

It is the policy of Universal Academy open-enrollment charter school to ensure that to the maximum extent appropriate, students with disabilities are educated with students who are not disabled, and that special classes, separate schooling, or other removal of students with disabilities from the regular education environment occurs only when the nature or severity of the disability of a student is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Continuum of Alternative Placements

If needed, Universal Academy must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities. A continuum of placements may include, but are not limited to general education, resource, life skills, and homebound. (34 C.F.R. §300.115(a))

Placement Decisions

In determining the educational placement of a student with a disability, including a preschool student with a disability, Universal Academy must hold an ARD committee meeting to determine the appropriate instructional setting for the student and specify the instructional setting in the individual education program (IEP). Universal Academy must ensure that the student is in the least restrictive environment to the maximum extent appropriate. (34 C.F.R. §300.116; 19 TAC §89.1050(a)(6); 19 TAC §89.1075(e))

Through an ARD committee meeting Universal Academy shall determine the student's placement at least annually based on the student's IEP. (34 C.F.R. §300.116(b))

The parent of the student with a disability, or an adult student, must be included in placement decisions. (34 CFR §300.327)

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The IEP must include an explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education setting, and extracurricular and nonacademic activities. (34 C.F.R. §300.320)

When determining a student's instructional arrangement/setting, the regular school day is defined as the period of time determined appropriate by the ARD committee. (19 TAC §89.63)

Preschool-Aged Students

If Universal Academy offers preschool, Universal Academy must provide a free appropriate public education (FAPE) in the least restrictive environment to preschool-aged students even if Universal Academy does not provide free preschool programs to all preschool-aged students. (34 C.F.R. §§300.101(a)-(b) and §300.116)

Universal Academy may provide opportunities for the participation of the preschool students with disabilities in other preschool programs operated by public agencies or by locating classes for preschool students with disabilities in regular elementary schools. However, Universal Academy is not required to initiate preschool programs or to establish extensive contact programs with private schools which serve both students with disabilities and students without disabilities solely to satisfy the requirements regarding placement in the LRE. (OSEP Policy Memo 89-23; 34 C.F.R. §300.102(a))

Career and Technical Education Programs

If a student is unable to receive a FAPE in a regular career and technical education (CTE) program, using supplemental aids and services, the student may be served in separate programs designed to address the student's occupational/training needs, such as a career and technical education for students with disabilities programs (referred to as CTED programs). (TEC §75.1023(c))

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When Universal Academy is determining placement in a CTE classroom, the ARD committee will consider the student's graduation plan, the content of the IEP, including the consideration of the transition services, and classroom supports. (TEC §75.1023(d)(6))

Enrollment numbers in a CTE classroom must not create a harmful effect on learning for a student with or without disabilities. (TEC §75.1023(d)(6))

Regional Day School Program for the Deaf

Universal Academy must have access to regional day school program for the deaf and the student must be eligible for consideration for the Regional Day School Program for the Deaf, subject to the ARD committee recommendations, if the student has a hearing impairment, which severely impairs processing linguistic information through hearing, even with recommended amplification, and adversely affects educational performance. (19 TAC § 89.1080)

Students Residing in a Residential Facility

If an ARD committee recommends placement in a residential facility, the ARD committee must determine the appropriate educational placement for a student who resides in a residential facility. Universal Academy must consider all available information regarding the educational needs of the student, and the non-educational needs that may restrict the ability of Universal Academy to serve the student on a public school campus or other instructional setting.

As part of the non-educational needs, Universal Academy should consider the student's health and safety (e.g. substance abuse) and the student's placement in a restrictive residential facility program (e.g. juvenile incarceration or restrictive court-ordered placements).

The ARD committee's educational placement determination must be individualized based on need, and not made on a categorical basis, such as the disability or residence in the residential facility. Placement cannot be

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based on what is most convenient to Universal Academy or the residential facility.

When the educational services will be provided at the residential facility, the ARD committee must determine whether space available at the residential facility is appropriate for the provision of a free appropriate public education based on the individual student's needs and the residential facility's available space. The ARD committee must find alternative locations for providing educational services if the ARD committee or residential facility determines that the residential facility does not have appropriate space. (19 TAC § 89.1115(d))

Residential Placement at Public Expense

If Universal Academy determines that a residential placement is necessary in order for the student to receive a free appropriate public education, the IEP must include the list of services the facility will provide that Universal Academy cannot. Universal Academy must also include the criteria and timeline for the student to return to Universal Academy. The IEP shall document the appropriateness of the facility for the individual student.

During the initial placement ARD, and each annual ARD meeting, the committee shall verify that:

- The facility meets minimum standards for health and safety;
- The residential placement is needed and is documented in the IEP; and
- The educational program provided at the residential facility is appropriate and the placement is the least restrictive environment for the student.

Universal Academy must make an initial and an annual on-site visit to verify that the residential facility can and will provide the services listed in the student's IEP which the facility has agreed to provide to the child. (19 TAC §89.61)

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When placing the student in a residential facility, Universal Academy must comply with the residential placements and the use of funds for contract services including residential placements frameworks.

Texas School for the Blind and Visually Impaired (TSBVI) and Texas School for the Deaf (TSD)

When placing a student at the TSBVI or the TSD, the ARD committee must include the services that TSBVI or TSD can provide in the student's IEP. The IEP shall also include the criteria and estimated timeline for the students return to the open-enrollment charter school.

When placing the student at the TSBVI or the TSD, Universal Academy may make an onsite visit to verify that the TSBVI or the TSD can and will offer the services listed in the student's IEP and to ensure that the school offers an appropriate educational program for the student. (19 TAC §89.1085(c))