿足所有的學習，因此視障者不應該被期望放棄他們的閱讀的能力。如何真實地提升讀書方法

- 學習，連續地不簡單地讀，複雜材料譬如化學書，菜譜，或財政決算等。
- 凝聽演講時同時採取筆記方式，保留二種學習方式。
- 保留紀錄作為參考資料，譬如地址本和列表需要完成的工作清單單，和標記的項目譬如文件夾分類，和 CD 等。
- 在宗教聚會、在教室中對孩子大聲朗讀。
- 學會語言的複雜：拼寫、語法、和標點。
- 當和視障者或聽障者溝通時，手語是傳遞訊息的方法。



學術研究表示，早期得知盲人識字系日後於學術成就及就業較易成功。讀書是不僅是主要的課題實用資訊的來源可提供有效的思考力和生產力，而且為知識、啟發、創造性，和有價值發展的主要來源。

在孩子教育進展讀書能力長期被承認了是一個重要因素。學會讀是一個複雜任務，所以提供的印刷品得周全的設計使學習者的困難減到最小。有關於印刷品拼寫法和關於兒童的早期閱讀經驗，通過詞彙量、讀書技能，和概念的控制和連續說明的方式。不幸地，這樣的控制未減低必須使用盲人識字系統作為他們的讀書媒介視障者的障礙。

盲人識字系統讀書系列除適當的詞彙量的選擇為起點之外，必須提供適當的教學的選擇。研究回顧顯示，最可接受為教盲人識字系統讀書並未具體的被認定。基本上，看起來，多數視障學生所被排定的基礎讀書系列和學習方法隨著學生所註冊的學校而有所差異。由於視障學生在他們的環境裡經常缺乏經驗，透過各種各樣的水平，音系學和語法概念的盲人識字系統讀書系列，作為增進學生進步一種非常有效的經驗方法。



Seedlings 盲人識字系統書是一個非盈利，免稅組織，致力為孩子提供高質量，低成本盲人識字系統書增加識字機會。



1984 年盲人識字系統材料是缺乏和昂貴的。Debra Bonde 成立 Seedlings 其目標是增加可讀性和降低盲人識字系統書的費用，提升視障孩子的識字技能和讀書愛。在 1990 年以前，Seedlings 每年生產 5,000 本書。2003 年，一個小職員和忠誠的志願者小組，Seedlings 完成 18,700 篇盲人識字系統書和文章，自 1984 年以來，合計完成 169,9768 頁 盲人識字系統百萬頁的傲人成績。

1994 年，Seedlings 增加了 The Rose Project，為學生專題或報告中提供百科全書文章在盲人識字系統。The Rose Project 為學生渴望獨立地工作提供了一種非常普遍的資源。我們期望每年大約 800 篇文章。由於

Seedlings 的支持者慷慨的捐贈，這項服務是對 1-12 年級視覺損傷的學生完全免費的。

Seedlings 盲人識字系統材料為數以萬計孩子開放了新世界。提供視覺減弱的孩子均等讀書機會。目前在美國 50,000 視障的孩子 20% 是熟練在盲人識字系統。我們希望能更廣泛推廣讓更多視障孩子享受讀書地樂趣。

Seedlings 作為一個非盈利性組織，它的花費遠超出他們所賣書的盈餘。賣的書本保留在實際產量費用之下，平均每本價格\$10 左右 Seedlings 不接受政府或聯合捐款組織的資金，但經費的支持卻是非常寬廣，來自於個人、慈善小組、公司行號等。上百慷慨的捐款人和致力於工作志願者。



伍、美國推動視障教育方向與目標

全國視障以及多重障礙的兒童及青年教育會議(Corn, Hatlen, Huebner, Ryan, Siller, 1995) 是基層為了改變視覺障礙以及盲人教育所做的努力就算接收過 IDEA (Individuals with Disabilities Education Act)以及 FAPE (Free Appropriate Public Education) 的視覺障礙學生仍舊沒有在學校獲得足夠得生存技能 能使他門在畢業後能找到工作或是獨立的生活。

全國會議(the *National Agenda*)是家長、教師，以及行政人員合作來改變視覺障礙學生的會議。這些合作的人關注改善視覺障礙學生教育的最重要的目標。透過會議訂定了全國會議中的八大指標。我們相信朝著這八個方向努力可以使視覺障礙學生獲得不一樣的人生。

全國會議是非常重要的，因為通常在家長或老師發現一個兒童的視覺有問題之前，數月或數年已經過去。在這個兒童接受能協助他學習幫助以前，浪費許多時間。視覺障礙的兒童可能會接受較差的教育因為那裡沒有足夠的師資與專家能配合他的特殊需求。通常有視覺障礙學生會被安置在不適合的教室中而沒有考量哪裏比較適合他。

身為家長 我們相信全國會議可以協助兒童學習她們成功所需要的技能。當家長們、教師，以及學校行政人員透過全國會議以及八大指標，視覺障礙學生能得到適當的教育。

八大指標將家長們可能會想問的問題彙整。雖然有些問題附上了答案 但這些並不是所有的答案 你和你的家庭成員或許可以尋求當地的資源來獲得更多相關

目標一

當個案被提出為疑似視覺受損者，30 天以內學生及她們的家庭會參與一個教育計畫

- 如果你有一個小寶寶~(五歲以下) 你曾經參加過任何教育計畫嗎?
- 妳有沒有其他安置處的選擇
-

新個案的家長—您可以聯繫州立早期特殊教育部門 (Special Education Early Intervention Services (EIS)).

有經驗的家長--你可以倡導其他的家長及兒童參加早期教育的服務

目標 2:

將實行政策以及程序來確保所有家長全程參與的權利，以及所有教育過程中同等的合作關係。

- 你是否曾經從您的小孩之教育人員那邊接受過有關教養小孩的資訊
- 你是否覺得在你的小孩正式教育過程中你是一個平等的夥伴關係?
如果不是你要怎樣改變它呢? 你要如何改變這個系統呢?

- 您是否曾經接受過特殊教育系統以外的資源例如家長會 (parent support groups) , consumer advocacy 機構 等等? 如果沒有 請參考本文末的資料

在正式的教育過程中 ((意即 IEP 會議, 轉銜計畫, 等)) 對等的夥伴關係規則可能會隨者兒童年齡得增長而改變, 當兒童年齡小時家長可以更加直接介入 但隨隨者兒童年齡增長 學童會變成夥伴的關係

為了要成為正式的教育過程中同等的夥伴 家長們必須透過履行和繼續評估, 從最開始的評估以及計畫, 全程參與全部的教育過程

目標 3:

大學中必須要有最少一個視覺障礙領域全職的機構能夠提供足夠數量的教師 能夠滿足全國學生的個人需要

- 您是否發現全國視覺障礙教師以及定向訓練指導員的嚴重缺乏?
- 你的州是否有一個擁有視覺障礙教師以及定向訓練指導員的大學?
- 你們的校區是否有僱用合格的 (TVI) 教師以及定向訓練專家?

你可以幫助我們表達這個嚴重的短缺 請聯絡您的州立議題協調者或是州立家長組織 表達視覺障礙學生的需要。

目標 4:

服務提供者會依照學生們的需要來決定承辦的案件數, 並且會要求所有教師以及定向行動訓練員不間斷的專業培育

- 你覺得您的孩子接受視覺障礙教師或定向訓練員的特定殘障服務的頻率足夠嘛
- 您孩子的視覺障礙教師必須教幾個學生呢
- 您孩子的定向訓練員必須教幾個學生呢
- 您孩子的教師所教學生的數量是否有限制呢

目標 5:

地區的教育計畫必須制定所有學生都能有很多安置的選擇

- 你是否曾收到您的孩子目前所就讀學校所提供的其他安置選擇?

