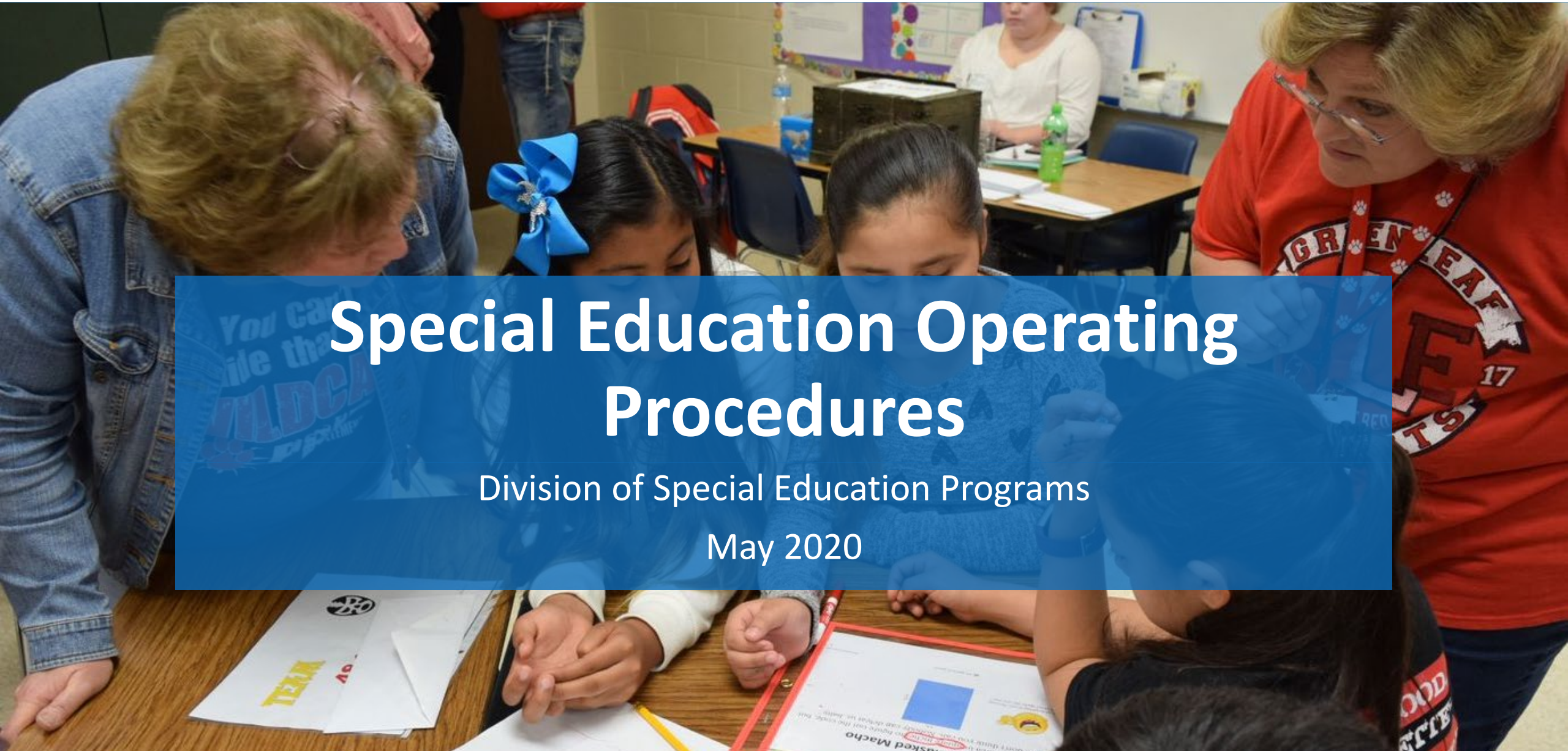


Special Education Operating Procedures

Division of Special Education Programs

May 2020

Special Education Operating Procedures

Copyright © 2020. Texas Education Agency. All Rights Reserved.

Notwithstanding the foregoing, the right to reproduce the copyrighted work is granted to Texas public school districts, Texas charter schools, and Texas education service centers for non-profit educational use within the state of Texas, and to residents of the state of Texas for their own personal, non-profit educational use, and provided further that no charge is made for such reproduced materials other than to cover the out-of-pocket cost of reproduction and distribution. No other rights, express or implied, are granted hereby.

For more information, please contact Copyrights@tea.texas.gov.

Activity

PRE-TEST

Let’s check what you understand before we begin.

Pre-Test

- What is the statutory authority requiring local education agencies (LEAs) to develop and implement special education operating procedures?
- What is the difference between school board policies and special education operating procedures?
- What is the difference between special education operating procedures and evidence of practice?

Pre-Test

- Why was the term operating "guidelines" change to operating "procedures"?
- When must board policies be linked or uploaded in the Legal Framework?
- When must special education operating procedures be uploaded in the Legal Framework?

Pre-Test

- Which operating procedures are required to be uploaded in 2020-2021?
  - a
  - b
  - c
- How is FAPE addressed in the operation procedures?
- Are LEAs required to use the operating procedures templates found in the Legal Framework?

Pre-Test

- Are LEAS required to address all prompts listed on the operating procedures templates?
- What is the first thing an LEA special education director needs before accessing the authoring system in the Legal Framework?
- How are new templates identified in the resources section of the authoring system?

Agenda

- Statutory Authority
- Policy or Procedure or Practice
- Timeline
- Required Operating Procedures
- Optional Operating Procedures Templates
- Accessing the Authoring System in the Legal Framework
- Review of Post-Test
- What Happens Next?

Statutory Authority

According to the requirements of the Individuals with Disabilities Education Act (IDEA): 34 C.F.R. §§ 300.201 and 300.149

- The State Education Agency must provide for review and, if appropriate, revision of the **policies, procedures and practices** related to serving students with disabilities.

- Furthermore, Local Education Agencies (LEAs) are required to develop and implement **policies, procedures and practices** related to the provision of special education services to eligible students.

Policies or Procedures or Practices

Local School Board Policies

Legal

- compile federal law, state law, and court decisions, providing the statutory context in which all other policies should be read

Local

- reflect decisions made by the board of trustees

Homepage of the Legal Framework: framework.esc18.net

Mobile Site

THE LEGAL FRAMEWORK
for the Child-Centered Special Education Process

Legal Framework Helpdesk:

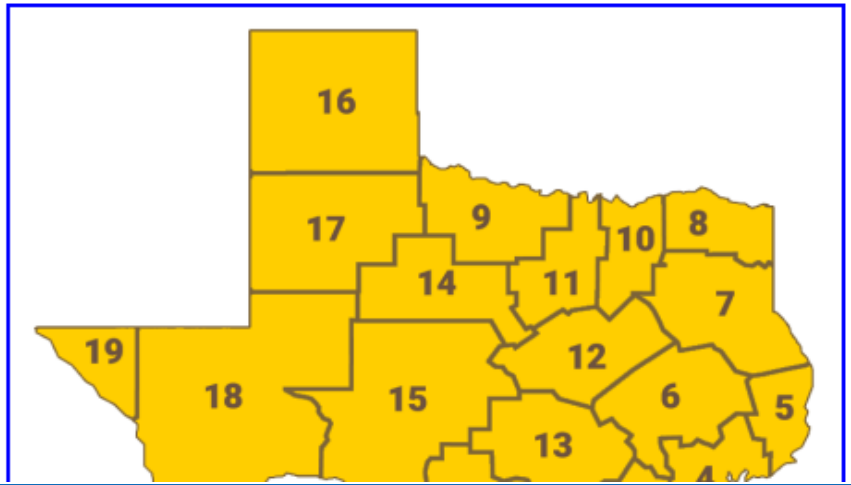
432-561-IDEA frameworkhelp@esc18.net

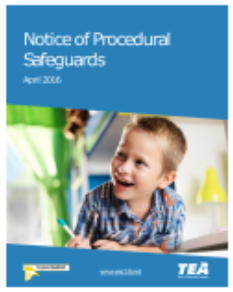
Versión Español

Getting Started | Frameworks | Updates | Resources | Glossary | Documents | Search | Home

Local school board policies of public schools across Texas are linked to the Legal Framework. Policies can be accessed by entering the county-district number in the area below.

