

It is the policy of Universal Academy open-enrollment charter school to ensure that an Individualized Education Program (IEP) is developed, reviewed, and revised for each student with a disability who receives special education and related services in accordance with the IDEA. (34 CFR §§300.22 and 300.020-300.024)

### ***IEP Implementation***

At the beginning of each school year, Universal Academy open-enrollment charter school will have in effect an IEP for each student with a disability that qualifies for special education and related services. (34 CFR §300.323)

Once an IEP is developed, the IEP must be implemented as soon as possible. Additionally, Universal Academy will provide the parent with 5 days written notice prior to implementing a new IEP. However, the parent may waive the 5 days written notice and allow the IEP to be implemented immediately. (34 CFR §300.323; 19 TAC §89.1050)

### ***Responsibility of the ARD Committee***

The ARD committee must determine needed special education services, meaning specially-designed instruction that is provided at no cost to parents and meets the unique needs of the student with a disability. (34 CFR §300.320(a)(4))

In determining a free appropriate public education for a student who receives special education, the ARD committee must determine needed related services as defined by 34 CFR §300.34.

The ARD committee must consider the concerns of the parent in developing the IEP of a student with a disability. (34 CFR §300.324(a)(1)(ii))

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### ***Contents of an IEP***

#### *Least Restrictive Environment*

The ARD committee must determine the least restrictive environment for each student in accordance with the IDEA.

When creating the schedule of services for each student, it is the policy of Universal Academy open-enrollment charter school to be clear and specific, and ensure that the student receives services in the least restrictive environment.

For further explanation see the *Least Restrictive Environment* policy.  
(34 CFR §300.114; 19 TAC §89.1050)

#### *Related Services*

Related services must be provided to a student who qualifies for special education, if those related services are needed to ensure the student receives a free appropriate public education.

Related services means transportation and developmental, corrective, and other supportive services required to assist a student with a disability to benefit from special education. Other related services include speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Each related services is defined in accordance with the IDEA, 34 CFR §300.34.

Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training. However, for students with surgically implanted devices, it does not include a medical device, the optimization of that device's functioning, maintenance of that device, or replacement.

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(34 CFR §300.34)

### Supplementary Aids and Services

The ARD committee must determine needed supplementary aids and services to be provided to the student, or on behalf of the student. This includes aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate.

(34 CFR §300.42).

### Present Levels of Academic Achievement and Functional Performance

The ARD committee must provide a statement of the student's present levels of academic achievement and functional performance. The statement must include a summary of how the student's disability affects the student's involvement and progress in the general curriculum or, in the case of a pre-school student, participation in appropriate activities. (34 CFR §300.320(a)(1))

### Goals

The ARD committee must include in the student's individualized education program (IEP) a statement of measurable annual academic and functional goals designed to:

- Meet the student's needs that result from the student's disability to enable the student to be involved in and to make progress in the general education curriculum; and
- Meet each of the student's other educational needs that result from the student's disability.

(34 CFR §300.320(a)(2)(i))

### State Assessment

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The ARD committee must select which state assessment a student with a disability will take. As part of that decision, the ARD committee will also select accommodations available to the student. The student's ARD committee will determine whether satisfactory performance on the required assessments is necessary for graduation. (34 CFR §300.320; 19 TAC §§89.1070; 89.1055)

For more about state assessments, see *Testing-Student Assessment* policy.

### Graduation

A high school student's IEP shall include information on the student's graduation plan. See *Graduation* policy for more information. (19 TAC §89.1050)

### Transition Planning

When a student with a disability turns 14, an ARD committee must begin transition planning. Transition services must be outlined in the student's IEP in accordance with IDEA and the Texas Education Code. See *Transition Services* policy for a detailed explanation of transition services. (34 CFR §300.320; TEC §29.011)

### Extended School Year (ESY) Services

The need for ESY services must be determined on an individual basis by the admission, review and dismissal (ARD) committee.

ESY services are individualized instructional programs beyond the regular school year for eligible students with disabilities. Universal Academy open enrollment charter school must ensure that ESY services are available as necessary to provide a student with a disability with a free appropriate public education.

ESY services may not be limited to particular categories of disability or by the type, amount, or duration of ESY services.

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(34 C.F.R. §300.106; 19 TAC §89.1065)

### *Accommodations and Modifications*

The ARD committee will determine what accommodations and modifications are required to meet the student's needs in all subject areas. All agreed upon accommodations and modifications will be listed in the IEP and provided to the student's teachers.

### *Deliberations*

Each IEP will include deliberations of the ARD committee meeting. Included in those notes will be the date of the meeting, as well as name of those in attendance, their title, each signature, and whether the parent and administrator agreed or disagreed. (TEC §29.005)

It is the policy of Universal Academy open-enrollment charter school to include a brief summary of topics discussed, requests and decisions regarding services, and other notes to make clear what occurred during the ARD committee meeting. The deliberations page for each ARD committee meeting is not meant to be a transcript of the meeting.

