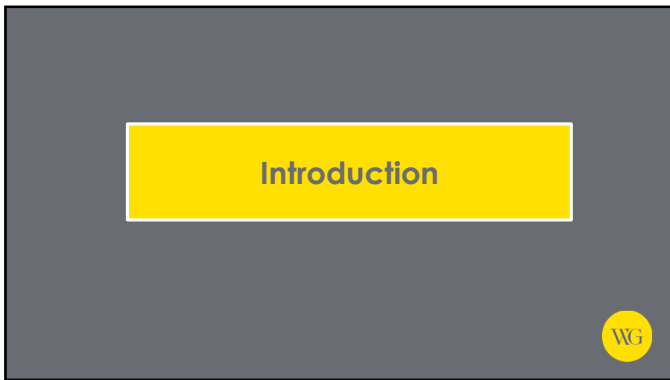
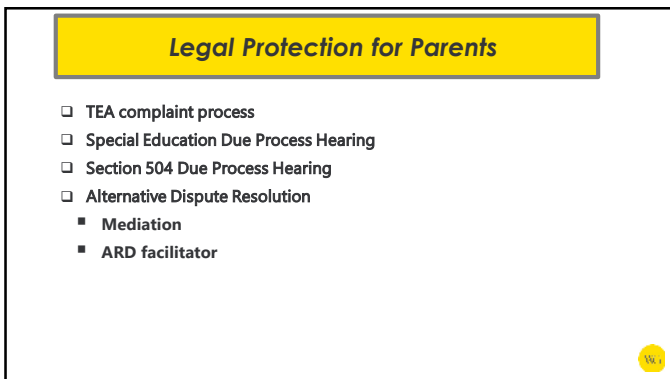


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2



3

Implementation

WG

4

Copies of Evaluation Reports

- ❑ Ensure parents have copies of evaluation reports prior to an ARD committee meeting to review the results of the evaluations.
- ❑ Best practice is to review the evaluation report with the parent prior to the meeting.
 - Remember a prior review with the parent does not mean that we just skip that part of the ARD committee meeting.
 - Evaluation reports should address the needs of the individual child.
 - Base decisions on assessment and performance.

WG

5

Documentation & Evaluations

- ❑ Notice of Proposal to Evaluate needs to be maintained in the records.
- ❑ "See The Dyslexia Handbook." Which one? What pages? Other resources to assist in understanding the handbook?

WG

6

Hypothetical

□ Sources of Data

- 1/10/2022 LSSP Observation
- 1/12/2022 Diagnostician KABC-II
- 1/12/2022 SLP Review records; review speech therapy data
- 1/08/2022 LSSP ASRS Teacher Rating Form (Teacher)
Functional Assessment Interview Form (Teacher)
Motivation Assessment Scale (Teacher)

→ → →



7

Hypothetical

□ Sources of Data

- 1/08/2022 OTR Developmental Fine Motor Checklist
- 1/08/2022 SLP Functional Communication Profile - Revised
- 1/07/2022 Diagnostician Review of records; review previous FIE; review IEE from Dr. Big Brain dated 12/01/2020

What is missing?

→ → →



8

Hypothetical

□ Sources of Data

- Information from the parent?
- Formal tests administered by the SLP?
- Formal tests administered by the OTR?
- Length of time for observation?
- Number of observations?
- Setting for each observation?

→ → →



9

Hypothetical for Teachers and Staff

- Behavior Information from Teacher
 - Behavior is intense?
 - Behavior is difficult to manage?
 - At times, she is violent when asked to wait?
 - Does not do well with unstructured times? (at times will physically hit staff and herself)
 - Does well with her school work when she is willing to work?
- → →

WG

10

Errors

- "At this time the evaluator discontinued testing." Report includes:
 - Nonverbal Index (VNI)= 48 Standard Score with descriptive category of "lower extreme."
 - Since the student performed in the average range across all areas of intellectual functioning, the evaluator discontinued the SLD evaluation.

WG

11

Legal Authority

WG

12

Bd. of Educ. Of Hendrick Hudson Central Sch. Dist. V. Rowley, 458 U.S. 176 (1982).

- Two factors identified by the U.S. Supreme Court and used to determine whether the District provided the student with a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA)
 - Whether the District complied with the procedures set forth in the IDEA; or
 - Whether the Individualized Education Program (IEP) developed by the District through the IDEA's procedures were reasonably calculated to enable the student to receive educational benefit.

