



LEA Assurance Checklist for Contracting with Nonpublic Schools/Off-Campus Programs and Record of Annual Visits

LEA: Nonpublic/Off-Campus Program:

Dates of annual announced visits - Current year: Previous year:* Two years prior:*

Dates of annual unannounced visits - Current year: Previous year:* Two years prior:*

*=enter "n/a" if LEA had no students enrolled at the nonpublic/off-campus program during that year

Please answer the following questions on the basis of LEA/nonpublic/off-campus program documentation and information verified during the annual visits.

1. **Requirements for Placement:** The nonpublic school or off-campus program assures there is no requirement for parents to consent to medication for the student to be eligible for placement at the school. Yes No
2. **Requirements for Placement:** Students with disabilities must have available an instructional day commensurate with that of students without disabilities. The ARD committee must determine the appropriate instructional setting and length of day for each student, and these must be specified in the student's IEP. [TAC §89.1075\(e\)](#) [If the length of school day is not commensurate there needs to be a student-specific ARD committee decision]. Yes No
3. **Requirements for Placement:** If the nonpublic school or off-campus program employs any practices that restrict parent/child contact, for any period of time, the LEA must inform the parents of such practices prior to ARD placement. The student's IEP must reflect circumstances of restriction, any potential harmful effects, and parent acknowledgment of limitations. Yes No
4. **Requirements for Placement:** The nonpublic school or off-campus program is designed for its function, receives proper maintenance, is free from safety and health hazards, and provisions are made to accommodate the needs of persons with disabilities. Yes No
5. **Program Activities/Contractual Obligations:** The contract requires the nonpublic school or off-campus program to periodically report to the LEA on the contracted services the student received, as well as diagnostic or other evaluative information the LEA requests. [TEC §29.008\(d\)](#) Yes No
6. **Program Activities/Contractual Obligations:** Special education services are provided at no cost to the parents. If placement in a private residential program is necessary to provide special education and related services to a child with a disability, that program must be at no cost to the parents of the child. [34 CFR §300.104](#), [§300.39\(a\)\(1\)](#) Yes No
7. **Program Activities/Contractual Obligations:** When contracting with off-campus facilities, LEAs who use federal grant funds to procure services must follow general procurement standards. [2 CFR §200.318](#) Yes No
8. **Personnel Credentials:** Personnel employed by the nonpublic school or off-campus program have been subject to criminal background checks (to include fingerprinting) meeting the standards applied to public school employees. [TEC §22.083](#); [19 TAC §153.1109\(a\)\(3\)](#) Yes No
9. **Personnel Credentials:** All general education, special education, and related services personnel employed by the nonpublic school or off-campus program are certified, endorsed, or licensed in the area of assignment. [34 CFR §300.156](#); [19 TAC §89.1131](#); and applicable SBEC rules, including [19 TAC §231.701](#) Yes No
10. **ARD Committee Participation:** Nonpublic or off-campus program staff participate in ARD committee meetings. Yes No
11. **Written Curriculum:** The nonpublic school or off-campus program has a process to transfer coursework and credit information in an appropriate format to the LEA according to the Minimum Standards for the Academic Achievement Record. [TEC §28.025\(e\)](#) Yes No
12. **Written Curriculum:** The nonpublic school or off-campus program has participated with the IEP team in determining which assessments of student achievement will be used and the accommodations necessary for the student to participate in local and statewide assessments. [19 TAC §89.1055\(b\)](#) n/a Yes No
13. **Written Curriculum:** The nonpublic school or off-campus program assures there is a written curriculum that is aligned with the Texas Essential Knowledge and Skills (TEKS) and provides opportunity for access to and progress in the TEKS as appropriate for the students placed at the facility. [34 CFR §300.320\(a\)\(1\)](#), [§300.320\(a\)\(2\)\(i\)\(A\)](#), [§300.320\(a\)\(4\)\(ii\)](#) Yes No
14. **IEP Implementation:** Each teacher and service provider has received copies of relevant portions of each student's IEP, and records of receipt are made available to the LEA upon request. [34 CFR §300.323\(d\)](#) Yes No