- 你認為您的孩子是否可以獲得您認為最適當的安置選擇？
- 你是否認為您的孩子年紀增長後可以獲得最適合他的教育安置？

目標 6:

學生的狀況將由視覺障礙教育專家評估，並和父母親共同研究

- 是否曾經有學區的人員評估過你的小孩？評估人員是否有處理類似您的小孩的狀況的經驗？
- 您曾經參與過評估的過程？
- 您所在的州是否有評估的資源 或有處理視覺障礙或是多重障礙的評估人員

評估包含： 1) 初步評估決定特殊教育的資格
2) 評估決定特定的服務
3) 例行學校評估
4) 標準測驗

目標 7:

透過發展計畫和教育服務讓學生的學習沒有障礙，包含並保證有適當的輔具為學習指引的教材

- 您的孩子是否獲得適當媒介的指引材料和教科書(譬如點字書或大字體書)
- 您的孩子是否同時獲得教科書和指引材料？
- 您的孩子是否有正確適合的器材(例如 閉路電視 擁有說話或大字幕的電腦 或適合的軟體 觸覺量測儀器 手控的容易操作的科學儀器等等)以完全的參與課程

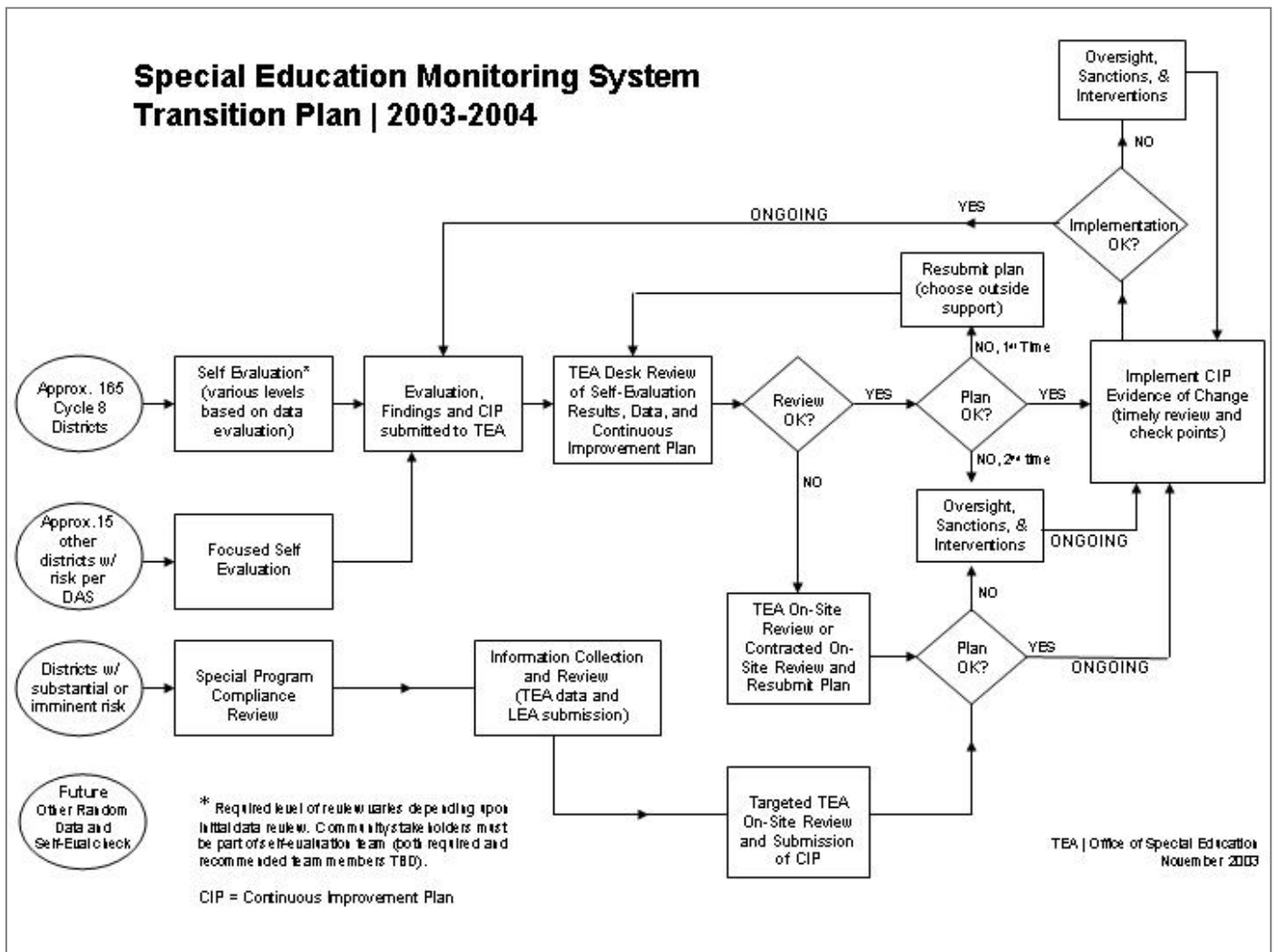
你或許需要課本以及指示材料 包含協助的技術例如電子筆記或語音控制來進入的網際網路

目標 8:

教育目標和發展包含指出評估出每個學生在所有學術領域和特殊障礙的核心需求

- 你是否覺得學校的計畫能滿足您的孩子的特殊障礙的需求?(例如 弱視設備、點字法、定向行動、協助科技、手語指導、職業治療、物理治療、社交能力、日常生活的活動、職業教育)？
- 您所在的區域視覺障礙的兒童接受特殊障礙技能的指導是否如同一般課程標準內容般被指示
- 你是否曾聽說的延伸核心基礎課程 你是否曾用該課程來發展您小孩的 IEP 目標？

雖然全國視障以及多重障礙的兒童及青年教育會議只有以上的八個目標，許多家長以及專業人士相信有關轉銜服務目標也應該列入考量。在某些州當地的諮詢或專家增加這樣的議題於他們的州會議中。家長、專業人士深信這樣做可以加強對視覺障礙學生所做的努力。



柒、心得

德州針對視障者的服務，孩子的受教權，生活環境等除立法明確保障身障者的權益外，簡化流程積極宣導，提供家長尋求協助的管道，結合專家學者地方資源有目標地規畫專業人員，輔導人員，視障老師等培訓，提升教學品質與服務內容。更能深深省思視障者讀寫的重要性，除地方政府專責機構負責，民間自發性的開發視障者用書，提供更多視障者的讀書環境，值得我們借鏡。

反觀我們，七十三年評鑑報告顯示有百分之八十點三九的地方教育行政人員讚成視障輔導員兼辦行政業務。但兼辦行政工作已影響視障教育的教學與輔導是不爭的事實；地方政府歷經近十來年的推動及自我檢視，視障巡迴輔導缺乏工作考核規劃，縣市及學校行政人員支持尚待加強，巡迴輔導老師兼過多的行政工作、輔導人員不足等問題未有效的解決。對盲生教學輔導的次數與時間稍嫌不足，對弱視學生及國中、高中職視障學生的教學視障輔導老師(員)又常有無力感。

地方政府相關單位應確實指揮監督視覺障礙教育之運作，對視障混合教育多予支持，減少視覺障礙教育輔導員的行政工作量，嚴管視覺障礙教育服務品質，專責單位啟動自我檢視評估機制，建立完整資料分析，以提供充足專業人員、視障教師課程培訓；視障教師專職於輔導教學工作 落實視障教育之推動。視障學生的受教品質，才是縣市政府推動特殊教育的最直接的評鑑指標。

此次參訪活動感謝德州大學博士班惠菁、碩士班喬虹徐瑋儷等協助。

Texas Continuous Improvement Process (TCIP) & OSEP Continuous Improvement Monitoring Process (CIMP)

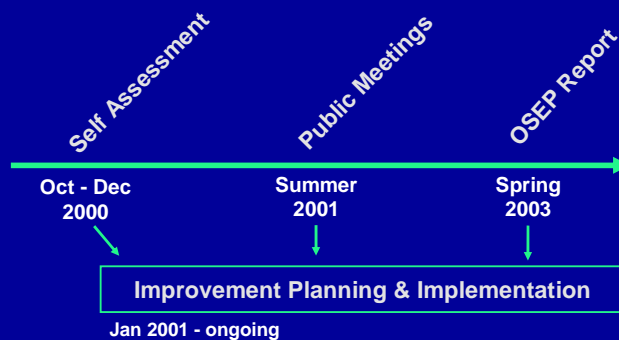
May 2003

Table of Contents

- OSEP CIMP Status-To-Date
- OSEP Monitoring Report Overview
- Texas Improvement Plan
- TCIP Status

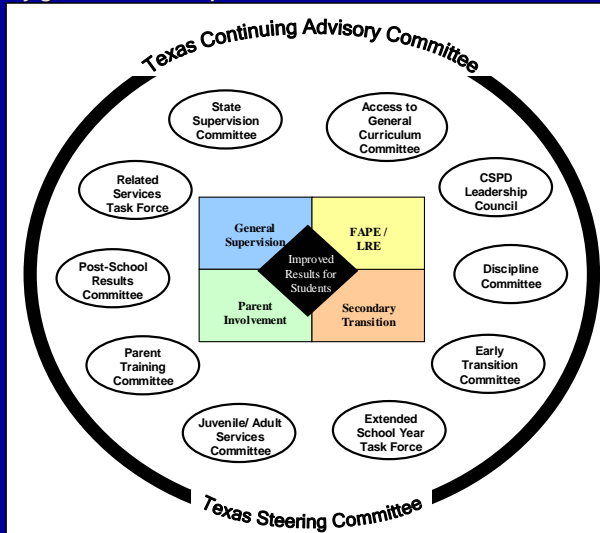
Texas Improvement Plans

Texas initiated its improvement efforts in January 2001. These efforts have been ongoing since then, with additional input from the public meetings that were held as a part of the OSEP CIMP Validation Planning phase, and the OSEP report that resulted from the Validation Data Collection phase. Improvement efforts are also a permanent, ongoing part of the Texas Continuous Improvement Process.