WGL

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Endrew F. v. Douglas County Sch. Dist., RE1, 69 IDELR 174 (U.S. 2017).

- The Supreme Court addressed whether the IEP was reasonably calculated to provide the student with a FAPE for the student who is unable to progress through general education without modified curriculum by addressing:
 - Was the IEP reasonably calculated to enable the student to make progress appropriate in light of the child's unique circumstances, including the development of appropriately challenging objectives individualized for the particular child?

WGL

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Cypress-Fairbanks Indep. Sch. Dist. V. Michael F., 118 F.3d 245 (5th Cir. 1997).

- The U.S. Court of Appeals for the Fifth Circuit provided a four-factor test to analyze whether a Local Educational Agency (LEA) provided a FAPE as follows:
 - The program is individualized on the basis of the student's assessment and performance;
 - The program is administered in the least restrictive environment;
 - Services are provided in a coordinated and collaborative manner by key stakeholders; and
 - Positive academic and nonacademic benefits are demonstrated.

WGL

15

Question

☐ What factors are addressed in the evaluation section we just finished?

☐

☐

☐

☐

WG

16

ARD Committee Meetings

WG

17

Hypothetical

☐ If we send the notice to the parent today, what is the soonest date that we could have an ARD committee meeting and comply with the requirements to provide the parent with proper notice of ARD?

WG

18

March 2022

| | | | | | | |
|----|-------------|-------------|---------------------|-------------|-------------|----|
| 2 | 3 | 4 | 5 Send Notice | 6 | 7 | 8 |
| 9 | 10 Meet? | 11 Meet? | 12 Meet? | 13 Meet? | 14 Meet? | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |

19

Documentation of Waiver

- Diagnostician includes a note of communicating with the parent on 1/3/2022, 1/4/2022, and 1/5/2022. The parent agrees to have the ARD on the 11th. What documentation do you need for the file?
 - Signed and dated waiver?
 - E-mail correspondence from the parent memorializing the communications?
 - Notes in the contact log?
 - All of the above?

20

Notice of ARD Committee Meeting

- Schedule at mutually agreeable time to enable parent participation
- Parent entitled to five-day notice of ARD committee meetings
 - How do you count to five?
 - Documentation if parents choose to waive the five-day notice of ARD

21

Drafts

- ❑ Provide drafts to parents prior to meeting to facilitate parent participation
 - Present Levels of Academic Achievement and Functional Performance
 - Goals and objectives
 - Accommodations

WJ

22

Provide draft documents to parents!

- ❑ We do not encourage public agencies to prepare a draft IEP prior to the IEP Team meeting, particularly if doing so would inhibit a full discussion of the child's needs. However, if a public agency develops a draft IEP prior to the IEP Team meetings, the agency should make it clear to the parents at the outset of the meeting that the services proposed by the agency are preliminary recommendations for review and discussion with the parents. The public agency also should provide the parents with a copy of its draft proposals, if the agency has developed them, prior to the IEP Team meeting so as to give the parents an opportunity to review the recommendations of the public agency prior to the IEP Team meeting, and be better able to engage in a full discussion of the proposals for the IEP. 71 Fed. Reg. 46,678 (2006).

WJ

23

Question

- ❑ Providing parents copies of draft documents addresses what legal requirements?
 - _____
 - _____
 - _____

WJ

24

Present Levels of Academic Achievement and Functional Performance

WG

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PLAAFP

- ☐ Mikal is such a sweetheart?
- ☐ I love having Felicia in my class?
- ☐ Esperanza raises her hand to volunteer an answer to questions at least once per subject?
- ☐ Wendy blurts out an answer to questions at least 3 times per 45-minute class period?
- ☐ James interrupts practice time with shouted comments daily?
- ☐ Jonas interjects inappropriate words into any quiet time in the classroom?
- ☐ Priyanka kicks, hits, bites, and spits on adults?