### ***Required Special Factors to Consider***

#### *Behavior Impeding Learning*

In the case of the student whose behavior impedes the student's learning or that of others, the admission, review, and dismissal (ARD) committee must consider:

- The use of positive behavioral interventions and supports; and
- Other strategies to address that behavior, including a behavior intervention plan (BIP)

(34 CFR §300.324(a)(2)(i))

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In order to determine what strategies are best for each student, an ARD committee may consider a functional behavior assessment (FBA). If an ARD committee determines a change of placement is necessary due to the student's behavior, it must conduct an FBA and implement a BIP. If an FBA was already completed, the ARD committee must review and update the BIP. (34 CFR §300.350(f))

If a BIP is required, as determined by the ARD committee, the BIP is part of the IEP and must be provided to all personnel who work with the student. (TEC §29.005(g))

### Student with Limited English Proficiency

When a student qualifies as a student with limited English proficiency, or qualifies as an English Language Learner, the ARD committee must consider the language need of the student as such needs relate to the student's individualized education program (IEP). The ARD committee must include a professional member of the language proficiency assessment committee (LPAC) to serve on the ARD committee of each student with limited English proficiency. (34 CFR §300.324(a)(2)(ii))

It is the policy of Universal Academy open-enrollment charter school to provide a student who qualifies for language services and special education services both services as needed in order to provide a free appropriate public education and meet the unique needs of the student. Eligibility for one service does not disqualify the student from other services. (20 U.S.C. §§ 1400-1419; 29 U.S.C. § 794)

### Children Who Are Deaf or Hard of Hearing

In the case of the student who is deaf or hard of hearing, the ARD committee must consider:

- The student's opportunities for direct communications with peers and professional personnel in the child's language and communication mode;

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- The student's language and communication needs;
- The student's academic level; and
- The student's full range of needs, including opportunities for direct instruction in the student's language and communication mode. (34 CFR §300.324(a)(2)(iv)).

### Students Who Are Blind or Visually Impaired

In the case of the student who is blind or visually impaired, after an evaluation of the student'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), the ARD committee must either:

- Provide for reading and writing instruction in Braille and the use of Braille; or
- Determine that instruction in Braille or the use of Braille is not appropriate. (34 CFR §300.324(a)(2)(iii)).

Before placing a student with a visual impairment in a classroom setting, or within a reasonable period of time after placement, the ARD Committee must provide the training specified in Texas Education Code Subsection 30.002(c)(4).

The IEP developed for a student who is visually impaired or functionally blind must comply with the provisions of Texas Education Code Subsections 32.002(c), (e) and (f), as applicable.

### Students with Autism or Other Pervasive Developmental Disorder

It is the policy of the Universal Academy open-enrollment charter school to comply with any applicable Commissioner rules that may require an open-enrollment charter school to include in the individualized education program (IEP) of a student with autism or another pervasive developmental disorder any information or requirement determined necessary, including the autism

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supplement, to ensure the student receives a free appropriate public education (FAPE) as required under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1400 et seq.). (TEC §29.005(e))

### Assistive Technology

The ARD committee must consider whether the student needs assistive technology devices (ATDs) as a part of the student's special education, related services, or supplementary aids and services. On a case-by-case basis, the use of school-purchased ATDs in the student's home or in other settings is required if the student's ARD committee determines that the student needs access to those devices in order to receive free appropriate public education (34 CFR §§300.105; 300.324(a)(2)(v); 20 USC §1414(d)(3)(B)(v)).

Assistive technology means any device or equipment used to improve or maintain the function capabilities of a student with a disability. Assistive technology does not include a medical device that is surgically implanted. (34 CFR §§300.5-300.6)

Universal Academy open-enrollment charter school may transfer an assistive technology device (ATD) in accordance to TEC, §30.0015. The transfer agreement must include the standards in TEC §30.0015, including the following:

- 1) The transferor and transferee must represent and agree that the terms of the transfer are based on the fair market value of the ATD, determined in accordance with generally accepted accounting principles.
- 2) The informed consent of the parent of the student with a disability, or the adult student, for whom the ATD is being transferred must be obtained before the transfer of an ATD pursuant to TEC, §30.0015. The procedures employed by Universal Academy in obtaining informed consent shall be consistent with the procedures employed by the school to obtain parental consent under 34 CFR §300.300. Consistent with 34 CFR, §300.505(c), informed parental or adult student consent



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need not be obtained if the school can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parent or the adult student has failed to respond. To meet the reasonable measures requirement, the school must use procedures consistent with those described in 34 CFR, §300.322(d).

- 3) If the transfer is a sale, then the sale of the ATD shall be evidenced by a "Uniform Transfer Agreement" (UTA) which includes the following:
  - a. the names of the transferor and the transferee (which may be any individual or entity identified in TEC, §30.0015(b));
  - b. the date of the transfer;
  - c. a description of the ATD being transferred;
  - d. the terms of the transfer (including the transfer of warranties, to the extent applicable); and
  - e. the signatures of authorized representatives of both transferor and transferee.

(19 TAC 89.1056)

### ***Students who transfers with an IEP***

When a student transfers to Universal Academy open-enrollment charter school from another school within Texas, Universal Academy must provide a free appropriate public education to the student. Universal Academy must provide comparable services as those described in the IEP the student transferred with until Universal Academy adopts the student's IEP from the previous school, or develops, adopts and implements a new IEP.

If the student with a disability transfers to from a school outside of Texas, Universal Academy must provide the student with FAPE, including comparable services, until Universal Academy conducts an evaluation and develops, adopts, and implements a new IEP. (34 CFR §300.323)

A new IEP must be implemented within 30 school days from the date the student is verified as being a student eligible for special education services.

If a student transfers from Universal Academy open-enrollment charter school, Universal Academy will furnish the student's special education

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records to the student's new school not later than 30 calendar days after school student was enrolled.

(19 TAC §89.1050)

### ***Access to the IEP***

All educators and personnel working with a student with a disability will have access to the student's IEP, including all of the relevant parts.

It is the responsibility of Universal Academy open-enrollment charter school that each person implementing a portion of the IEP is aware of their specific responsibilities. Additionally, personnel must be aware of the accommodations and modifications that must be implemented.

(34 C.F.R. §300.323(d); 19 TAC §89.1075)