Texas Improvement Planning System

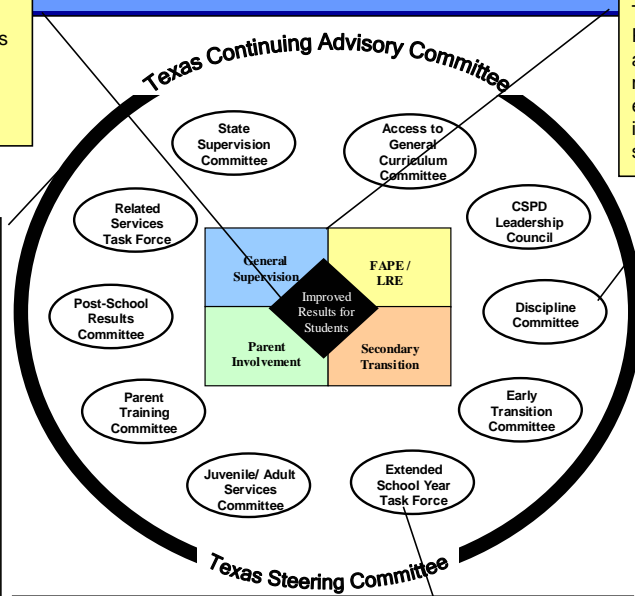
Due to the diversity of Texas' systems for providing services for students with disabilities, Texas has taken a unique approach to improvement planning. The Improvement Planning System depicted below was developed to ensure that those closely associated with leadership for the different aspects of program responsibility, as well as representative groups of stakeholders, are involved in improvement planning that is entirely geared toward improved results for students with disabilities.



Texas Improvement Planning System Structure

Improved results for students with disabilities is the foundation and sole focus of the Texas Improvement Planning System.

The Texas Steering Committee and the Texas Special Education Continuing Advisory Committee (CAC) serve as the oversight bodies for the Texas Improvement Planning System. The Steering Committee reviews the overall improvement plans to ensure their alignment with the ongoing improvement process. The CAC serves in the role of overall advisement and oversight.

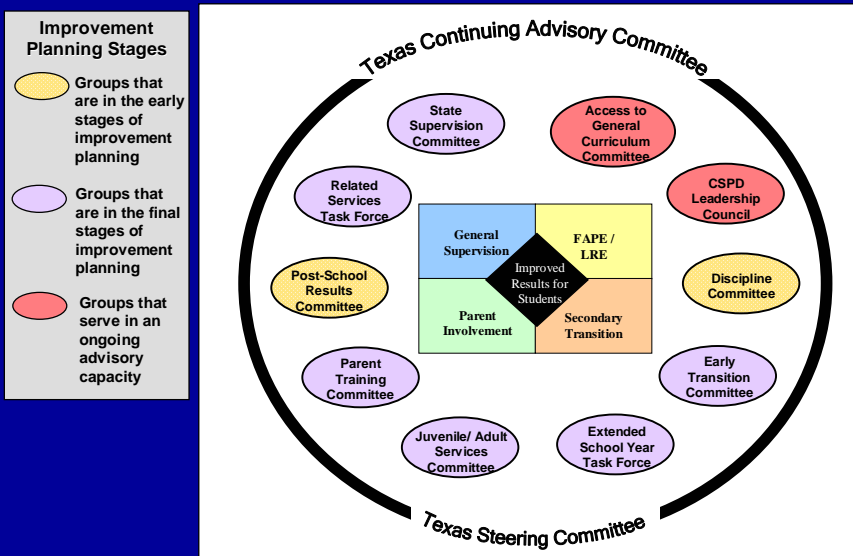


The Texas Improvement Planning System is structured around the four primary mandates of IDEA part B to ensure comprehensive improvement of the Texas special education system.

The Texas Improvement Planning System encompasses a diverse and evolving group of improvement planning committees that perform comprehensive improvement planning for the State. The committees are comprised of those closely associated with leadership for the different aspects of program responsibility, representative groups of stakeholders, Texas Steering Committee members, and TEA staff (advisory/resource capacity.)

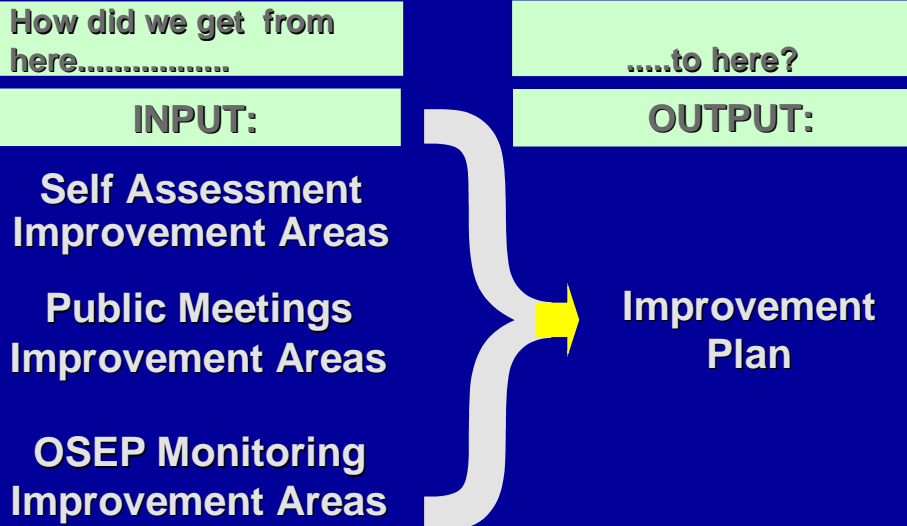
The Task Forces are temporary groups dedicated to identifying improvement strategies to address the areas of non-compliance specifically cited in the OSEP report. Upon completion of this duty, these Task Forces will integrate into the standing improvement planning committees to perform ongoing improvement planning.

Improvement Planning Status



Improvement Planning Process

Texas' Improvement Planning Committees used the results of the Self Assessment, Public Meetings, and OSEP Monitoring as input to the development of the Texas Improvement Plan.



Improvement Planning Process

The Texas Improvement Planning Committees used a standardized improvement planning process that is analysis-driven...

...to avoid random acts of improvement and senseless acts of good intentions

...and results-based...

...to plan with the optimal end result for students and their families in mind

Improvement Planning Process

The analysis-driven part of the process involved the analysis of raw input resulting from the CIMP to determine the core issue needing to be addressed through improvement planning...

Raw Input

Self Assessment Improvement Areas

Public Meetings Improvement Areas

OSEP Monitoring Improvement Areas

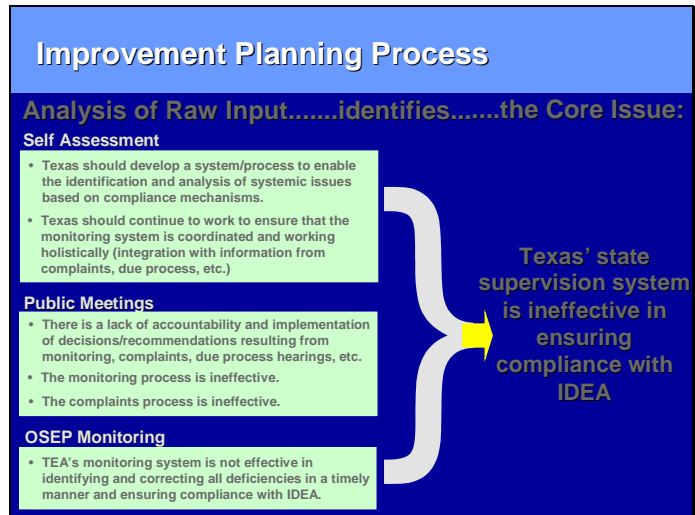
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What is the **CORE ISSUE** to be addressed?

Improvement Planning Process

Raw Input Example – General Supervision

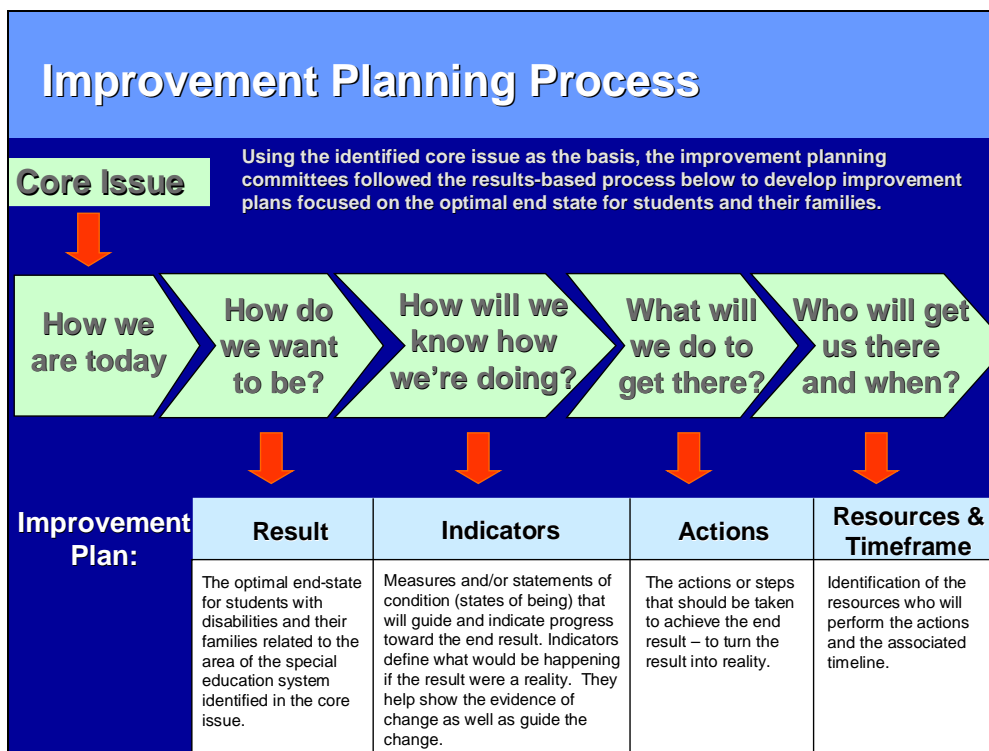
<p>Self Assessment Improvement Areas</p>	<ul style="list-style-type: none"> Texas should develop a system/process to enable the identification and analysis of systemic issues based on compliance mechanisms. Texas should continue to work to ensure that the monitoring system is coordinated and working holistically (integration with information from complaints, due process, etc.)
<p>Public Meetings Improvement Areas</p>	<ul style="list-style-type: none"> There is a lack of accountability and implementation of decisions/recommendations resulting from monitoring, complaints, due process hearings, etc. The monitoring process is ineffective. The complaints process is ineffective.
<p>OSEP Monitoring Improvement Areas</p>	<ul style="list-style-type: none"> TEA's monitoring system is not effective in identifying and correcting all deficiencies in a timely manner and ensuring compliance with IDEA.



Improvement Planning Process

The rest of the improvement planning process is results-focused...

...to plan with the optimal end result for students and their families in mind



Texas Improvement Plan – Additional Benefits

Engaging in Continuous Improvement Efforts has resulted in additional, unexpected benefits:

- In total, through the comprehensive self-examination and analysis that has been the foundation of the improvement process, Texas has learned a tremendous amount about its special education system and has, as result, never been more self informed.
- The improvement planning process has established new connections among different groups across the state – connections that are based on a shared commitment to improving the special education system for students with disabilities.
- Embracing continuous improvement has led to what will ultimately be transformational change for the state: evolution to a special education system that is proactive versus reactive and to one that is entirely student-focused rather than largely compliance-focused.

§89.1085. Referral for the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf Services.

(a) A student's admission, review, and dismissal (ARD) committee may place the student at the Texas School for the Blind and Visually Impaired (TSBVI) or the Texas School for the Deaf (TSD) in accordance with the provisions of 34 Code of Federal Regulations (CFR), Part 300, the Texas Education Code (TEC), including, specifically, §§30.021, 30.051, and 30.057, and the applicable rules of this subchapter.

§30.002. Education for Children With Visual Impairments.

(a) The agency shall develop and administer a comprehensive statewide plan for the education of children with visual impairments who are under 21 years of age that will ensure that the children have an opportunity for achievement equal to the opportunities afforded their peers with normal vision.

(b) The agency shall:

- (1) develop standards and guidelines for all special education services for children with visual impairments that it is authorized to provide or support under this code;
- (2) supervise regional education service centers and other entities in assisting school districts in serving children with visual impairments more effectively;
- (3) develop and administer special education services for students with both serious visual and auditory impairments;
- (4) evaluate special education services provided for children with visual impairments by school districts and approve or disapprove state funding of those services; and
- (5) maintain an effective liaison between special education programs provided for children with visual impairments by school districts and related initiatives of the Texas Commission for the Blind, the Texas Department of Mental Health and Mental Retardation, the Texas School for the Blind and Visually Impaired, and other related programs, agencies, or facilities as appropriate.

(c) When a student's ARD committee places the student at the

(c) TSBVI or the TSD, the student's resident school district shall comply with the following requirements.

- (1) For each student, the resident school district shall list those services in the student's individualized education program (IEP) which the district cannot appropriately provide in a local program and which the TSBVI or the TSD can appropriately provide.
- (2) The district may make an on-site visit to verify that the TSBVI or the TSD can and will offer the services listed in the individual student's IEP and to ensure that the school offers an appropriate educational program for the student.

(3) For each student, the resident school district shall include in the student's IEP the criteria and estimated time lines for returning the student to the resident school district.

(d) In addition to the provisions of subsections (a)-(c) of this section, and as provided in TEC,

§30.057, the TSD shall provide services in accordance with TEC, §30.051, to any eligible student with a disability for whom the TSD is an appropriate placement if the student has been referred for admission by the student's parent or legal guardian, a person with legal authority to act in place of the parent or legal guardian, or the student, if the student is age 18 or older, at any time during the school year if the referring person chooses the TSD as the appropriate placement for the student rather than placement in the student's resident school district or regional program determined by the student's ARD committee. For students placed at the TSD pursuant to this subsection, the TSD shall be responsible for assuring that a FAPE is provided to the student at the TSD, in accordance with IDEA, 20 USC §§1401 et seq., 34 CFR, Part 300, state statutes, and rules of the SBOE and the commissioner of education.

(e) For purposes of this section and §89.1090 of this title (relating to Transportation of Students Placed in a Residential Setting, Including the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf), the "resident school district" is the school district in which the student would be enrolled under TEC, §25.001, if the student were not placed at the TSBVI or the TSD.



Special Education Rules & Regulations

Individuals with Disabilities Education Act
State Board of Education Rules
Commissioner's Rules
Texas State Laws

Special education services shall be provided to eligible students in accordance with all applicable federal law and regulations, state statutes, rules of the State Board of Education (SBOE) and commissioner of education, and the State Plan Under Part B of the Individuals with Disabilities Education Act (IDEA).

19 TAC §89.1001(a)

What's new in the Special Education Rules and Regulations (July 2004)

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Timeline Chart—See p. xiii

Updates to Subparts

Subpart A

- 19 TAC §89.1110. Memorandum of Understanding on Transition Planning for Students Receiving Special Education Services [deleted]
- 19 TAC §89.1055. Content of the Individualized Education Program (IEP) A-21, C-30
 - TEC §29.011. Transition Planning A-21

Subpart B

- TEC §38.016. Psychotropic Drugs and Psychiatric Evaluations or Examinations. B-5
- TEC §39.051. Academic Excellence Indicators. [Excerpt] B-13
- TEC §39.075. Special Accreditation Investigations [Excerpt] B-13
- 19 TAC §101.1. Scope of Rules B-14
 - TEC §39.075. Special Accreditation Investigations B-19

Subpart C

- 19 TAC §89.1011. Referral for Full and Individual Initial Evaluation C-17
 - TEC §29.004. Full Individual and Initial Evaluation C-17
- TEC §29.0041. Information and Consent for Certain Psychological Examinations or Tests. C-17, E-7
- TEC §26.0081. Right to Information Concerning Special Education [Excerpt] C-18
- TEC §38.016. Psychotropic Drugs and Psychiatric Evaluations or Examinations [Reference] C-18
- 19 TAC §89.1050. The Admission, Review, and Dismissal (ARD) Committee C-18, E-26
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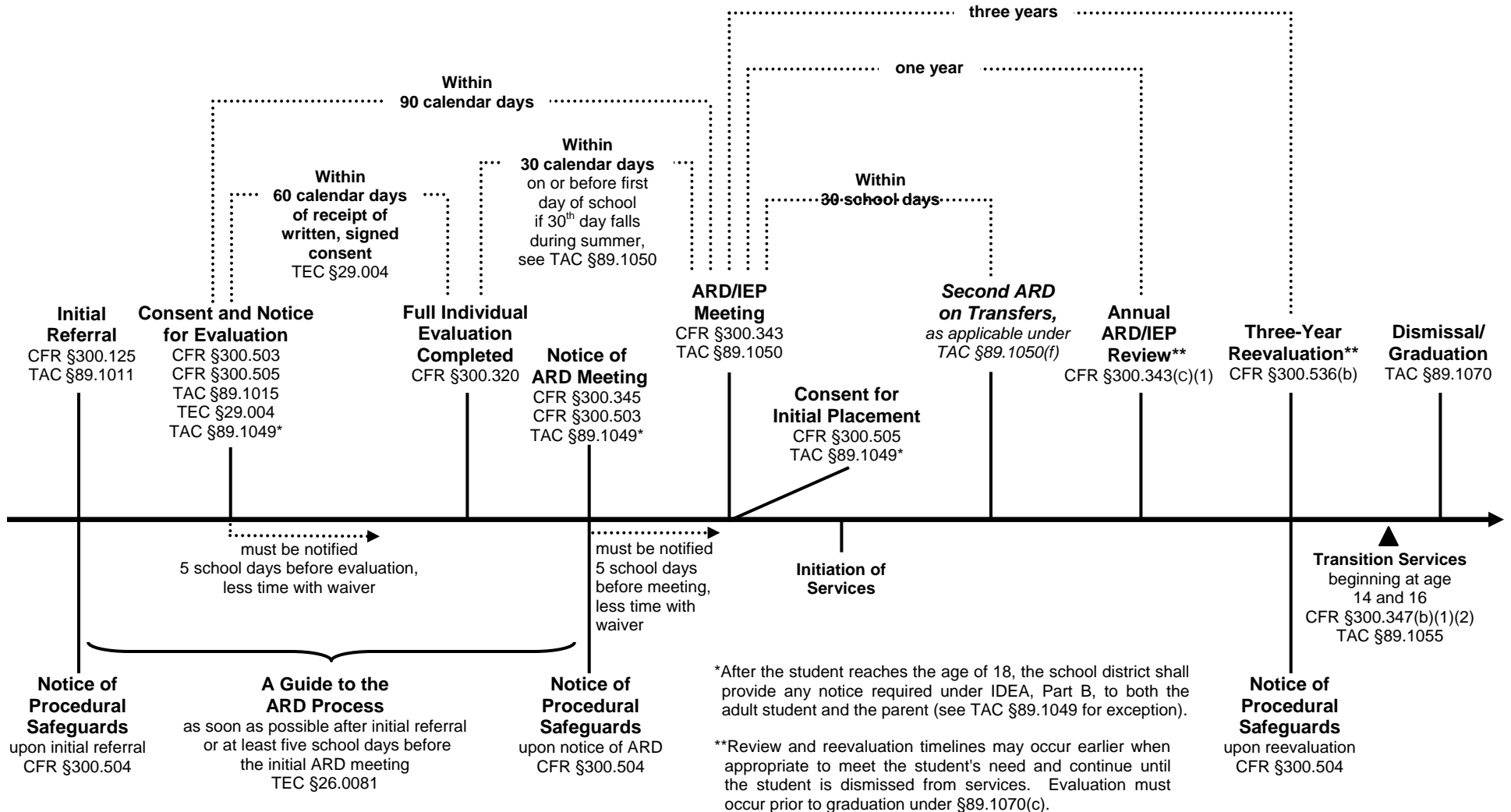
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Timelines | Child-Centered Educational Process



Note: Early Childhood Intervention (ECI) transitioning requires a meeting be held 120 days prior to the child's third birthday

- ARD = Admission, Review, and Dismissal
- CFR = Code of Federal Regulations (Individuals with Disabilities Education Act)
- IEP = Individualized Education Program
- TAC = Texas Administrative Code (Commissioner's Rules)
- TEC = Texas Education Code (State Law)

What's new on the Timelines Chart

Three instances under which the *Notice of Procedural Safeguards* must be provided (as required by CFR §300.504) are indicated: upon **initial referral**, **notice of ARD committee meeting**, and **reevaluation**.

The window of time within which the document, *A Guide to the ARD Process*, must be provided to parents is depicted as beginning as soon as possible after **initial referral** or at least five school days before the **initial ARD committee meeting**, as required by TEC §26.0081.

The “Within 60 calendar days” and “Within 90 calendar days” timelines have been adjusted to start with **consent for evaluation** (previously started at **initial referral**) to reflect changes in TEC §29.004.

Reference to TEC §29.004 added to **Consent and notice for evaluation**.

Reference to TEC §29.004 added to “Within 60 calendar days” timeline regarding receipt of written, signed consent.

Reference to TAC §89.1050 added to “Within 30 calendar days” timeline regarding “if 30th day falls during summer.”

Reference to TAC §89.1050(f) added to *Second ARD on Transfers* for clarification on when a second ARD committee meeting is applicable.

Reference to **Transition Services** is noted between **Three-Year Reevaluation** and **Dismissal/Graduation** to reflect recent change in TAC §89.1055.

Reference to TAC §89.1049 has been added to **Consent and notice for evaluation**, **Notice of ARD committee meeting**, and **Consent for initial placement** to indicate when a school district shall provide notice required by IDEA to the adult student and parent.

Acronyms for ARD, CFR, IEP, TAC, and TEC have been spelled out.

Federal Regulations

Commissioner's/SBOE Rules

State Laws

Subpart A General Purposes, Applicability, and Regulations That Apply to This Program	Chapter 89. Adaptations for Special Populations Subchapter AA. Special Education Services and Subchapter D. Special Education Services and Settings	Texas Education Code
<p>§300.1. Purposes. The purposes of this part are—</p> <ul style="list-style-type: none"> (a) To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living; (b) To ensure that the rights of children with disabilities and their parents are protected; (c) To assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities; and (d) To assess and ensure the effectiveness of efforts to educate children with disabilities. <p>(Authority: 20 U.S.C. 1400 note)</p> <p>§300.2. Applicability of this part to State, local, and private agencies.</p> <ul style="list-style-type: none"> (a) States. This part applies to each State that receives payments under Part B of the Act. (b) Public agencies within the State. The provisions of this part— <ul style="list-style-type: none"> (1) Apply to all political subdivisions of the State that are involved in the education of children with disabilities, including— <ul style="list-style-type: none"> (i) The State educational agency (SEA); (ii) Local educational agencies (LEAs), educational service agencies (ESAs), and public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA (iii) Other State agencies and schools (such as Departments of Mental Health and Welfare and State schools for children with deafness or children with blindness); and (iv) State and local juvenile and adult correctional facilities; and (2) Are binding on each public agency in the State that provides special education and related services to children with disabilities, regardless of whether that agency is receiving funds under Part B. (c) Private schools and facilities. Each public agency in the State is responsible for ensuring that the rights and protections under Part B of the Act are given to children with disabilities— <ul style="list-style-type: none"> (1) Referred to or placed in private schools and facilities by that public agency; or 	<p>§89.1001. Scope and Applicability.</p> <ul style="list-style-type: none"> (a) Special education services shall be provided to eligible students in accordance with all applicable federal law and regulations, state statutes, rules of the State Board of Education (SBOE) and commissioner of education, and the State Plan Under Part B of the Individuals with Disabilities Education Act (IDEA). (b) Education programs, under the direction and control of the Texas Youth Commission, Texas School for the Blind and Visually Impaired, Texas School for the Deaf, and schools within the Texas Department of Criminal Justice shall comply with state and federal law and regulations concerning the delivery of special education and related services to eligible students and shall be monitored by the Texas Education Agency in accordance with the requirements identified in subsection (a) of this section. (c) A school district having a residential facility that is licensed by appropriate state agencies and located within the district's boundaries must provide special education and related services to eligible students residing in the facility. If, after contacting the facility to offer services to eligible students with disabilities, the district determines that educational services are provided through a charter school, approved non-public school, or a facility operated private school, the district is not required to provide services. However, the district shall annually contact the facility to offer services to eligible students with disabilities. 	<p>§1.001. Applicability.</p> <ul style="list-style-type: none"> (a) This code applies to all educational institutions supported in whole or in part by state tax funds unless specifically excluded by this code. (b) Except as provided by Chapter 19, Subchapter A, Chapter 29, or Subchapter E, Chapter 30, this code does not apply to students, facilities, or programs under the jurisdiction of the Texas Department of Mental Health and Mental Retardation, the Texas Youth Commission, the Texas Department of Human Services, the Texas Department of Criminal Justice, or any juvenile probation agency. <p>§1.002. Equal Educational Services or Opportunities.</p> <ul style="list-style-type: none"> (a) An educational institution undertaking to provide education, services, or activities to any individual within the jurisdiction or geographical boundaries of the educational institution shall provide equal opportunities to all individuals within its jurisdiction or geographical boundaries pursuant to this code. (b) An educational institution may not deny services to any individual eligible to participate in a school district's special education program as provided by Section 29.003, but the educational institution shall provide individuals with disabilities special educational services as authorized by law or, where expressly authorized, assist in and contribute toward the provision of appropriate special educational services in cooperation with other educational institutions and other appropriate agencies, institutions, or departments. <p>§29.001. Statewide Plan.</p> <p>The agency shall develop, and modify as necessary, a statewide design, consistent with federal law, for the delivery of services to children with disabilities in this state that includes rules for the administration and funding of the special education program so that a free appropriate public education is available to all of those children between the ages of three and 21. The statewide design shall include the provision of services primarily through school districts and shared services arrangements, supplemented by regional education service centers. The agency shall also develop and implement a statewide plan with programmatic content that includes procedures designed to:</p> <ul style="list-style-type: none"> (1) ensure state compliance with requirements for supplemental federal funding for all state-administered programs involving the delivery of instructional or related services to students with disabilities;

Subpart A
§§300.1-30

Subpart B
§§300.110-284

Subpart C
§§300.300-387

Subpart D
§§300.400-487

Subpart E
§§300.500-589

Subpart F
§§300.600-662

Subpart G
§§300.700-756

Federal Regulations

Commissioner's/SBOE Rules

State Laws

<ul style="list-style-type: none"> (i) Identification of children with hearing loss; (ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing; (iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation; (iv) Creation and administration of programs for prevention of hearing loss; (v) Counseling and guidance of children, parents, and teachers regarding hearing loss; and (vi) Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification. <p>(2) Counseling services means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.</p> <p>(3) Early identification and assessment of disabilities in children means the implementation of a formal plan for identifying a disability as early as possible in a child's life.</p> <p>(4) Medical services means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.</p> <p>(5) Occupational therapy—</p> <ul style="list-style-type: none"> (i) Means services provided by a qualified occupational therapist; and (ii) Includes— <ul style="list-style-type: none"> (A) Improving, developing or restoring functions impaired or lost through illness, injury, or deprivation; (B) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and (C) Preventing, through early intervention, initial or further impairment or loss of function. <p>(6) Orientation and mobility services—</p> <ul style="list-style-type: none"> (i) Means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and (ii) Includes teaching students the following, as appropriate: 		
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Subpart A
§§300.1-30

Subpart B
§§300.110-284

Subpart C
§§300.300-387

Subpart D
§§300.400-487

Subpart E
§§300.500-589

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§§300.600-662

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	<p>§89.1085. Referral for the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf Services.</p> <p>(a) A student's admission, review, and dismissal (ARD) committee may place the student at the Texas School for the Blind and Visually Impaired (TSBVI) or the Texas School for the Deaf (TSD) in accordance with the provisions of 34 Code of Federal Regulations (CFR), Part 300, the Texas Education Code (TEC), including, specifically, §§30.021, 30.051, and 30.057, and the applicable rules of this subchapter.</p> <p>(b) In the event that a student is placed by his or her ARD committee at either the TSBVI or the TSD, the student's "resident school district," as defined in subsection (e) of this section, shall be responsible for assuring that a free appropriate public education (FAPE) is provided to the student at the TSBVI or the TSD, as applicable, in accordance with the Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC), §§1400 et seq., 34 CFR, Part 300, state statutes, and rules of the State Board of Education (SBOE) and the commissioner of education. If representatives of the resident school district and representatives of the TSBVI or the TSD disagree, as members of a student's ARD committee, with respect to a recommendation by one or more members of the student's ARD committee that the student be evaluated for placement, initially placed, or continued to be placed at the TSBVI or TSD, as applicable, the representatives of the resident school district and the TSBVI or TSD, as applicable, may seek resolution through the mediation procedures adopted by the Texas Education Agency or through any due process hearing to which the resident school district or the TSBVI or the TSD are entitled under the IDEA, 20 USC, §§1401, et seq.</p>	<p>§30.087. Funding.</p> <p>(a) The cost of educating students who are deaf or hard of hearing shall be borne by the state and paid from the foundation school fund, but independent school districts and institutions of higher education in the state may and are encouraged to make available property or services in cooperation with the regional day school programs for the deaf for any activities related to the education of students who are deaf or hard of hearing, including research, personnel training, and staff development.</p> <p>(b) From the amount appropriated for regional day school programs, the commissioner shall allocate funds to each program based on the number of weighted full-time equivalent students served. The commissioner may consider local resources available in allocating funds under this subsection.</p> <p>(c) A school district may receive an allotment for transportation of students participating in a regional day school program, determined in the same manner as an allotment for the transportation of other special education students.</p> <p>§30.002. Education for Children With Visual Impairments.</p> <p>(a) The agency shall develop and administer a comprehensive statewide plan for the education of children with visual impairments who are under 21 years of age that will ensure that the children have an opportunity for achievement equal to the opportunities afforded their peers with normal vision.</p> <p>(b) The agency shall:</p> <ol style="list-style-type: none"> (1) develop standards and guidelines for all special education services for children with visual impairments that it is authorized to provide or support under this code; (2) supervise regional education service centers and other entities in assisting school districts in serving children with visual impairments more effectively; (3) develop and administer special education services for students with both serious visual and auditory impairments; (4) evaluate special education services provided for children with visual impairments by school districts and approve or disapprove state funding of those services; and (5) maintain an effective liaison between special education programs provided for children with visual impairments by school districts and related initiatives of the Texas Commission for the Blind, the Texas Department of Mental Health and Mental Retardation, the Texas School for the Blind and Visually Impaired, and other related programs, agencies, or facilities as appropriate.
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	<p>(c) When a student's ARD committee places the student at the TSBVI or the TSD, the student's resident school district shall comply with the following requirements.</p> <p>(1) For each student, the resident school district shall list those services in the student's individualized education program (IEP) which the district cannot appropriately provide in a local program and which the TSBVI or the TSD can appropriately provide.</p> <p>(2) The district may make an on-site visit to verify that the TSBVI or the TSD can and will offer the services listed in the individual student's IEP and to ensure that the school offers an appropriate educational program for the student.</p> <p>(3) For each student, the resident school district shall include in the student's IEP the criteria and estimated time lines for returning the student to the resident school district.</p> <p>(d) In addition to the provisions of subsections (a)-(c) of this section, and as provided in TEC, §30.057, the TSD shall provide services in accordance with TEC, §30.051, to any eligible student with a disability for whom the TSD is an appropriate placement if the student has been referred for admission by the student's parent or legal guardian, a person with legal authority to act in place of the parent or legal guardian, or the student, if the student is age 18 or older, at any time during the school year if the referring person chooses the TSD as the appropriate placement for the student rather than placement in the student's resident school district or regional program determined by the student's ARD committee. For students placed at the TSD pursuant to this subsection, the TSD shall be responsible for assuring that a FAPE is provided to the student at the TSD, in accordance with IDEA, 20 USC, §§1401 et seq., 34 CFR, Part 300, state statutes, and rules of the SBOE and the commissioner of education.</p> <p>(e) For purposes of this section and §89.1090 of this title (relating to Transportation of Students Placed in a Residential Setting, Including the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf), the "resident school district" is the school district in which the student would be enrolled under TEC, §25.001, if the student were not placed at the TSBVI or the TSD.</p> <p>§89.1090. Transportation of Students Placed in a Residential Setting, Including the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf.</p> <p>For each student placed in a residential setting by the student's admission, review, and dismissal (ARD) committee, including those students placed in the Texas School for the Blind and Visually Impaired TSBVI and the Texas School for the Deaf TSD, the resident school district shall be responsible for transportation at the beginning and end of the term and for regularly scheduled school holidays when students are expected to leave the residential</p>	<p>(c) The comprehensive statewide plan for the education of children with visual impairments must:</p> <p>(1) adequately provide for comprehensive diagnosis and evaluation of each school-age child with a serious visual impairment;</p> <p>(2) include the procedures, format, and content of the individualized education program for each child with a visual impairment;</p> <p>(3) emphasize providing educational services to children with visual impairments in their home communities whenever possible;</p> <p>(4) include methods to ensure that children with visual impairments receiving special education services in school districts receive, before being placed in a classroom setting or within a reasonable time after placement, the training in compensatory skills, communicative skills, orientation and mobility, and social adjustment skills, and the vocational or career counseling, required for those students to succeed in classroom settings and to derive lasting, practical benefits from the education in the school district;</p> <p>(5) provide for flexibility on the part of school districts to meet the special needs of children with visual impairments through:</p> <p>(A) specialty staff and resources provided by the district;</p> <p>(B) contractual arrangements with other qualified public or private agencies;</p> <p>(C) supportive assistance from regional education service centers or adjacent school districts;</p> <p>(D) short-term or long-term services through the Texas School for the Blind and Visually Impaired or related facilities or programs; or</p> <p>(E) other instructional and service arrangements approved by the agency;</p> <p>(6) include a statewide admission, review, and dismissal process;</p> <p>(7) provide for effective interaction between the visually impaired child's classroom setting and the child's home environment, including providing for parental training and counseling either by school district staff or by representatives of other organizations directly involved in the development and implementation of the individualized education program for the child;</p> <p>(8) require the continuing education and professional development of school district staff providing special education services to children with visual impairments;</p>
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	<p>campus. The resident school district is not responsible for transportation costs for students placed in residential settings by their parents. Transportation costs shall not exceed state approved per diem and mileage rates unless excess costs can be justified and documented. Transportation shall be arranged using the most cost efficient means. When it is necessary for the safety of the student, as determined by the ARD committee, for an adult designated by the ARD committee to accompany the student, round-trip transportation for that adult shall also be provided. The resident school district and the residential facility shall coordinate to ensure that students are transported safely, including the periods of departure and arrival.</p>	<p>(9) provide for adequate monitoring and precise evaluation of special education services provided to children with visual impairments through school districts; and</p> <p>(10) require that school districts providing special education services to children with visual impairments develop procedures for assuring that staff assigned to work with the children have prompt and effective access directly to resources available through:</p> <ul style="list-style-type: none"> (A) cooperating agencies in the area; (B) the Texas School for the Blind and Visually Impaired; (C) the Central Media Depository for specialized instructional materials and aids made specifically for use by students with visual impairments; (D) sheltered workshops participating in the state program of purchases of blind-made goods and services; and (E) related sources. <p>(d) In developing, administering, and coordinating the statewide plan, the agency shall encourage the use of all pertinent resources, whether those resources exist in special education programs or in closely related programs operated by other public or private agencies, through encouraging the development of shared services arrangement working relationships and by assisting in the development of contractual arrangements between school districts and other organizations. The agency shall discourage interagency competition, overlap, and duplication in the development of specialized resources and the delivery of services.</p> <p>(e) Each eligible blind or visually impaired student is entitled to receive educational programs according to an individualized education program that:</p> <ul style="list-style-type: none"> (1) is developed in accordance with federal and state requirements for providing special education services; (2) is developed by a committee composed as required by federal law; (3) reflects that the student has been provided a detailed explanation of the various service resources available to the student in the community and throughout the state; (4) provides a detailed description of the arrangements made to provide the student with orientation and mobility training, instruction in braille or use of large print, other training to compensate for serious visual
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<p>(1) The SEA, if it is involved in providing direct services to children with disabilities, in accordance with §300.370(a) and (b)(1); and</p> <p>(2) Except as provided in §300.600(d), the other public agencies described in §300.2, including LEAs and other State agencies that provide special education and related services either directly, by contract, or through other arrangements.</p> <p>(Authority: 20 U.S.C. 1412(a)(4), (a)(10)(B))</p> <p>§300.342. When IEPs must be in effect.</p> <p>[See Appendix A, Q. 14, Q. 18, Q. 20, Q. 23, Q. 26]</p> <p>(a) General. At the beginning of each school year, each public agency shall have an IEP in effect for each child with a disability within its jurisdiction.</p> <p>(b) Implementation of IEPs. Each public agency shall ensure that—</p> <p>(1) An IEP—</p> <p>(i) Is in effect before special education and related services are provided to an eligible child under this part; and</p> <p>(ii) Is implemented as soon as possible following the meetings described under §300.343;</p> <p>(2) The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and</p> <p>(3) Each teacher and provider described in paragraph (b)(2) of this section is informed of—</p> <p>(i) His or her specific responsibilities related to implementing the child's IEP; and</p> <p>(ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.</p> <p>(c) IEP or IFSP for children aged 3 through 5.</p> <p>(1) In the case of a child with a disability aged 3 through 5 (or, at the discretion of the SEA a 2-year-old child with a disability who will turn age 3 during the school year), an IFSP that contains the material described in section 636 of the Act, and that is developed in accordance with §§300.341-300.346 and §§300.349-300.350, may serve as the IEP of the child if using that plan as the IEP is—</p> <p>(i) Consistent with State policy; and</p> <p>(ii) Agreed to by the agency and the child's parents.</p> <p>(2) In implementing the requirements of paragraph (c)(1) of this section, the public agency shall—</p>	<p>(4) 34 CFR, §§300.520, 300.522, and 300.523, and TEC, §37.004 (Placement of Students with Disabilities);</p> <p>(5) 34 CFR, §§300.532-300.536 (relating to evaluations, re-evaluations, and determination of eligibility);</p> <p>(6) 34 CFR, §§300.550-300.553 (relating to least restrictive environment);</p> <p>(7) TEC, §28.006 (Reading Diagnosis);</p> <p>(8) TEC, §28.0211 (Satisfactory Performance on Assessment Instruments Required; Accelerated Instruction);</p> <p>(9) TEC, §28.0212 (Personal Graduation Plan);</p> <p>(10) TEC, §28.0213 (Intensive Program of Instruction);</p> <p>(11) TEC, Chapter 29, Subchapter I (Programs for Students Who Are Deaf or Hard of Hearing);</p> <p>(12) TEC, §30.002 (Education of Children with Visual Impairments);</p> <p>(13) TEC, §30.003 (Support of Students Enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf);</p> <p>(14) TEC, §33.081 (Extracurricular Activities);</p> <p>(15) TEC, Chapter 39, Subchapter B (Assessment of Academic Skills); and</p> <p>(16) TEC, §42.151 (Special Education).</p> <p>(b) For a child from birth through two years of age with visual and/or auditory impairments, an individualized family services plan (IFSP) meeting must be held in place of an ARD committee meeting in accordance with 34 CFR, §§303.340-303.346, and the memorandum of understanding between the Texas Education Agency (TEA) and Texas Interagency Council on Early Childhood Intervention. For students three years of age and older, school districts must develop an IEP.</p> <p>(c) At least one general education teacher of the student (if the student is, or may be, participating in the general education environment) shall participate as a member of the ARD committee. The special education teacher or special education provider that participates in the ARD committee meeting in accordance with 34 CFR, §300.344(a)(3), must be certified in the child's suspected areas of disability. When a specific certification is not required to serve certain disability categories, then the special education teacher or special education provider must be qualified to provide the educational services that the child may need. Districts should refer to §89.1131 of this title (relating to Qualifications of Special Education, Related Service, and Paraprofessional Personnel) to ensure that appropriate teachers and/or service providers are present and participate at each ARD committee meeting.</p>	
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<p>(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.</p> <p>(e) Use of interpreters or other action, as appropriate. The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.</p> <p>(f) Parent copy of child's IEP. The public agency shall give the parent a copy of the child's IEP at no cost to the parent.</p> <p>(Authority: 20 U.S.C. 1414(d)(1)(B)(i))</p> <p>§300.346. Development, review, and revision of IEP. [See Appendix A, Q. 1, Q. 3, Q. 4, Q. 5, Q. 9, Q. 24, Q. 36, Q. 38]</p> <p>(a) Development of IEP.</p> <p>(1) General. In developing each child's IEP, the IEP team, shall consider—</p> <p>(i) The strengths of the child and the concerns of the parents for enhancing the education of their child;</p> <p>(ii) The results of the initial or most recent evaluation of the child; and</p> <p>(iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.</p> <p>(2) Consideration of special factors. The IEP team also shall—</p> <p>(i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;</p> <p>(ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;</p> <p>(iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;</p> <p>(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full</p>	<p>§89.1053. Procedures for Use of Restraint and Time-Out.</p> <p>(a) Requirement to implement. In addition to the requirements of 34 Code of Federal Regulations (CFR), §300.346(a)(2)(i) and (c), school districts and charter schools must implement the provisions of this section regarding the use of restraint and time-out. In accordance with the provisions of Texas Education Code (TEC), §37.0021 (Use of Confinement, Restraint, Seclusion, and Time-Out), it is the policy of the state to treat with dignity and respect all students , including students with disabilities who receive special education services under TEC, Chapter 29, Subchapter A.</p> <p>(b) Definitions.</p> <p>(1) Emergency means a situation in which a student's behavior poses a threat of:</p> <p>(A) imminent, serious physical harm to the student or others; or</p> <p>(B) imminent, serious property destruction.</p> <p>(2) Restraint means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of the student's body.</p> <p>(3) Time-out means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:</p> <p>(A) that is not locked; and</p> <p>(B) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.</p> <p>(c) Use of restraint. A school employee, volunteer, or independent contractor may use restraint only in an emergency as defined in subsection (b) of this section and with the following limitations.</p> <p>(1) Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.</p> <p>(2) Restraint shall be discontinued at the point at which the emergency no longer exists.</p> <p>(3) Restraint shall be implemented in such a way as to protect the health and safety of the student and others.</p>	<p>§37.0021. Use of Confinement, Restraint, Seclusion, and Time-Out.</p> <p>(a) It is the policy of this state to treat with dignity and respect all students, including students with disabilities who receive special education services under Subchapter A, Chapter 29. A student with a disability who receives special education services under Subchapter A, Chapter 29, may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.</p> <p>(b) In this section:</p> <p>(1) "Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.</p> <p>(2) "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:</p> <p>(A) is designed solely to seclude a person; and</p> <p>(B) contains less than 50 square feet of space.</p> <p>(3) "Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:</p> <p>(A) that is not locked; and</p> <p>(B) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.</p> <p>(c) A school district employee or volunteer or an independent contractor of a district may not place a student in seclusion. This subsection does not apply to the use of seclusion in a court-ordered placement, other than a placement in an educational program of a school district, or in a placement or facility to which the following law, rules, or regulations apply:</p>
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<p>(2) Is made in conformity with the LRE provisions of this subpart, including §§300.550-300.554;</p> <p>(b) The child's placement—</p> <p>(1) Is determined at least annually;</p> <p>(2) Is based on the child's IEP; and</p> <p>(3) Is as close as possible to the child's home;</p> <p>(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;</p> <p>(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and</p> <p>(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.</p> <p>(Authority: 20 U.S.C. 1412(a)(5))</p> <p>§300.553. Nonacademic settings.</p> <p>In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in §300.306, each public agency shall ensure that each child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of that child.</p> <p>(Authority: 20 U.S.C. 1412(a)(5))</p> <p>§300.554. Children in public or private institutions.</p> <p>Except as provided in §300.600(d), an SEA must ensure that §300.550 is effectively implemented, including, if necessary, making arrangements with public and private institutions (such as a memorandum of agreement or special implementation procedures).</p> <p>(Authority: 20 U.S.C. 1412(a)(5))</p>	<p>§89.62. Support of Students Enrolled in the Texas School for the Blind and Visually Impaired and Texas School for the Deaf.</p> <p>(a) For each student enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf, the school district responsible for providing appropriate special education and related services to the student shall share the cost of the student's education (excluding the summer programs) as provided under the Texas Education Code, §30.003.</p> <p>(1) The information required in accordance with the Texas Education Code, §30.003(d), must be submitted in a form prescribed by the commissioner of education within 30 calendar days after the student enrolls in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf.</p> <p>(2) School districts required to remit their shares to the Texas Education Agency in accordance with the Texas Education Code, §30.003(d), shall do so within 60 days of notification by the commissioner of education.</p> <p>(b) School districts shall provide, annually, in writing to each parent or legal guardian of an eligible student with visual or auditory impairments, the information specified in the Texas Education Code, §30.004(a)(1-3), before considering the student's placement for special education services.</p>	<p>§30.003. Support of Students Enrolled in Texas School for the Blind and Visually Impaired or Texas School for the Deaf.</p> <p>(a) For each student enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf, the school district that is responsible for providing appropriate special education services to the student shall share the cost of the student's education as provided by this section.</p> <p>(b) If the student is admitted to the school for a full-time program for the equivalent of two long semesters, the district's share of the cost is an amount equal to the dollar amount of maintenance and debt service taxes imposed by the district for that year divided by the district's average daily attendance for the preceding year.</p> <p>(c) If the student is admitted for a program less than two complete semesters in duration, other than a summer program, the district's share of the cost is an amount equal to the amount that would be the district's share under Subsection (b) for a full-time program multiplied by the quotient resulting from the number of full-time equivalent days in the program divided by the minimum number of days of instruction for students as provided by Section 25.081.</p>
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		<p>(d) Each school district and state institution shall provide to the commissioner the necessary information to determine the district's share under this section. The information must be reported to the commissioner on or before a date set by rule of the State Board of Education. After determining the amount of a district's share for all students for which the district is responsible, the commissioner shall deduct that amount from the payments of foundation school funds payable to the district. Each deduction shall be in the same percentage of the total amount of the district's share as the percentage of the total foundation school fund entitlement being paid to the district at the time of the deduction, except that the amount of any deduction may be modified to make necessary adjustments or to correct errors. The commissioner shall provide for remitting the amount deducted to the appropriate school at the same time at which the remaining funds are distributed to the district. If a district does not receive foundation school funds or if a district's foundation school entitlement is less than the amount of the district's share under this section, the commissioner shall direct the district to remit payment to the commissioner, and the commissioner shall remit the district's share to the appropriate school.</p> <p>(e) For each student enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf, the appropriate school is entitled to the state available school fund apportionment.</p> <p>(f) The commissioner, with the assistance of the comptroller, shall determine the amount that the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf would have received from the available school fund if Chapter 28, Acts of the 68th Legislature, 2nd Called Session, 1984, had not transferred statutorily dedicated taxes from the available school fund to the foundation school fund. That amount, minus any amount the schools do receive from the available school fund, shall be set apart as a separate account in the foundation school fund and appropriated to those schools for educational purposes.</p> <p>(g) The State Board of Education may adopt rules as necessary to implement this section.</p> <p>§30.004. Information Concerning Programs.</p> <p>(a) Each school district shall provide each parent or other person having lawful control of a student with written information about:</p> <ol style="list-style-type: none"> (1) the availability of programs offered by state institutions for which the district's students may be eligible; (2) the eligibility requirements and admission conditions imposed by each of those state institutions; and
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§89.1085. Referral for the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf Services.

(a) A student's admission, review, and dismissal (ARD) committee may place the student at the Texas School for the Blind and Visually Impaired (TSBVI) or the Texas School for the Deaf (TSD) in accordance with the provisions of 34 Code of Federal Regulations (CFR), Part 300, the Texas Education Code (TEC), including, specifically, §§30.021, 30.051, and 30.057, and the applicable rules of this subchapter.

§30.002. Education for Children With Visual Impairments.

(a) The agency shall develop and administer a comprehensive statewide plan for the education of children with visual impairments who are under 21 years of age that will ensure that the children have an opportunity for achievement equal to the opportunities afforded their peers with normal vision.

(b) The agency shall:

- (1) develop standards and guidelines for all special education services for children with visual impairments that it is authorized to provide or support under this code;
- (2) supervise regional education service centers and other entities in assisting school districts in serving children with visual impairments more effectively;
- (3) develop and administer special education services for students with both serious visual and auditory impairments;
- (4) evaluate special education services provided for children with visual impairments by school districts and approve or disapprove state funding of those services; and
- (5) maintain an effective liaison between special education programs provided for children with visual impairments by school districts and related initiatives of the Texas Commission for the Blind, the Texas Department of Mental Health and Mental Retardation, the Texas School for the Blind and Visually Impaired, and other related programs, agencies, or facilities as appropriate.

(c) When a student's ARD committee places the student at the

(c) TSBVI or the TSD, the student's resident school district shall comply with the following requirements.

- (1) For each student, the resident school district shall list those services in the student's individualized education program (IEP) which the district cannot appropriately provide in a local program and which the TSBVI or the TSD can appropriately provide.
- (2) The district may make an on-site visit to verify that the TSBVI or the TSD can and will offer the services listed in the individual student's IEP and to ensure that the school offers an appropriate educational program for the student.

(3) For each student, the resident school district shall include in the student's IEP the criteria and estimated time lines for returning the student to the resident school district.

(d) In addition to the provisions of subsections (a)-(c) of this section, and as provided in TEC,

§30.057, the TSD shall provide services in accordance with TEC, §30.051, to any eligible student with a disability for whom the TSD is an appropriate placement if the student has been referred for admission by the student's parent or legal guardian, a person with legal authority to act in place of the parent or legal guardian, or the student, if the student is age 18 or older, at any time during the school year if the referring person chooses the TSD as the appropriate placement for the student rather than placement in the student's resident school district or regional program determined by the student's ARD committee. For students placed at the TSD pursuant to this subsection, the TSD shall be responsible for assuring that a FAPE is provided to the student at the TSD, in accordance with IDEA, 20 USC §§1401 et seq., 34 CFR, Part 300, state statutes, and rules of the SBOE and the commissioner of education.

(e) For purposes of this section and §89.1090 of this title (relating to Transportation of Students Placed in a Residential Setting, Including the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf), the "resident school district" is the school district in which the student would be enrolled under TEC, §25.001, if the student were not placed at the TSBVI or the TSD.