WG

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PLAAFP

- ☐ Based on data collected for the past two weeks, the student hits other students four times per day with 50% of the incidents occurring during music and PE?
- ☐ With a daily check-in in the morning and check-out in the afternoon, the student turned in his classwork and homework on time 79% of the time showing an increase from 5% at the end of the first six-weeks grading period?
- ☐ With two additional verbal reminders after providing classroom directions, the student begins the assigned work?
- ☐ When redirected, the student performs the assignment without losing focus for the rest of the class period (up to 38 minutes based on data collection)?

WG

27

How does the student's disability affect involvement and progress in the general education curriculum?

- ☐ Johnny's speech language impairment in the area of pragmatic language affects his involvement and progress in the general education curriculum by ...
- ☐ Sally's stuttering affects her involvement and progress in the general education curriculum by ...
- ☐ Jorge's disability of deaf/hard-of-hearing affects his involvement and progress in the general education curriculum by ...
- ☐ Samantha's emotional disturbance due to a general and pervasive mood of unhappiness or depression affects her involvement and progress in the general education curriculum by ...
- ☐ Jasmine's inability to build and maintain satisfactory relationships with peers and teachers affects her involvement and progress in the general education curriculum by ...

WGL

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Do we need to include strengths and weaknesses?

- ☐ Strengths may help us to focus on the development of measurable goals by...?
- ☐ Weaknesses may help us by ...?

WGL

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TEA Guidance

- ☐ https://tea.texas.gov/sites/default/files/FinalAccessibleIEPDevelopment-July%202020_website_locked.pdf

WGL

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TEA Guidance

- Vague – Alicia's language and conversation skills are well below age expectations based on scores on the EOWPVT-R and ROWPVT-R given as part of her evaluation.

Pg 10

WG

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TEA Guidance

- Specific – Alicia needs to continue developing in the area of language and communication, specifically with conversation skills. Based on information provided by Alicia's pre-school education teacher, speech therapist, her mom, and data from the August 30, 2018 evaluation, Alicia inconsistently (less than 50% of observations) takes one turn in a conversation (e.g., responds to greetings, answers simple questions) when provided a visual prompt. She consistently (over 80% of observations) provides an appropriate response to a conversational cue when given a verbal model of "say ____". She has been observed responding independently to conversation cues on only 2-3 occasions over the past year based on parent and teacher report. Her inability to respond independently may hinder her academic and functional progress by decreasing her ability to interact with her teachers and peers. Alicia needs to improve her conversation skills to access the curriculum and engage meaningfully with her teachers and peers.

WG

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Goals and Objectives

WG

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Goals and Objectives

- "A statement of measurable annual goals, including academic and functional goals designed to –
 - Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
 - Meet each of the child's other educational needs that result from the child's disability;

For children with disabilities who take alternate assessments aligned to alternate academic achievement standards, a description of benchmarks or short-term objectives;..."

34 C.F.R. §300.320(a)(2).

WG

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PLAAFP and Measurable Goals

- The ARD committee uses the PLAAFP to identify areas of critical need that are hindering the student in accessing or making progress in the general curriculum.
- Areas of weakness should relate to a proposed goal.

WG

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PLAAFP → Goal → Progress
Reports

WG

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Hypothetical

- ❑ By the end of the IEP year, given instruction in the use of cool-down strategies, the Student will use three strategies to reduce the incidences of hitting teachers and staff from 13 per day to no more than one per grading period, as measured by data collection and observation?
- ❑ By the end of the IEP year, given a reading passage on a preferred topic (nonfiction, biographies, scientific topics) on the third-grade level, the Student will improve his comprehension?
- ❑ By the end of the IEP year, given a graphic organizer, the Student will complete a five-sentence paragraph on a designated topic?
- ❑ By the end of the IEP year, the Student will understand whole numbers and fractions?

WGL

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Hypothetical

- ❑ "By the end of the IEP year, the Student will improve expressive language by mastering the following objectives:"
 - By the end of the second six-weeks grading period, the Student will identify the question words in sentences and employ a standard format to answer the questions in 7/10 trials each grading period?
 - By the end of the fourth six-weeks grading period, the Student will use good personal hygiene in the restroom 50%?

WGL

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Progress Reports

- ❑ By the end of the IEP year, given instruction in the use of cool-down strategies, the Student will use three strategies to reduce the incidences of hitting teachers and staff from 13 per day to no more than one per grading period, as measured by data collection and observation?