Find your district or charter school



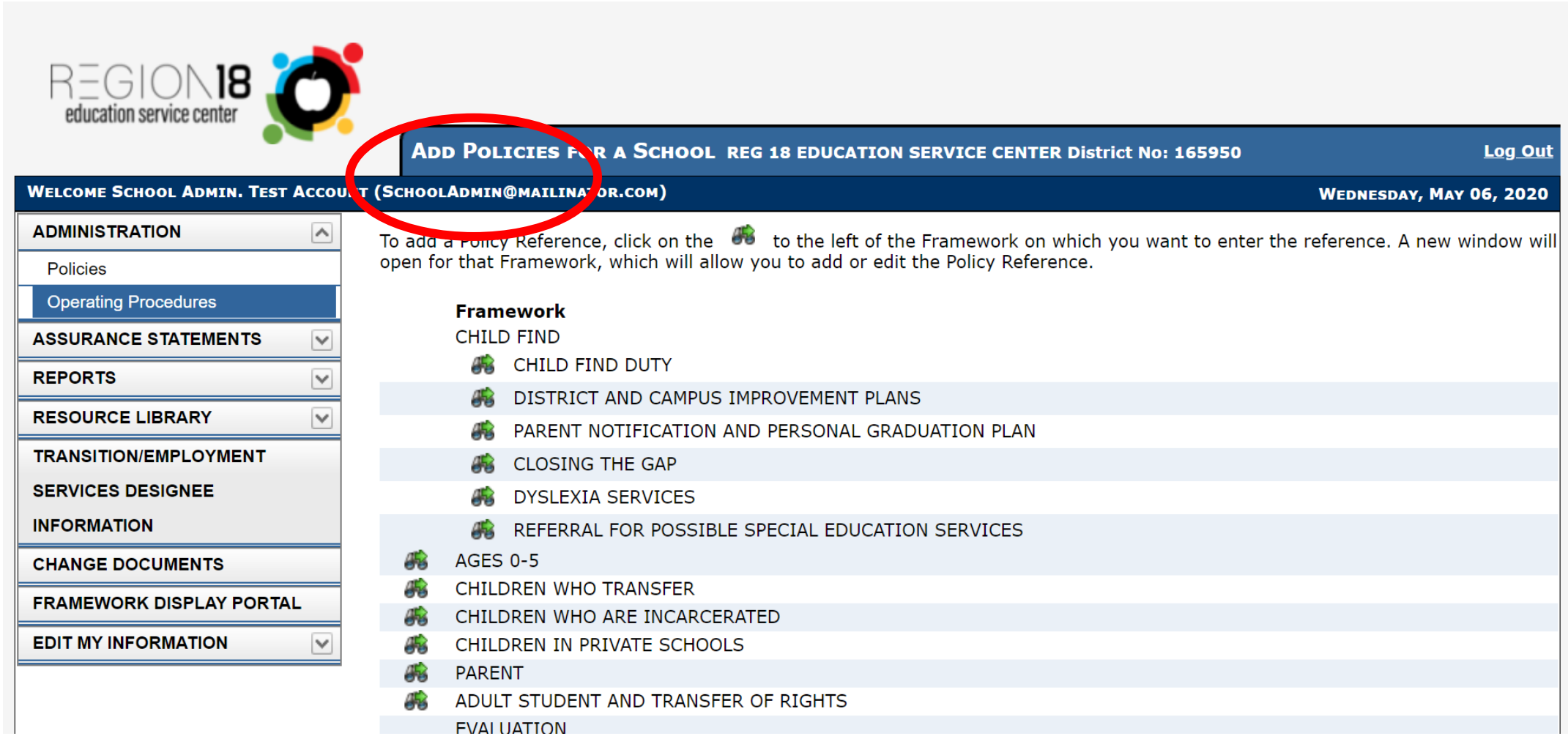


Notice of Procedural Safeguards

Aviso Sobre Procedimientos de Protección

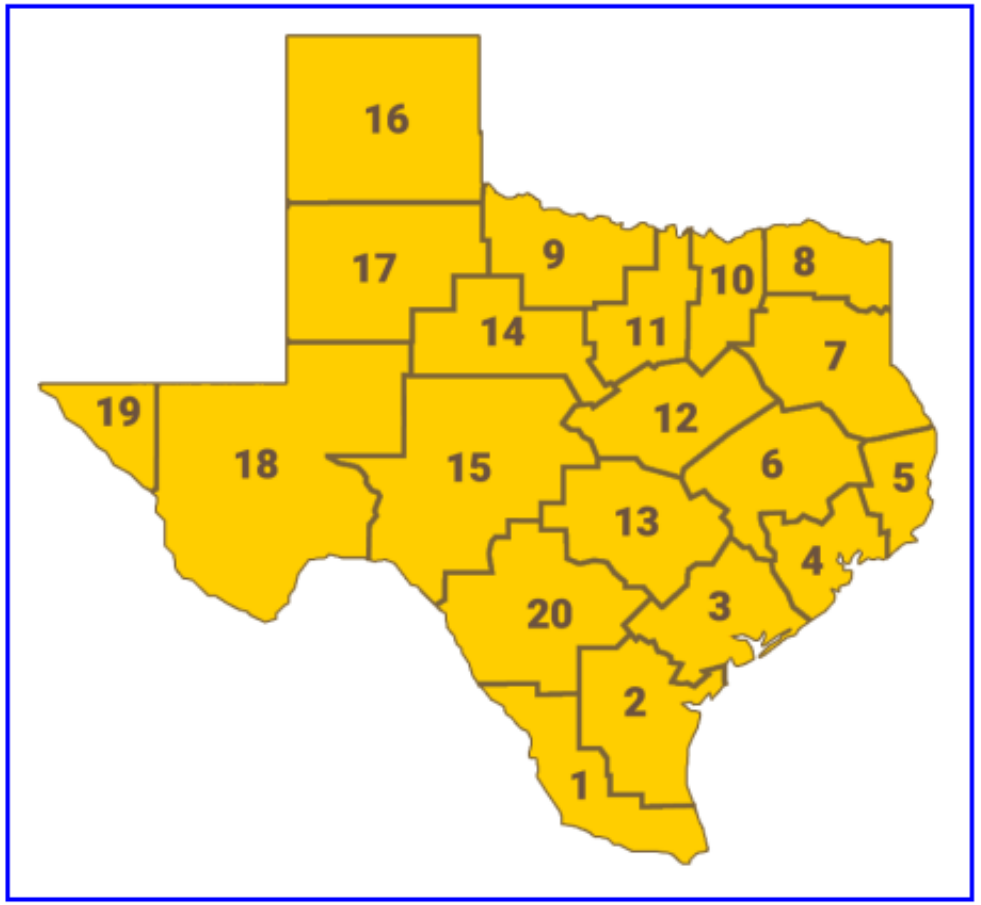
Parent's Guide to the ARD Process

Legal Framework:
Link Local School Board Policies -- REQUIRED



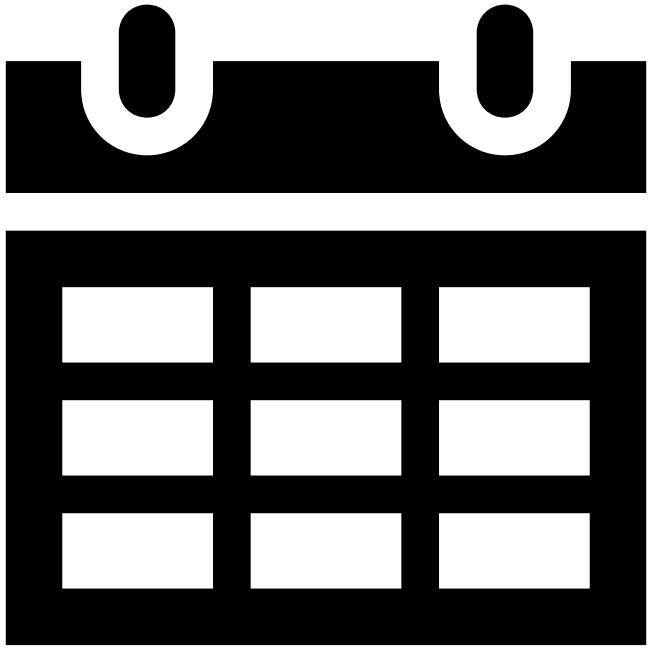
ESC Legal Framework Contact Information

- Hover over your region to find your regional Legal Framework contact.



Hover over your region to find your regional Legal Framework contact.

Board Policies Timeline



- Link or upload Board Policies no later than **October 31, 2020**

Special Education Operating Procedures

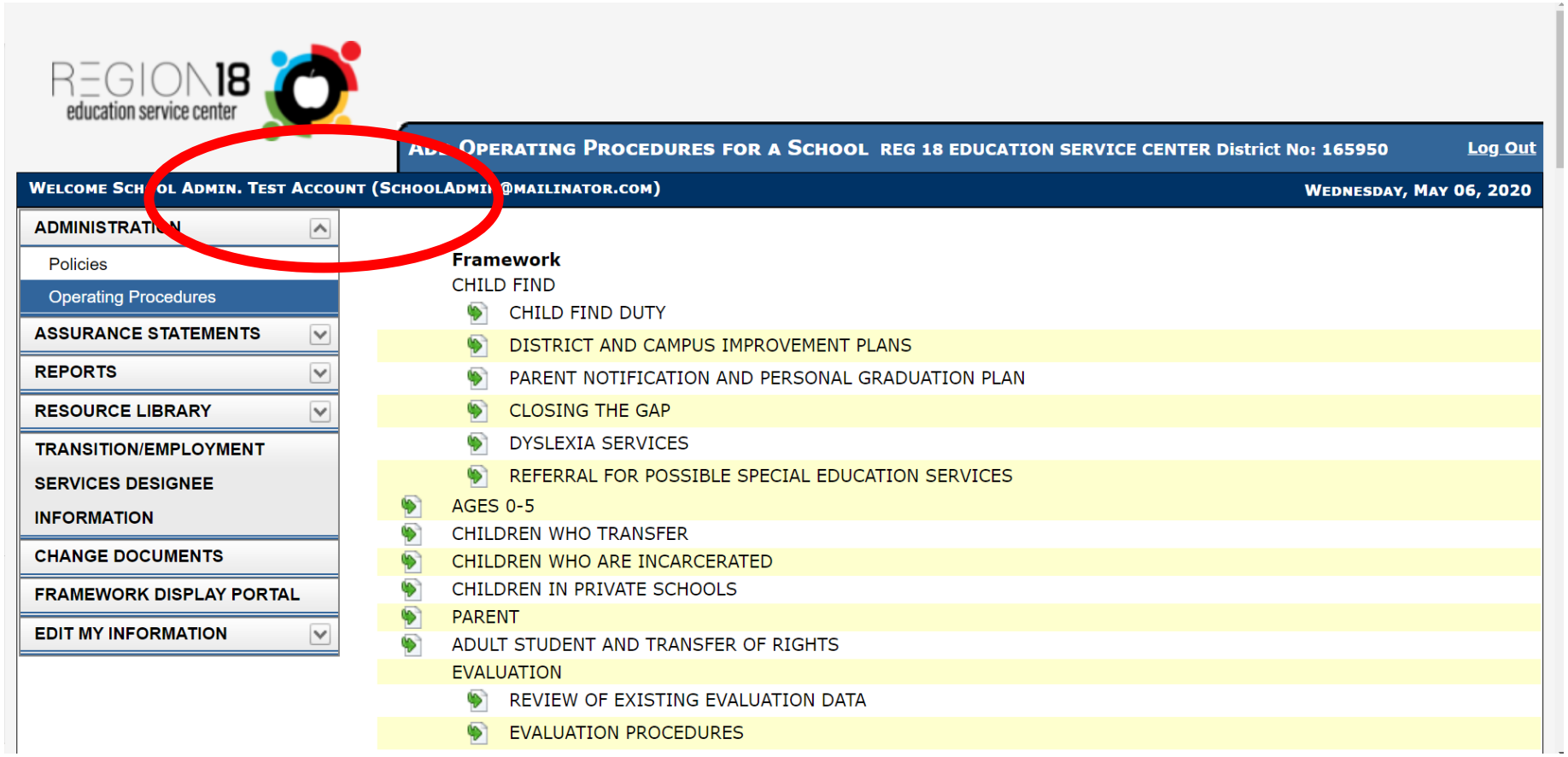
Local Operating Procedures

- written **procedures** developed locally which outline the implementation of the LEA's special education policies

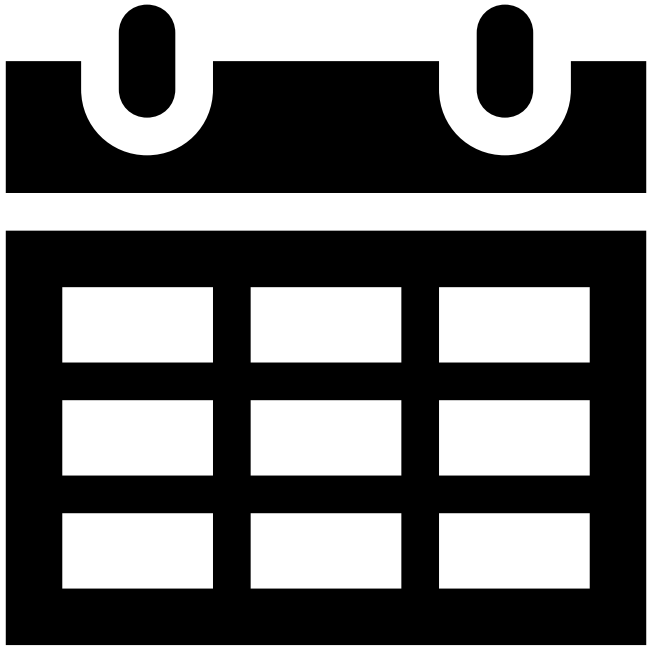
Local Operating Procedures

- a "living" resource meant to be updated on a regular basis

Legal Framework:
Add Operating Procedures REQUIRED in 2020



Operating Procedures Timeline



Upload Operating Procedures no later than **October 31, 2020**

Special Education Practices

Evidence of Practice	• Observable
Examples	• Forms, brochures and/or documents

Timeline

Timeline for Operating Procedures

Timeline for Operating Procedures

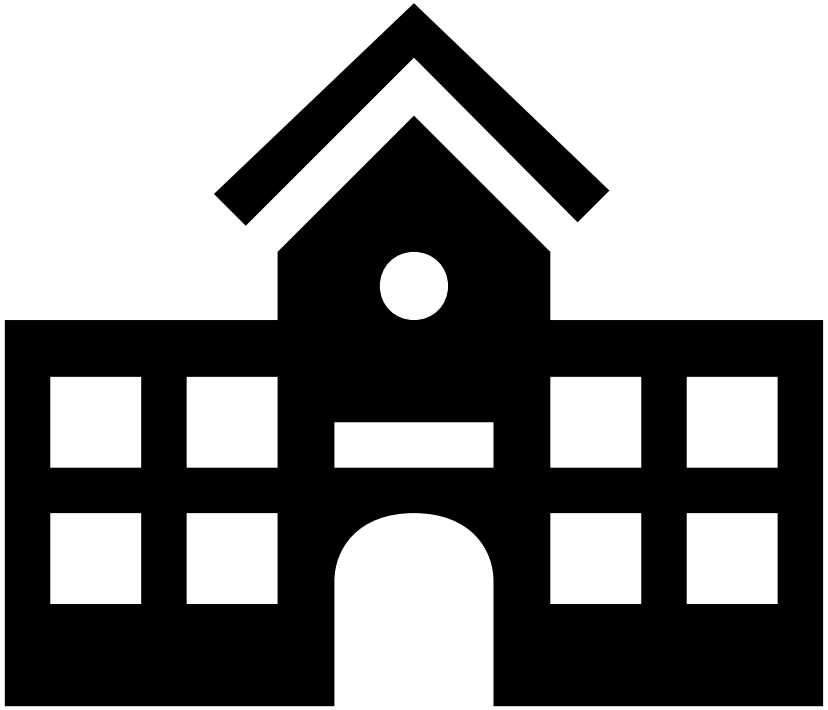
2019-2020		
Review Legal Framework's Operating Procedures templates (total of 98)	Organize templates by: Child Find Evaluation FAPE	The FAPE section is organized around ARD procedures.

Operating Procedures that Must be Uploaded to Legal Framework

Required Operating Procedures Must Address:

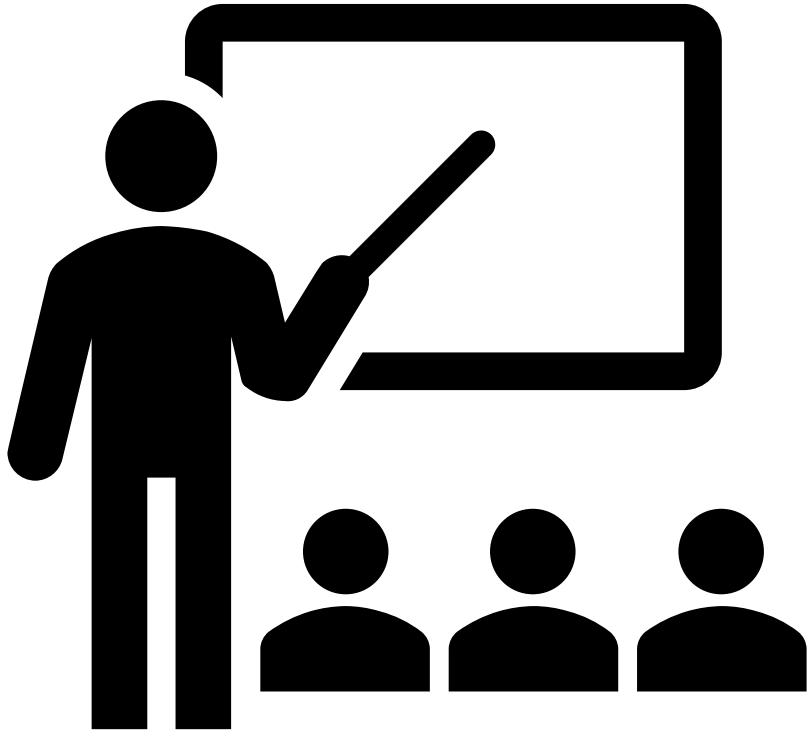
- Child Find
- Evaluation
- Free Appropriate Public Education (FAPE)

FAPE



The FAPE section is organized around ARD procedures.

Targeted Audience



Q. Who is the targeted audience for Special Education Operating Procedures?

A. General and special education staff in the LEA

Options for Creating Operating Procedures

LEAs create their own documents.

LEAs use the templates provided in the Legal Framework (previous and new).

LEAs purchase a commercial product.

Optional Operating Procedures Templates

Legal Framework's Optional Templates

- Can be used by LEAs at no cost

- Are copyrighted for use by LEAs; not for commercial use

- Are intended to provide technical assistance in the areas of Child Find, Evaluation, and FAPE

- May be revised or edited by LEAs

Organization of Optional Templates

PROCEDURES

STAFF RESPONSIBLE

TIMELINE

EVIDENCE OF PRACTICE

Optional Operating Procedures Template

Procedures

- Suggested prompts provided as technical assistance support
- Not all prompts listed must be addressed
- Create your own prompts

Optional Operating Procedures Template

Staff Responsible

- List positions, not names
- Could be:
  - District Level
  - Campus Level
  - Itinerant Level

Optional Operating Procedures Template

Timeline

- Could be when activities described in Procedures are scheduled
- Could be within a twelve-month timeframe

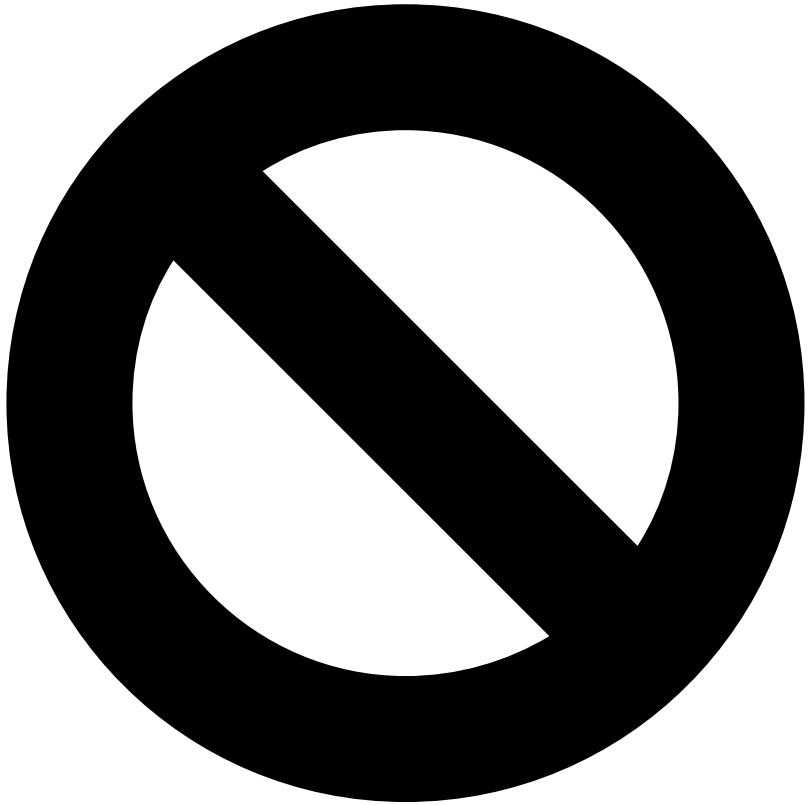
Optional Operating Procedures Template

Evidence of Practice

Practice can be evidenced by:

- Forms or checklists
- Training artifacts, such as agendas, sign-in sheets, handouts
- Data trackers from a software management system

Evidence of Practice



- Do **NOT** upload Evidence of Practices in the Legal Framework

Optional Templates to Use in Legal Framework

Required Procedure Child Find	Optional Templates
	Child Find Duty
	Ages 0 – 5 years
	Dyslexia Services
	Referral for Possible Special Education Services
	Children Who Transfer
	Generic

Optional Templates to Use in Legal Framework

Required Procedure Evaluation	Optional Templates
	Evaluation Procedures
	Disability Categories
	Review of Existing Evaluation Data (REED)
	Independent Educational Evaluation (IEE)
	Generic

Optional Templates to Use in Legal Framework

Required Procedure FAPE	Optional Templates
	ARD Committee Membership
	Parent Participation
	ARD Committee Meeting
	Amendment without a Meeting

Optional Templates to Use in Legal Framework

Required Procedure FAPE	Optional Templates
	FAPE Composite, which describes elements of the ARD process
	Transition Services and Graduation

FAPE Composite includes ARD Elements

- Determination of Eligibility
- Present Levels of Academic Achievement and Functional Performance (PLAAFP)
- Annual Goals
- Special Factors
- State and Districtwide Assessments
- Supplementary Aids and Services, Special Education, and Related Services
- Extended School Year (ESY) Services

Optional Templates to Use in Legal Framework

Required Procedure	Optional Template
FAPE	Least Restrictive Environment (LRE) Composite includes: • Least Restrictive Environment • Placement in a Residential Facility • Virtual Learning Days

Related Resources Provided on Each Template

Within each template is a link to Related Resources that may contain relevant information on the topic from one or more of these sources:

- The Federal Register
- Office of Special Education Programs (OSEP) Q & A
- Office of Special Education and Rehabilitative Services (OSERS) guidance
- Pertinent court case decisions on the topic

Related Resources Link

OPERATING PROCEDURES

GENERIC CHILD FIND TEMPLATE

"[Insert LEA NAME]" "[Co. Dist. #]"

Template update May 2020

Legal Framework:
Related Resources
Broad Category: CHILD FIND

PROCEDURES:

STAFF RESPONSIBLE:

District Level: "Insert staff position not person's name."

Campus Level: "Insert staff position not person's name."

Example of FAPE Composite Related Resources

Related Resources:

- DETERMINATION OF ELIGIBILITY
- PRESENT LEVELS
- ANNUAL GOALS
- SPECIAL FACTORS:
  - Assistive Technology
  - Autism
  - Behavior
  - Blind or Visually Impaired
  - Deaf or Hard of Hearing
  - Limited English Proficiency
- STATE AND DISTRICTWIDE ASSESSMENTS
- SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, AND RELATED SERVICES
- EXTENDED SCHOOL YEAR SERVICES

Broad Category: FREE APPROPRIATE PUBLIC EDUCATION

Examples of Optional Operating Procedures Templates

Procedures for Referral for Special Education

- Describe your LEA's Multi-Tiered Systems of Support, which includes RtI, designed to provide varying levels of support to meet the academic, behavioral, and social/emotional needs of students.
- Describe your LEA's procedures for how to initiate a referral for special education services by:
  - Student's parents or legal guardian
  - School personnel
  - Another person involved in the education or care of the student
- Describe your LEA's safeguards that ensure students are referred for an evaluation regardless of whether students have participated in an intervention program.
- What steps do LEA staff take when a special education referral is received?
- Describe your LEA's decision-making process for proposing or refusing to evaluate a student for special education services.
- Describe how school personnel are trained about the special education referral process.
- Explain how parents are informed about how to request an initial evaluation for special education services.
- Describe how outside evaluations are considered as part of the referral process.
- How does the LEA schedule evaluations for students placed in private or home school?

Procedures for Referral for Special Education

TIMELINES FOR REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES:

- Training for general education and special education staff
- Informational programs for families
- Parent's written request for an initial evaluation
- Parent's verbal request for an initial evaluation

EVIDENCE OF PRACTICE:

- Forms or checklists
- Prior Written Notice of Proposal or Refusal to Evaluate
- Written consent for evaluation
- Staff training artifacts (presentation handouts, sign-in sheets, etc.)
- Agendas from informational programs for parents
- Annual LEA statement regarding IDEA's Child Find and FAPE requirements in your LEA's student handbook or by other means

Evaluation Procedures

- What procedure is used for planning a comprehensive evaluation?
- How are outside evaluations considered by the multi-disciplinary team?
- What procedure is used when conducting an evaluation when the home language is other than English?
- Describe the procedures followed when obtaining informed parental consent for an initial evaluation and a reevaluation.
- Describe the procedures followed when a parent makes a written or verbal request for an evaluation.
- How are evaluation tools selected to address the needs of diverse learners?
- How do your evaluators ensure that the instruments used in an evaluation are valid, reliable, and administered in accordance with the instructions provided by the producer of the assessment?
- How are timelines for initial referrals and FIIEs tracked? How do you determine progress for meeting SPP 11 and 12 timelines?
- What procedures do your evaluators use to ensure a comprehensive evaluation addresses all areas of concern?
- Describe the procedures followed for reviewing student evaluations when students do and do not meet eligibility criteria.
- Describe the procedures followed when considering a REED for reevaluation.
- Describe the procedures addressing when is the earliest the ARD committee can address a reevaluation before it is due.
- Describe the procedures followed when completing the Summary of Performance, which includes the current academic achievement, current functional performance, and post-secondary goals.
- Identify the job title(s) of the person(s) responsible for developing the Summary of Performance.

Evaluation Procedures

TIMELINES FOR EVALUATION ACTIVITIES:

- Annual training on compliance with evaluation timelines
- Monthly/quarterly/semester reports on evaluation progress
- Schedule for monitoring compliance/quality of evaluations

EVIDENCE OF PRACTICE:

- Forms and checklists used in the evaluation process
- Training artifacts (presentation hand-outs, sign-in sheets, etc.)
- Submission of SPP 11 and 12 data in TEAL
- List of qualified personnel with required licenses and certifications to administer evaluations
- Reports for compliance
- Data tracker from software programs

FAPE/Parent Participation Procedures

- What steps are followed to ensure parent attendance at the ARD meeting?
- What procedures are followed for preparing draft ARD/IEP documents? Describe any district procedures for sending home any draft portions of documents prior to meetings. What if the parent requests a draft prior to the ARD committee meeting? How does your LEA protect against predetermination?
- Describe the procedure followed when arranging for an interpreter for the parent at the ARD meeting.
- What procedures are followed if the parent brings an advocate or an attorney to the ARD meeting?
- How is parent participation in the development or review of the student's IEP documented?
- Describe family engagement activities provided that are intended to improve timely home-to-school communication and increased parent participation in the ARD process.

FAPE/Parent Participation Procedures

- **TIMELINES FOR PARENT PARTICIPATION ACTIVITIES:**
  - Notice of meetings
  - Family engagement activities

- **EVIDENCE OF PRACTICE:**
  - Family engagement artifacts (brochures, handouts, sign-in sheets, etc.)
  - Forms, checklists, or scripts used to explain procedural safeguards
  - Documentation of the use of an interpreter at an ARD committee meeting

FAPE/LRE Procedures

Virtual Learning Days

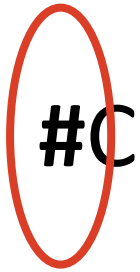
- What procedures are in place for ARD committee members to meet virtually if needed?
- Describe procedures followed for documenting services provided during virtual learning days.
- What alternatives are available if students are not able to access technology and the curriculum at home during virtual learning days?
- Describe how related services will be provided remotely? If necessary, how will the LEA make-up any missed related services?
- Describe training for staff about the provision of special education and related services during virtual learning days, such as the provision of instructional phone calls, videoconferencing, homework packets, online lessons, and other available distance-based learning approaches.
- Describe procedures followed for documenting communication with parent(s) during extended periods of virtual learning days.

Previous Templates & New Templates

Previous legal framework templates continue to be available in the Resources Library under Operating Procedures

New templates begin with a hashtag for easy identification

New Template Marked with Hashtag



#Child Find – Ages 0-5

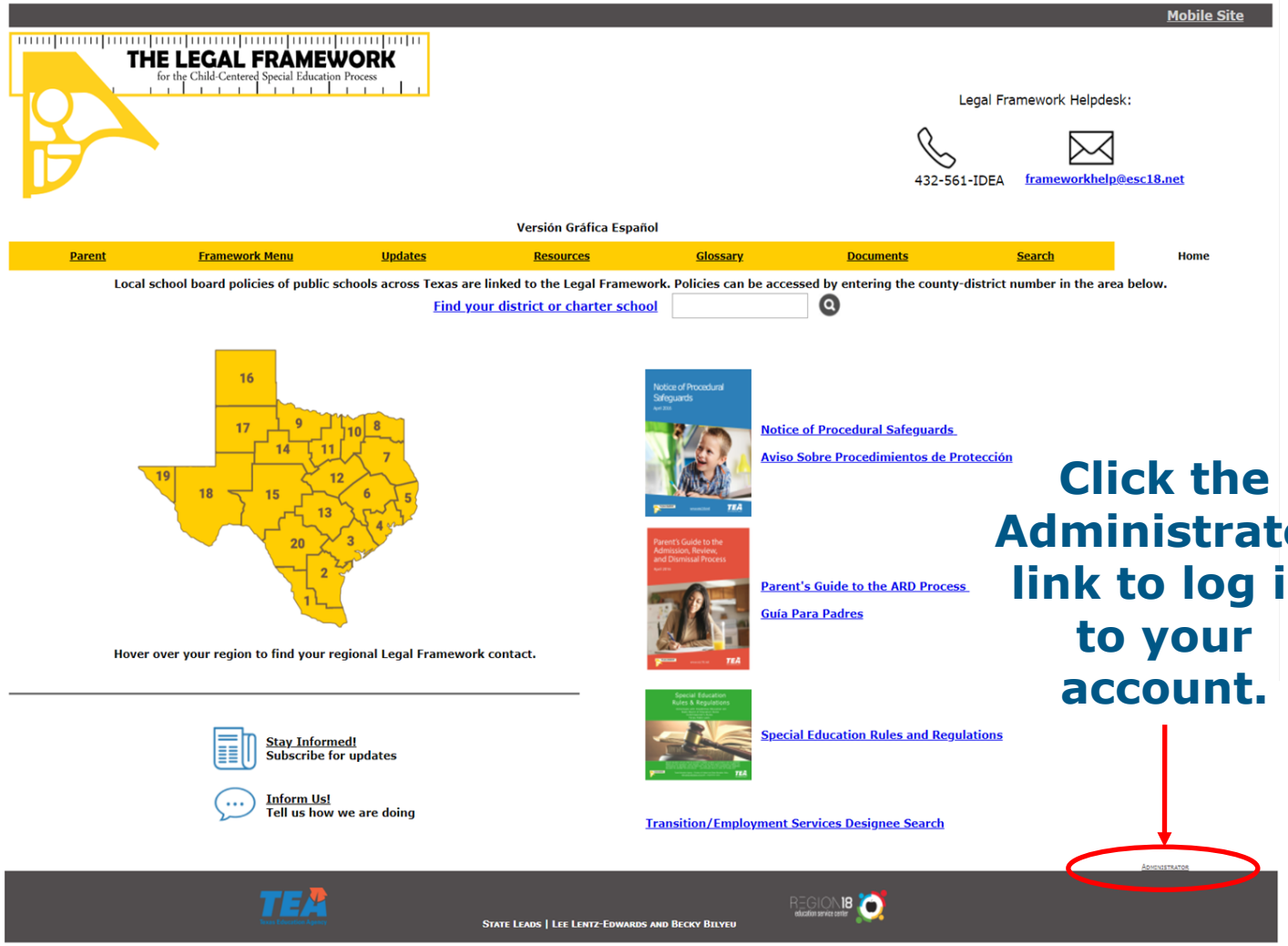
Accessing the Authoring System in the Legal Framework

First Things First…..

- An LEA special education director must request a login for an account in the Legal Framework in order to access the authoring system (if he/she does not previously have one).

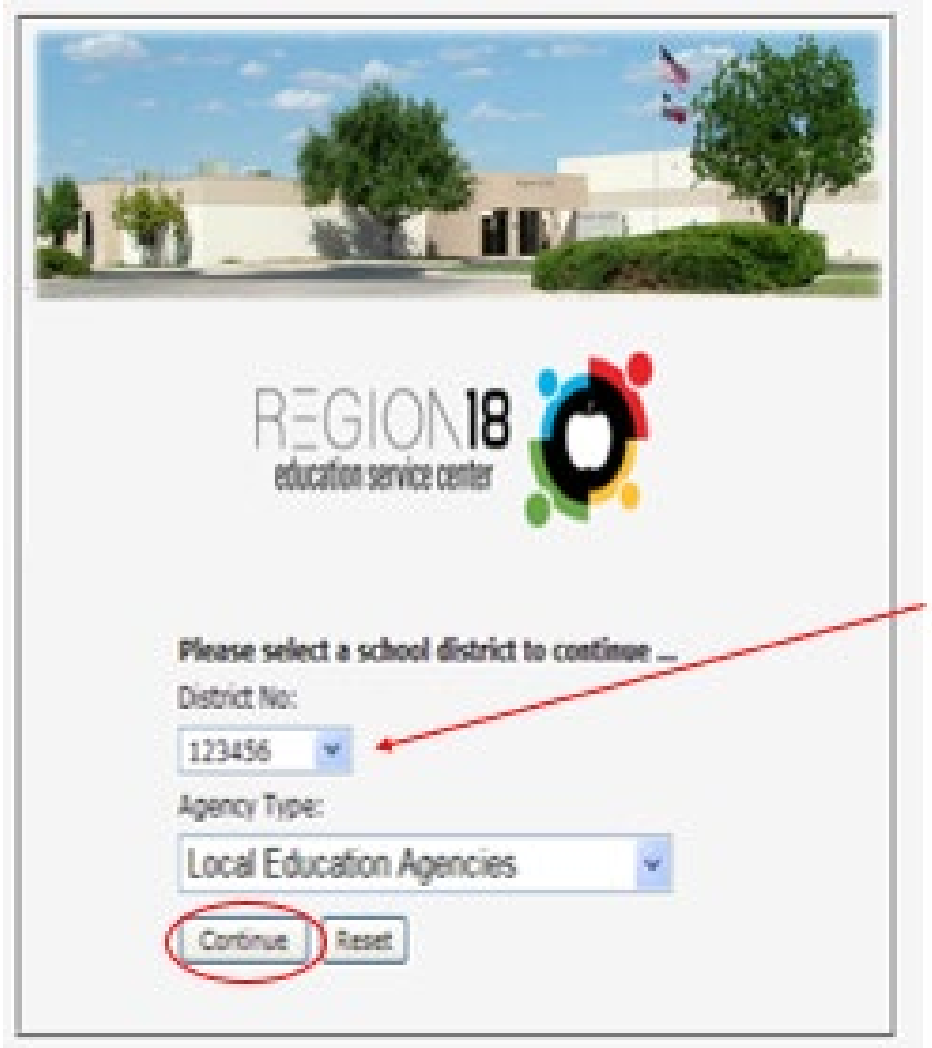
- Each LEA may have only one “Administrator’s” login.

Click the Administrator Link to Log In



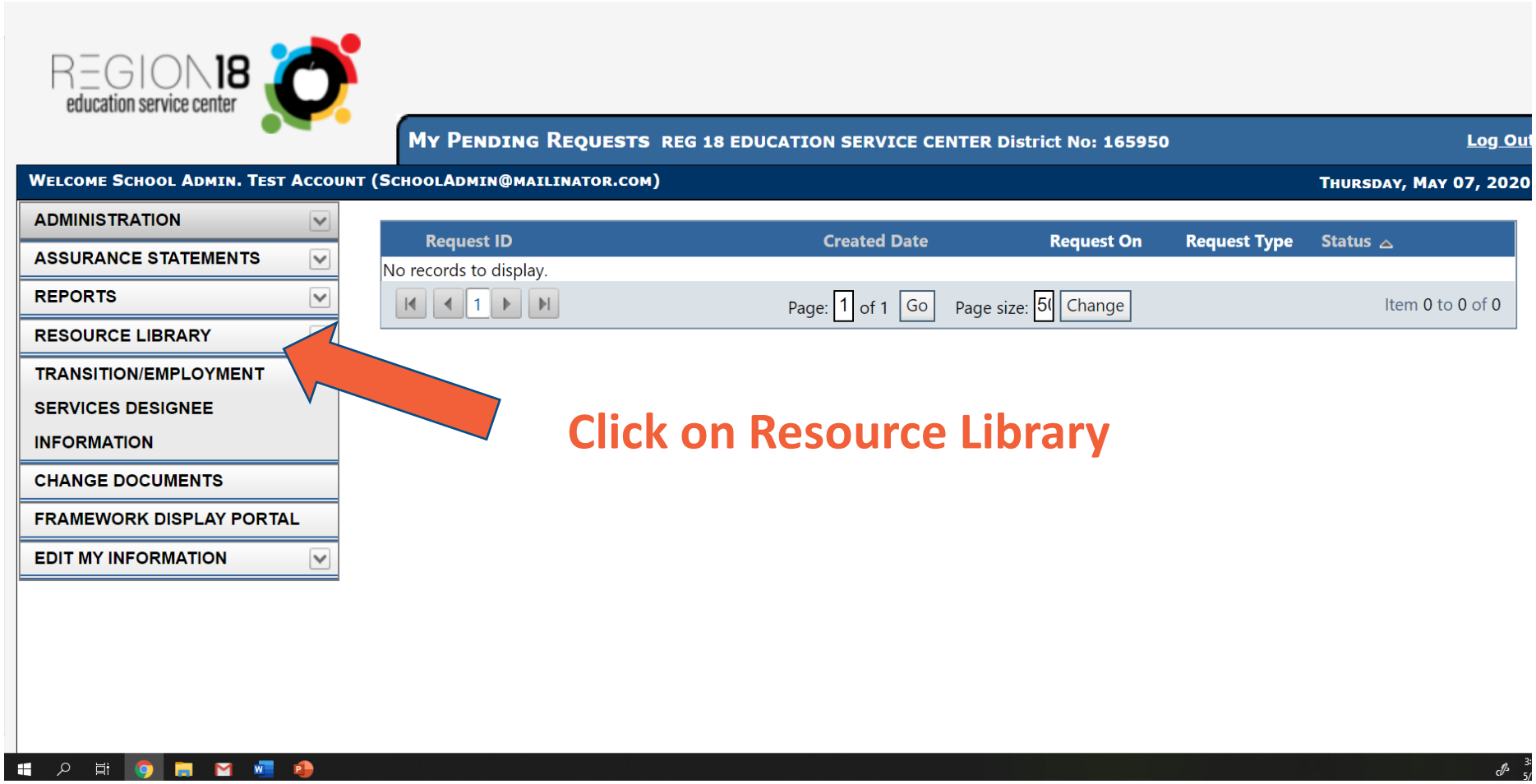
Click the Administrator link to log in to your account.

District Number & Agency Type

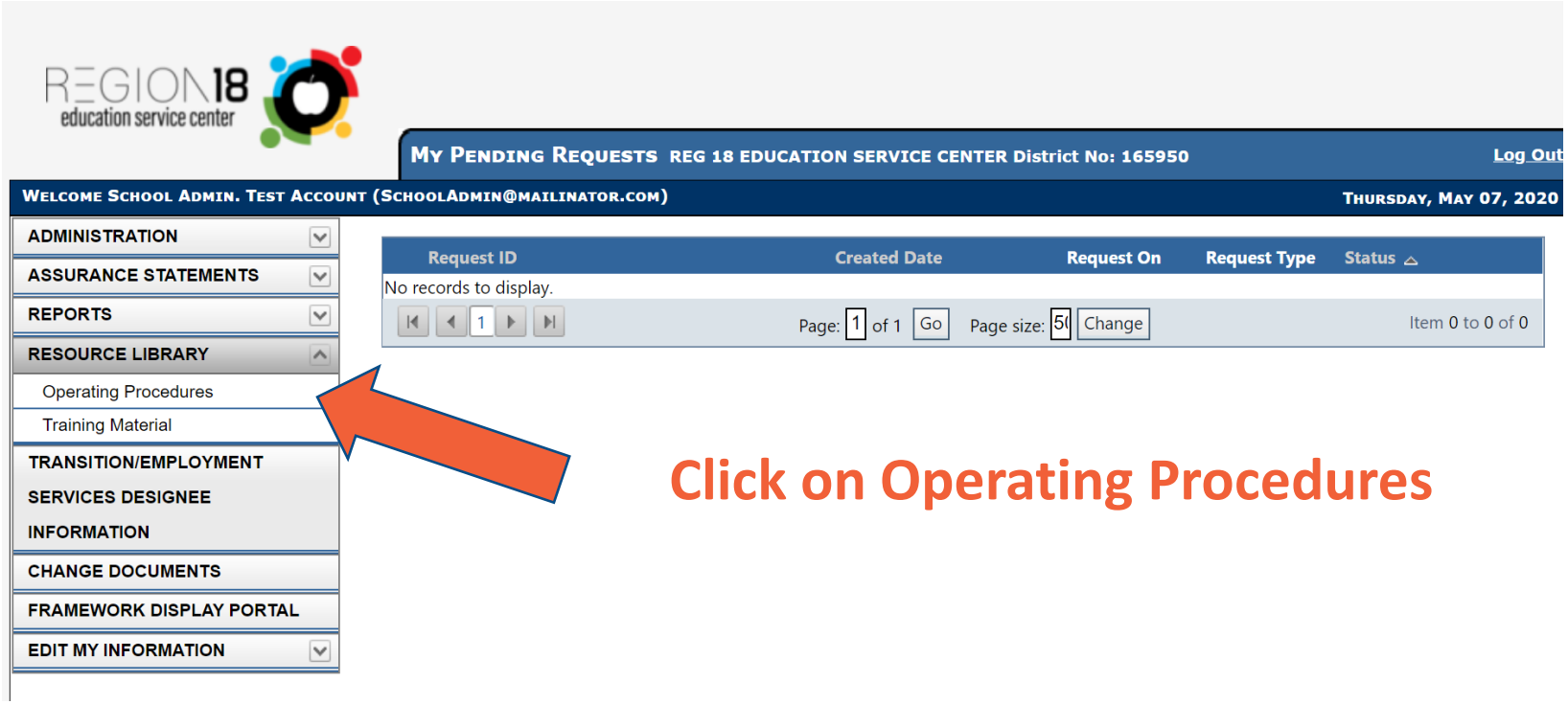


Check to make sure you are working under the correct District Number and Agency Type, then click Continue.

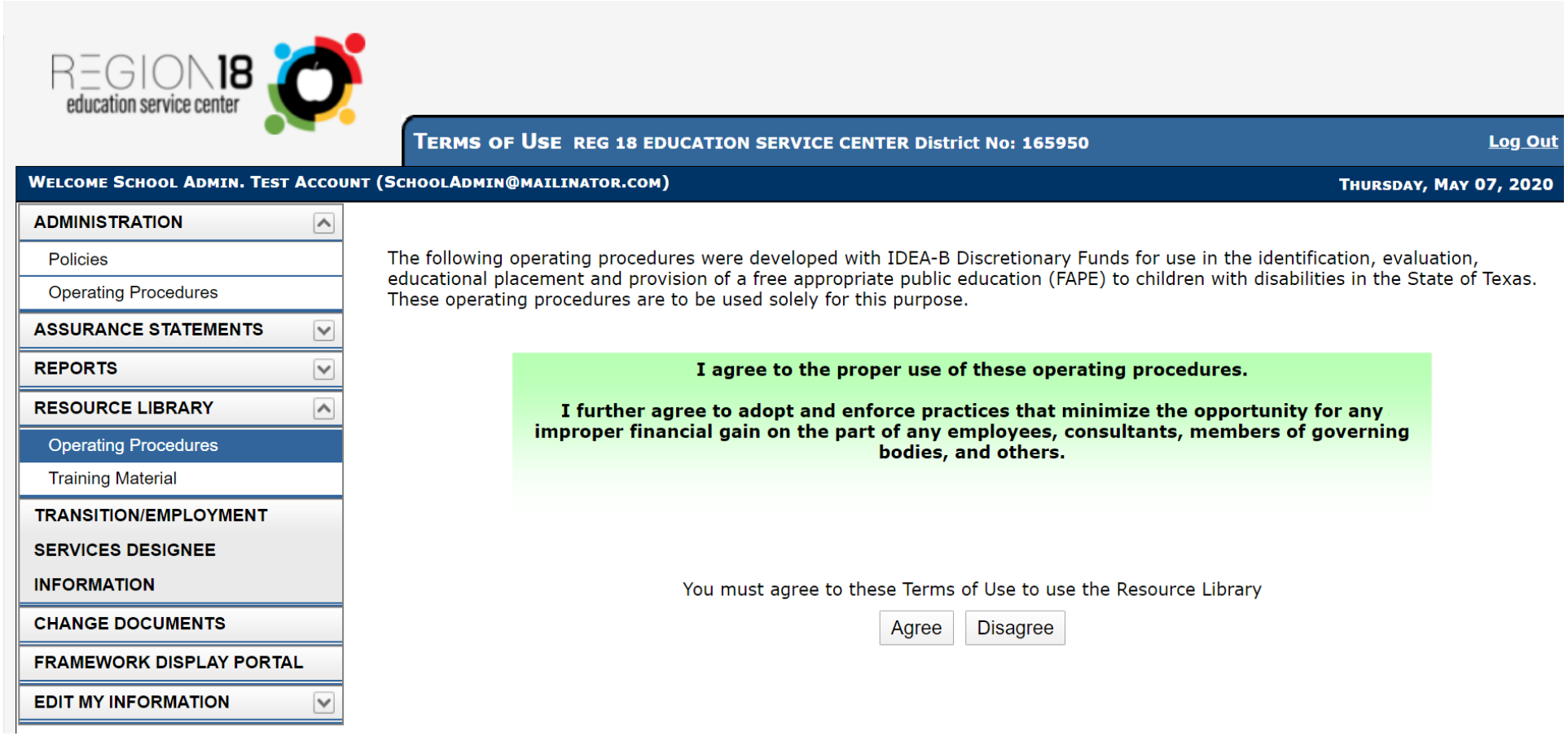
How to Find Operating Procedures Templates



How to Find Operating Procedures Templates



Agreement Statement



Agreement Statement

- I agree to the proper use of these operating procedure templates.
- I further agree to adopt and enforce practices that minimize the opportunity for any improper financial gain on the part of any employees, consultants, members of governing bodies, and others.
- I agree to these Terms of Use to use the Resource Library.

Agree

Review of Post-Test with Answers

Post-Test

- What is the statutory authority requiring local education agencies (LEAs) to develop and implement special education operating procedures?

  The Individuals with Disabilities Education Act (IDEA)

- What is the difference between school board policies and special education operating procedures?

  School board policies compile laws and reflect decisions made by the board of trustees. Special education operating procedures describe HOW the LEA implements special education policies.

- What is the difference between special education operating procedures and evidence of practice?

  The evidence of practice proves the written special education procedures are being implemented. This evidence could be forms, checklists, training artifacts, completed documents, etc.

Post-Test

- Why was the term operating “guidelines” changed to operating “procedures”?
  The term guidelines was changed to procedures to align with federal language in the law.

- When must board policies be linked or uploaded in the Legal Framework?
  October 31, 2020. This date follows a Texas legislative year.

- When must special education operating procedures be uploaded or linked in the Legal Framework?
  October 31, 2020

Post-Test

- Which operating procedures are required to be uploaded in 2020-2021?
  a. **Child Find**
  b. **Evaluation**
  c. **Free Appropriate Public Education (FAPE)**

- How is FAPE addressed in the operating procedures?
  FAPE is addressed through the Admission, Review, and Dismissal procedures.

- Are LEAs required to use the Operating Procedures templates in the Legal Framework?
  No. They can create their own documents, use the templates, or purchase a commercial product.

Pre-Test

- Are LEAs required to address all prompts within procedures listed in a template?
  No, not all prompts within procedures must be addressed. Nor do they have to address all the other elements : staff responsible, timeline, or evidence of practice. The use of the elements is optional. The requirement is to thoroughly describe your procedures.

- What is the first thing an LEA special education director needs before accessing the authoring system in the Legal Framework?
  The special education director must obtain a login for an account to access the authoring system in the Legal Framework.

- How are new templates identified in the resources section of the authoring system?
  A hashtag in front of the template identifies a new template.

What Happens Next?

ESC Special Education Directors

TEA RECORDS WEBINAR

ESCS DELIVER TRAINING TO LEA SPED DIRECTORS

SPED DIRECTORS UPDATE AND/OR DEVELOP OPERATING PROCEDURES

SPED DIRECTORS UPLOAD OPERATING PROCEDURES IN LEGAL FRAMEWORK

Questions?

Please contact your regional ESC

or

sped@tea.texas.gov

Thank you!