

LEA Information

Name of LEA

Name and Title of Person Completing These Assurances

Name of Day or Residential Program

Date Completed

Instructions to LEA

Complete a copy this assurance checklist for each day or residential program with which the LEA contracts:

- at the time of the LEA's initial placement of a student in a day or residential program with which the LEA is contracting for the first time
- annually, for programs with which the LEA continues to contract. Retain copies of this checklist locally to submit to TEA during provider reapproval or upon TEA request

Requirements for Placement

Requirement	Yes	No
The LEA has met annual APEX reporting requirements for all students placed in the day or residential program.	Yes ☐	No ☐
The day or residential program assures the LEA there is no requirement for parents to consent to medication for the student to be eligible for placement at the school.	Yes ☐	No ☐
The day or residential program provides an instructional day commensurate with that of students without disabilities. The ARD committee determines the appropriate instructional setting and length of day for each student, and these are specified in the student's IEP. If the length of school day is not commensurate, there is a student-specific ARD committee decision. ¹	Yes ☐	No ☐
The LEA assures that the day or residential program does not employ practices that restrict parent/child contact with ARD placed Texas public school students. The LEA assures that the day or residential program ensures full compliance with requirements related to parent access and communication.	Yes ☐	No ☐
The day or residential 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 ☐
The day or residential program and contracting LEA comply with all requirements outlined in the Minimum Standards and Conditions for TEA Consideration to Operate as a Day or Residential Placement Program .	Yes ☐	No ☐
The day or residential program maintains video and audio surveillance as specified in the Minimum Standards and Conditions for TEA consideration to Operate as a Day or Residential Placement Program .	Yes ☐	No ☐
The LEA has reviewed the day or residential program's procedures for medication management, administration, storage, and medication administration training, and these procedures align with standards applicable to LEAs.	Yes ☐	No ☐

¹ TAC §89.1075(e)

Program Activities/Contractual Obligations

Requirement	Yes	No
The contract requires the day or residential 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. ²	Yes ☐	No ☐
If placement in a day or residential program is necessary to provide special education and related services to a child with a disability, that program is provided at no cost to the parents of the child. ³	Yes ☐	No ☐
When contracting with the day or residential program, the LEA, if using federal grant funds to procure services, follows general procurement standards. ⁴	Yes ☐	No ☐
The LEA has reviewed the day or residential program's published fee schedule and confirms that the contracted rates align with this fee schedule.	Yes ☐	No ☐

Personnel Credentials

Requirement	Yes	No
Personnel employed by the day or residential program have been subject to criminal background checks (to include fingerprinting) meeting the standards applied to public school employees. ⁵	Yes ☐	No ☐
All general education, special education, and related services personnel serving students placed by the LEA are certified, endorsed, or licensed in the area of assignment. ⁶	Yes ☐	No ☐
All day or residential program personnel serving students placed by the LEA receive annual required training as specified in the Minimum Standards and Conditions for TEA consideration to Operate as a Day or Residential Placement Program , and training logs are made available to the LEA upon request.	Yes ☐	No ☐
The day or residential program has written procedures documenting how employee/educator misconduct will be reported. The LEA has reviewed these procedures and assures they comply with any required reporting structures as specified in the Minimum Standards and Conditions for TEA consideration to Operate as a Day or Residential Placement Program .	Yes ☐	No ☐

² TEC §29.008(d)

³ 34 CFR §300.104, §300.39(a)(1)

⁴ 2 CFR §200.318

⁵ TEC §22.083; 19 TAC §153.1109(a)(3)

⁶ 34 CFR §300.156; 19 TAC §89.1131; and applicable SBEC rules, including 19 TAC §231.701

Written Curriculum

Requirement	Yes	No
The day or residential program has a process to transfer coursework and credit information in an appropriate format to the LEA according to the Minimum Standards and Conditions for TEA consideration to Operate as a Day or Residential Placement Program for the Academic Achievement Record. ⁷	Yes ☐	No ☐
The day or residential 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. ⁸	Yes ☐	No ☐
The day or residential program implements 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.	Yes ☐	No ☐
The LEA has reviewed and approved curriculum materials used for students placed by the LEA. ⁹	Yes ☐	No ☐

IEP Development and Implementation

Requirement	Yes	No
Day or residential program staff participate in ARD committee meetings.	Yes ☐	No ☐
The day or residential program provides all assistive technology devices and services as specified in each student's IEP, if applicable. ¹⁰	Yes ☐	No ☐
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. ¹¹	Yes ☐	No ☐
The LEA ensures students receive all special education and related services as written in their IEPs. LEA maintains service logs and evidence of self-monitoring and makes this documentation available upon request. ¹²	Yes ☐	No ☐
Each student placed by the LEA has a student-specific reintegration plan, reviewed at least annually. The LEA is responsible for ensuring the reintegration plan's progress is informed by data on the student's progress towards reintegration to support ARD committee decision making. Reintegration criteria are student-specific and not based on programmatic features such as completion of a treatment plan.	Yes ☐	No ☐

⁷ TEC §28.025(e)

⁸ 19 TAC §89.1055(b)

⁹ 34 CFR §300.320(a) (1), §300.320(a)(2)(i)(A), §300.320(a)(4)(ii)

¹⁰ 34 CFR §300.105(a)

¹¹ 34 CFR §300.320(a)(3)(ii)

¹² 34 CFR §300.17(d)

Emergency Behavior Intervention

Requirement	Yes	No
The LEA ensures the day or residential 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. The LEA has reviewed and approved these policies, and assures these policies align with district protocols for when students with disabilities are subject to disciplinary action. ¹³	Yes ☐	No ☐
The LEA ensures that day or residential program staff that may be involved in time-out and/or restraint activities have received the required training (and maintain current certification), and documentation of this training is made available to the LEA upon request. ¹⁴	Yes ☐	No ☐
The day or residential program has knowledge of and adheres to requirements regarding prohibited aversive techniques (including the use of prone and supine techniques). The LEA has verified the program's compliance with these requirements. ¹⁵	Yes ☐	No ☐

Confidentiality

Requirement	Yes	No
The LEA assures that the day or residential program implements and maintains policies, procedures, and practices that ensure the confidentiality of personally identifiable information and education records, consistent with the Family Educational Rights and Privacy Act (FERPA) and applicable state requirements, in the same manner as LEAs, including but not limited to parent rights to access and review records, staff training on confidentiality, controlled access to records, maintenance of access logs, and annual notice of confidentiality rights.	Yes ☐	No ☐

Applicable for Residential Programs Only

Requirement	n/a	Yes	No
The LEA ensures the residential program has been licensed and maintains good standing with the Texas Department of Family and Protective Services, Texas Health and Human Services Commission, or other appropriate licensing agency.	n/a ☐	Yes ☐	No ☐

¹³ 34 CFR §300.530, §300.531, §300.536

¹⁴ TEC §37.0021; 19 TAC §89.1053

¹⁵ TEC §37.0023