First nine-weeks grading period – Not yet introduced
Second nine-weeks grading period – 10%
Third nine-weeks grading period – 7
Fourth nine-weeks grading period – 150/28

WGL

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Progress Reports

- ❑ By the end of the IEP year, given a reading passage on a preferred topic (nonfiction, biographies, scientific topics) on the third-grade level, the Student will improve his comprehension?
 - First nine-weeks grading period – He improved his comprehension on biographies and science topics.
 - Second nine-weeks grading period – He improved his comprehension on biographies. He is answering “where” and “when” questions.
 - Third nine-weeks grading period – 9/10
 - Unable to report progress, because the student refused to read.

W

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Progress Reports

- ❑ By the end of the IEP year, given a graphic organizer, the Student will complete a five-sentence paragraph on a designated topic?
 - First six-weeks grading period – 2
 - Second six-weeks grading period – She can write a topic sentence 100% of the time.
 - Third six-weeks grading period – We were working on STAAR remediation and did not have time to address this goal.
 - Fourth six-weeks grading period – He can write a topic sentence and a closing sentence.
 - Fifth six-weeks grading period – He is up to four sentences.
 - Sixth six-weeks grading period – Mastered.

W

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Progress Reports

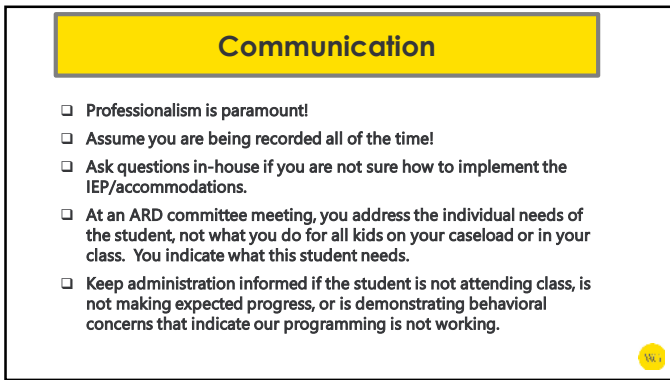
- ❑ By the end of the IEP year, the Student will understand whole numbers and fractions?
 - The Student can count to 20.
 - The Student can match numbers with objects 1-20.
 - The Student can identify the numerator and the denominator in a visual representation of a round shape cut into equal pieces.
 - The Student can draw a representation of a shape when provided with a fraction.

W

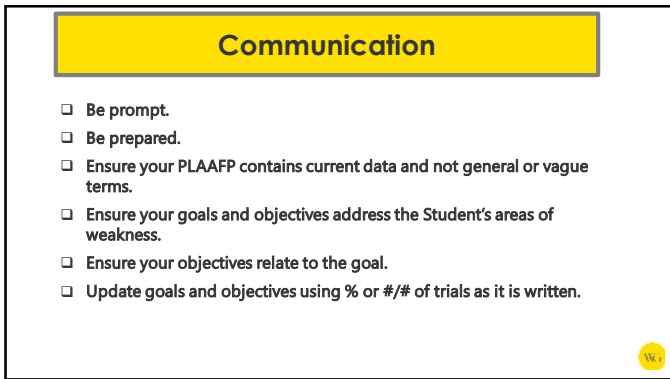
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Implementation

WG

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**Lamar Consolidated Indep. Sch. Dist. v. J.T.,
122 LRP 33 (S.D. Tex. December 31, 2021).**

☐ What do we do when we identify errors in implementation?

☐ Address the error.

☐ Involve the parent and the ARD committee in determining how to make up for any failure to implement the IEP.

☐ Provide training for staff who made the mistake.

☐ Provide training for similarly situated staff to ensure the mistake is not occurring on someone else's caseload.

☐ Maintain documentation of all of the above.

WG

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Documentation

☐ Use correct logs to document provision of services and any compensatory services.

☐ Frequency

☐ Location

☐ Duration

☐ Data based on performance

☐ Lesson plans

WG

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Dismissal

WG

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Cases

- ❑ *J.D. v. East Side Union High Sch.*, 121 LRP 3724 (N.D. Cal. 2021.) - “[The team] and ALJ properly took into consideration [the student’s] accommodations when assessing his eligibility for special education and finding that he no longer qualified.”
- ❑ The parent “...spoke scores if not hundreds of times” at a December 2018 meeting.
- ❑ “[The] parents were given meaningful opportunity to participate in the IEP process, and [the student’s] father took full advantage of that opportunity.”

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Cases

- ❑ *R.F. v. Southern Lehigh Sch. Dist.*, 74 IDELR 292 (E.D. Pa. 2019) – The District reviewed:
 - *The student’s performance, including master of speech and language goals in his third-grade IEP*
 - *Passing grades in the 4th grade*
 - *Reviewed the IEE and noted the discrepancies between the report and the student’s performance*
 - *Results of a variety of assessments administered to identify the student’s needs (e.g., academics, behavior, physical therapy, occupational therapy, and visual motor abilities – in the average range*
 - *The IEP team based its decisions on the assessment and recommended dismissal.*

WG

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Summer Transfers

WG

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In-State Transfers During the School Year

"If a child with a disability (who has an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either –

- (1) Adopts the child's IEP from the previous public agency; or
- (2) Develops, adopts, and implements a new IEP that meets the applicable requirements in §§300.320 through 300.324."

34 C.F.R. §300.323(e).

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Texas In-State Transfers During the School Year

"A school district must comply with the following for a student who is new to the school district.

- (1) When a student transfers to a new school district within the state in the same school year, and the parents verify that the student was receiving special education services in the previous school district or the previous school district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 CFR, §300.323(e), regarding the provision of special education services. The timeline for completing the requirements outlined in 34 CFR, §300.323(e)(1) or (2), is 30 school days from the date the student is verified as being a student eligible for special education services."

19 T.A.C. §89.1050(j)(1).

WG

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Out-of-State Transfers During the School Year

"If a child with a disability (who has an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency –

- (1) Conducts an evaluation pursuant to §§300.304 through 300.306 (if determined to be necessary by the new public agency); and
 - (2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in §§300.320 through 300.324."
- 34 C.F.R. §300.323(f).

WV

55

Out-of-State Transfers to Texas During the School Year

"When a student transfers from a school district in another state in the same school year and the parents verify that the student was receiving special education services in the previous school district or the previous school district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 CFR, §300.323(f), regarding the provision of special education services. If the new school district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the timelines established by §89.1011(c) and (e) of this title. The timeline for completing the requirements in 34 CFR §300.323(f)(2), if appropriate, is 30 calendar days from the date of the completion of the evaluation report. If the school district determines that an evaluation is not necessary, the timeline for completing the requirements outlined in 34 CFR, §300.323(f)(2), is 30 school days from the date the student is verified as being a student eligible for special education services."

19 T.A.C. §89.1050(j)(2).

WV

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Transfer During the Summer

- "A student with a disability who has an IEP in place from a previous in- or out-of-state school district and who enrolls in a new school district during the summer is **not considered a transfer student** for the purposes of this subsection or for 34 CFR §300.323(e) or (f). For these students, the new school district **must implement the IEP from the previous school district in full on the first day of class of the new school year** or must convene an ARD committee meeting during the summer to revise the student's IEP for **implementation on the first day of class of the school year**."

19 T.A.C. §89.1050(j)(4).

WV

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Reminder!

- The requirement to have an IEP in place by the first day of school is not new.

"At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in §300.320." 34 C.F.R. §300.323(a).

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Transmittal of Records

"To facilitate the transition for a child described in paragraphs (e) and (f) of this section –

- (1) The new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled, pursuant to 34 CFR 99.31(a)(2); and
- (2) The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency."

34 C.F.R. §300.323(g).

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Records from the Previous School District in Texas

"In accordance with TEC, §25.002, and 34 CFR, §300.323(g), the school district in which the student was previously enrolled must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the 10th working day after the date a request for the information is received by the previous school district." 19 T.A.C. §89.1050(j)(3).

WGL

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Practical Implications

- ❑ Teachers need to be sure the updated goals and objectives are archived and turned in to ensure the District can access them during the summer.
- ❑ Diagnosticians need to request assistance from administration if the previous school district does not provide records in a timely manner.
- ❑ Diagnosticians and other staff who receive a request for records need to ensure the District responds in a timely manner complying with the District's procedures to do so.
- ❑ Everyone needs to pay attention to what we communicate whether it is by email, text message, or in a phone conference documented in writing.
- ❑ Presume you are being recorded all of the time and behave in a professional manner.

WG

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