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15. **IEP Implementation:** As appropriate, general education teachers have the opportunity to provide input and request assistance regarding IEP implementation. [34 CFR § 300.324 \(a\)\(3\), \(b\)\(3\)](#) Yes No
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16. **IEP Implementation:** The nonpublic school or off-campus program provides all assistive technology devices and services as specified in each student's IEP, if applicable. [34 CFR §300.105\(a\)](#) n/a Yes No
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17. **IEP Implementation:** Written reports of IEP progress are sent to parents on the same timely basis as those provided to parents of students educated at the home campus. [34 CFR §300.320\(a\)\(3\)\(ii\)](#) Yes No
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18. **IEP Implementation:** The nonpublic facility or off-campus program provides staff development that is designed to improve education. [TEC §21.451\(a\)\(2\)](#) Yes No
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19. **IEP Implementation:** Students receive all special education and related services as written in their IEPs. Service logs and evidence of self-monitoring are available to the LEA upon request. [34 CFR §300.17\(d\)](#) Yes No
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20. **Emergency Behavior Interventions:** The nonpublic school or off-campus program has developed written policies, procedures, and operating guidelines that set forth necessary steps to be followed, in conjunction with the LEA, when students with disabilities are subject to disciplinary action. [34 CFR §300.530, §300.531, §300.536](#) Yes No
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21. **Emergency Behavior Interventions:** The nonpublic school or off-campus program assures that staff that may be involved in time-out and/or restraint activities have received the required training (and maintains current certification), and documentation of this training is made available to the LEA upon request. [TEC §37.0021; 19 TAC §89.1053](#) Yes No
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22. **Emergency Behavior Interventions:** The nonpublic school or off-campus program has knowledge of and adheres to requirements outlined in [TEC §37.0023](#) Prohibited aversive techniques (including the use of prone and supine techniques). Yes No
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23. **Confidentiality:** The nonpublic school or off-campus program assures that if any educational record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child. [34 CFR §300.615](#) Yes No
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24. **Confidentiality:** The nonpublic school or off-campus program provides the parents, upon request, with a list of the types and locations of education records maintained by the facility. [34 CFR §300.616](#) Yes No
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25. **Confidentiality:** If the nonpublic school or off-campus program charges a fee for copies of records that are made for parents, the requested fee does not prevent the parents from exercising their right to inspect and review those records. [34 CFR §300.617](#) Yes No
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26. **Confidentiality:** One official of the nonpublic school or off-campus program has assumed responsibility for ensuring confidentiality. [34 CFR §300.623\(b\)](#) Yes No
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27. **Confidentiality:** All individuals collecting or using personally identifiable information receive training or instruction regarding the State's policies and procedures. [34 CFR §300.623\(c\)](#) Yes No
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28. **Confidentiality:** The nonpublic school or off-campus program informs the parent when confidential material that has been collected, used, or maintained is no longer needed and destroys the records at parents' request. [34 CFR §300.624](#) Yes No
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29. **Confidentiality:** The nonpublic school or off-campus program keeps a record of parties obtaining access to education records (except access by parents and authorized employees of the district or nonpublic school), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. [34 CFR §300.614](#) Yes No
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30. **Confidentiality:** The nonpublic school or off-campus program maintains a current listing of the names and positions of those employees who may have access to confidential information. [34 CFR §300.623\(d\)](#) Yes No
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31. **Confidentiality:** Notice of confidentiality rights is given to the parent on an annual basis. [34 CFR §300.612\(a\)\(4\)](#) Yes No
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32. **Confidentiality:** The nonpublic school or off-campus program provides parents or their representatives the opportunity to inspect and review any education records relating to their children and provides them with an explanation and interpretation of the records requested. [34 CFR §300.613](#) Yes No
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33. **Confidentiality:** The nonpublic school or off-campus program provides the parents with copies of records if failure to provide those copies would prevent the parent from exercising the right to review and inspect the records of their child. [34 CFR §300.613\(b\)\(2\)](#) Yes No

34. **Applicable only for nonpublic schools seeking approval for residential placements:** The nonpublic school has been licensed by the Texas Department of Family and Protective Services, Texas Health and Human Services Commission, or other appropriate licensing agency. n/a Yes No

If yes, Name of Agency:

Name and Title of Person Completing Form:

Date Completed: