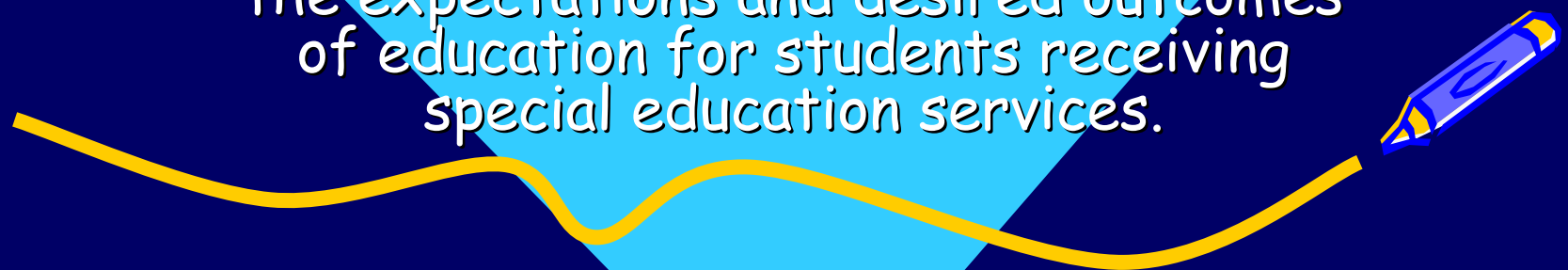


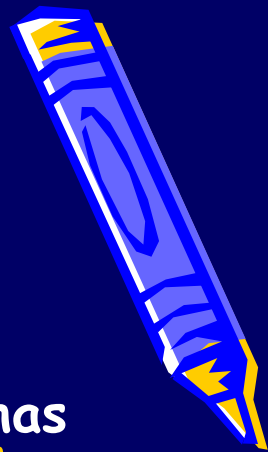
IDEA 2004

Changes in the Findings and Purposes Sections of IDEA 2004 have changed the expectations and desired outcomes of education for students receiving special education services.

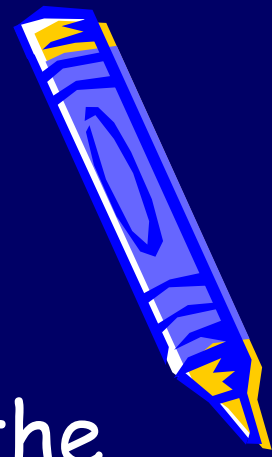


Findings in IDEA 2004 (Section 1400(c)),

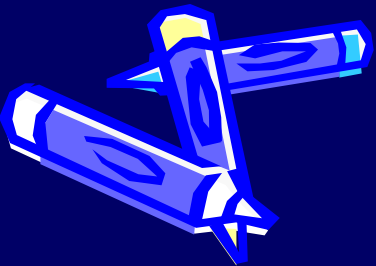
- IDEA 2004 found that “implementation of the IDEA has been impeded by low expectations and an **insufficient focus on applying replicable research and proven methods of teaching and learning for children with disabilities.**” (Section 1400(c)(4))
- “30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom to the maximum extent possible in order to- (Section 1400 (c)(5)(A))



Findings of IDEA 2004, cont.

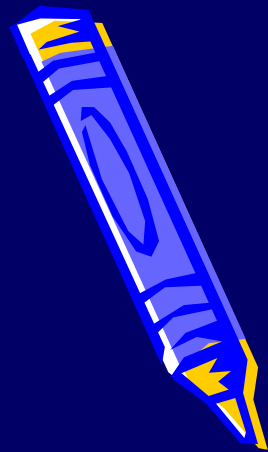


- meet developmental goals and, to the maximum extent possible, **the challenging expectations that have been established for all children** and be prepared to lead productive and independent adult lives, to the maximum extent possible." (Section 1400(c)(5)(A)(i)(ii)

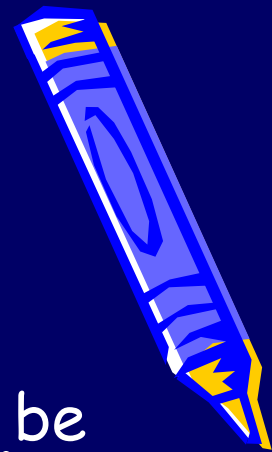


Findings

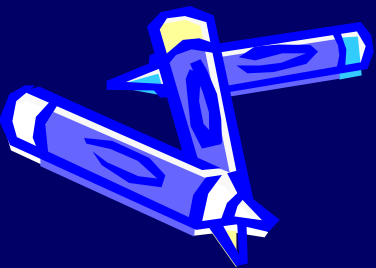
- In IDEA 1997, “to the maximum extent possible” described the need to provide children with disabilities access to the general curriculum and prepare children for life after school.
- In IDEA 2004, the phrase “to the maximum extent possible” describes the requirements **to meet the developmental goals and challenging expectations established for non disabled children**, to prepare children with disabilities to lead independent and productive adult lives, and to **improve their academic achievement and functional performance**.



Findings, teacher preparation and training

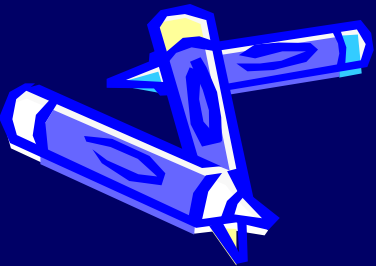
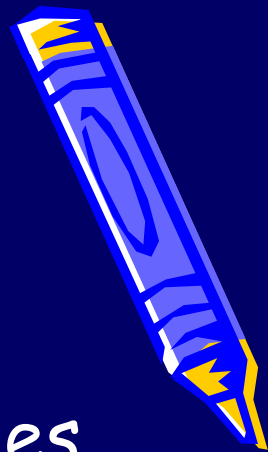


- the education of children with disabilities can be made more effective by supporting “high quality, intensive, pre service preparation and” professional development for all personnel who work with children with disabilities in order to ensure that they have “the skills and knowledge necessary to improve the academic achievement and functional performance of children with disabilities, including the use of scientifically based instructional practices, to the maximum extent possible.” (Section 1400(c)(5)(E))

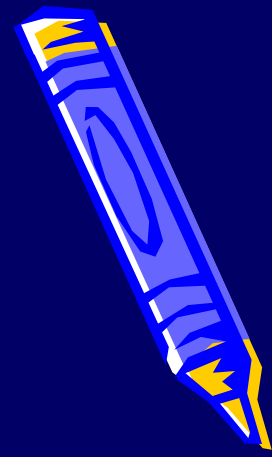


Findings, Assistive Technology

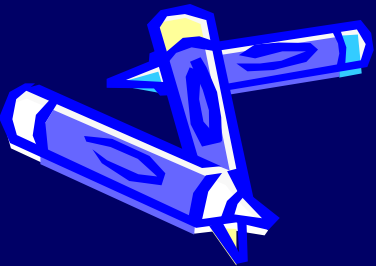
- the education of children with disabilities can be made more effective by supporting the development and use of assistive technology, including assistive technology devices and assistive technology services to maximize accessibility for children with disabilities (Section 1400(c)(5)(H))



Purposes" of IDEA 2004 (Section 1400(d))

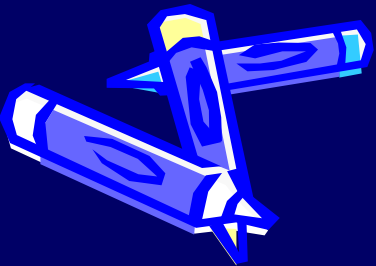
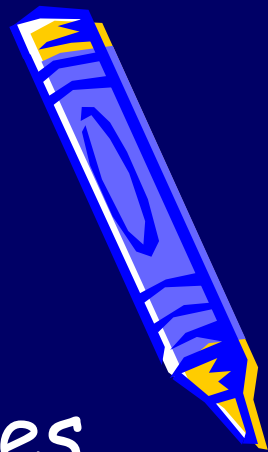


- "The purposes of this title are to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living." (Section 1400(d)(1)(A))
- Adding "further education" to the Purposes of IDEA 2004 establishes a new outcome for special education.

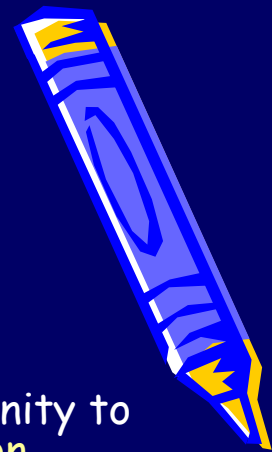


State Administration

- "State rules, regulations and policies in this title shall support and facilitate local educational agency and school level system improvement designed to enable children with disabilities to meet the challenging State student academic achievement standards." Section 1408 (b)



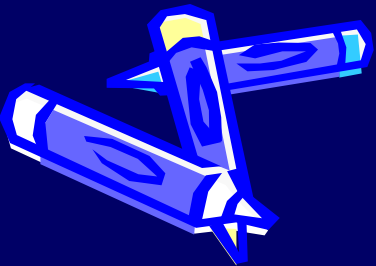
No Child Left Behind Act and IDEA

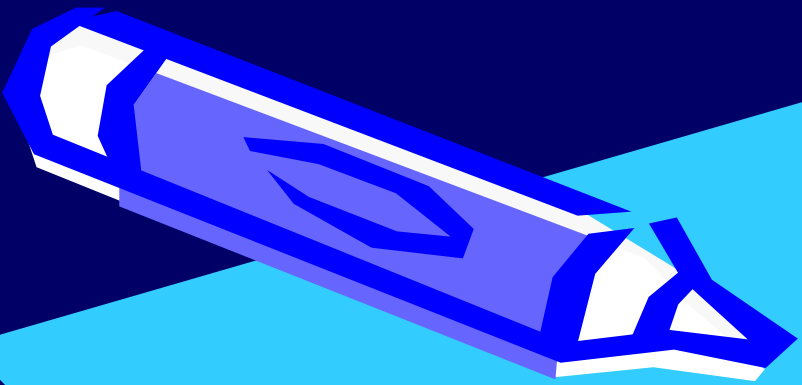


- "to ensure that all children have a fair, equal, and significant opportunity to obtain a high quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments." (20 U.S.C. 6301)

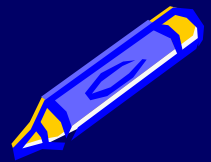
NCLB requires "meeting the educational needs of low-achieving students [including] children with disabilities..." and "closing the achievement gap between high- and low-performing children and "ensuring access of children to effective, scientifically based instructional strategies and challenging academic content. (Section 6301(3), Section 6301(9))

- IDEA 2004 requires states to **establish performance goals for children with disabilities that are the same as the state's definition of adequate yearly progress** under NCLB. (Section §1412(a)(15))

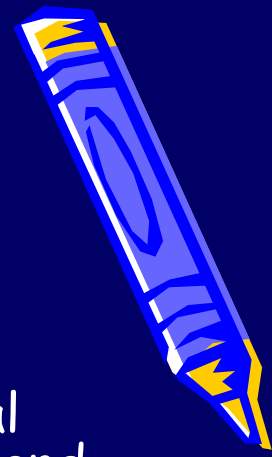




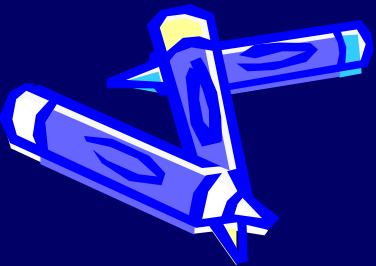
IDEA 2004 includes
important new language
about research-based
instruction.



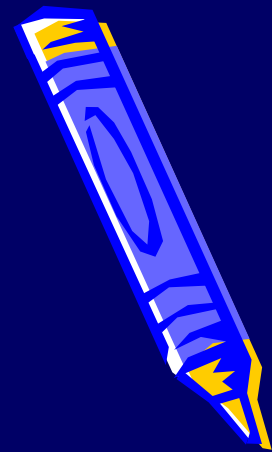
Peer-Reviewed Research



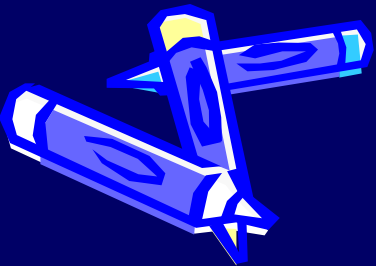
- The child's IEP must include "a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child. (section 1414(d)(1)(A)(i)(IV))"
- Schools should support professional development for all personnel who work with children with disabilities in order to ensure that they have "the skills and knowledge necessary to improve the academic achievement and functional performance of children with disabilities, including the use of scientifically-based instructional practices, to the maximum extent possible." (Section 1400(c)(5)(E))



Peer-Reviewed Research

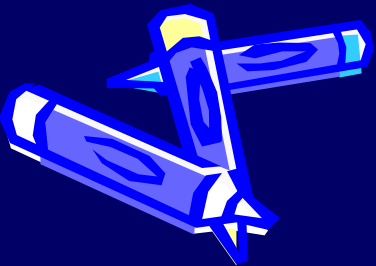
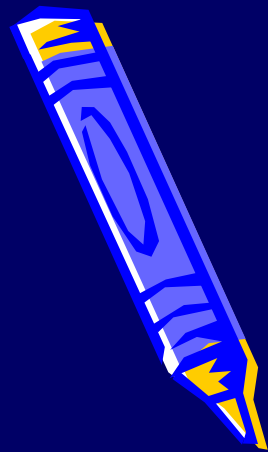


- Schools are accountable for knowing what methodologies they are using and whether they have support in the research (not just I have done it this way for 15 years) Schools should be able to point to the peer reviewed research that backs up the methodology they are using.
- Not just any research, but Peer-Reviewed Research.
- IDEA does not define it, but NCLB defines Scientifically-Based Research to include Peer-Reviewed Research.

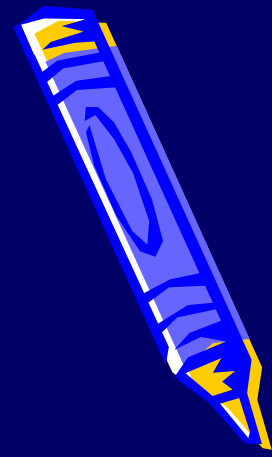


Scientifically-Based Research

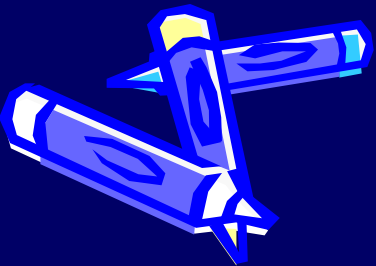
- Defined in No Child Left Behind (NCLB)
- Research involves the application of rigorous, systemic and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs



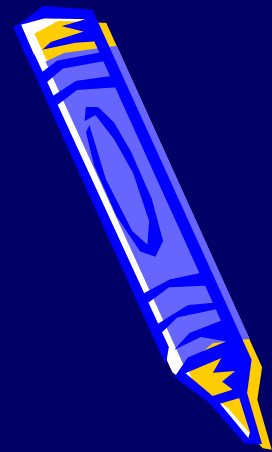
NCLB- Scientifically-Based Research



- Research that
- Uses systemic, empirical methods that draw on observation or experiment
- Involves rigorous data analyses that are adequate to test the stated hypothesis and justify the general conclusions drawn
- Relies on measurements of observational methods that provide reliable and valid data across evaluators and observers, multiple measurements and observations and studies by the same and different investigators



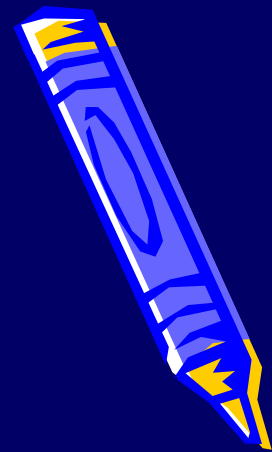
NCLB- Scientifically-Based Research



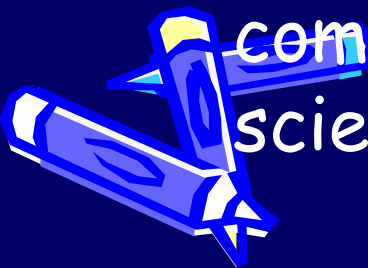
- Research that:
- Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest with a preference for random assignment experiments, or other designs that contain within design or across design controls.



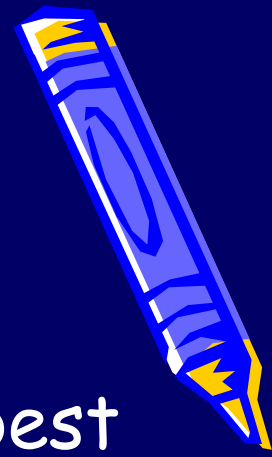
NCLB- Scientifically-Based Research



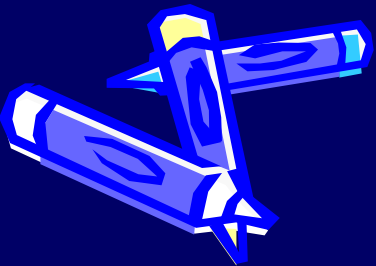
- Research that :
- Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or at a minimum offer the opportunity to build systemically on their findings.
- Have been accepted by a peer-reviewed journal of independent experts through a comparably rigorous, objective and scientific review.



Methodologies requested by parents



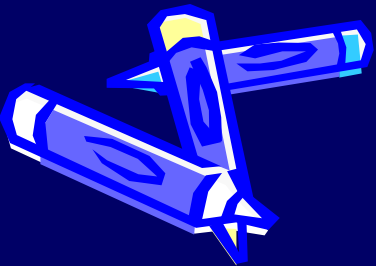
- Many parents do research to find the best methods of providing special education and related services for their child
- Parent requests for specific methodologies must also meet the requirements for Peer-Reviewed Research.
- Parents should begin to routinely ask the question: What peer-reviewed research supports the methodologies being used?



Finding Peer-Reviewed Research

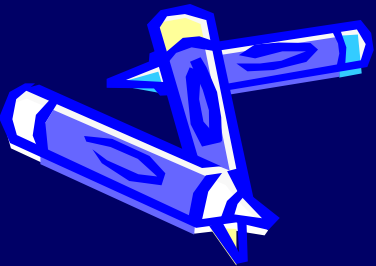


- www.tea.state.tx.us
- Cecp.air.org/familybriefs (Center for effective collaboration and practice)
- www.whatworks.ed.gov
- www.ed.gov/parents/needs/speced/resources.html
- www.nichcy.org (Research: Where to start, What Works, Research based Resources on Specific Disabilities,)
- www.ericec.org/osep-sp (IDEAs that Work, Research Connections, News Briefs)



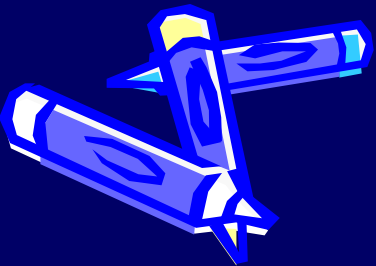
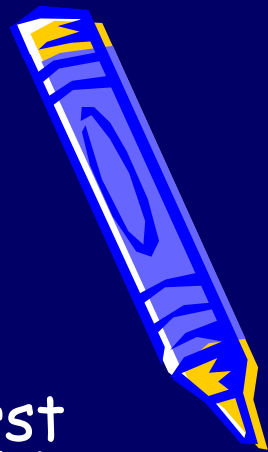
Consent for Evaluations and Services

- IDEA 2004 requires the school to obtain parental consent before the initial evaluation and before implementing special education services in the IEP.

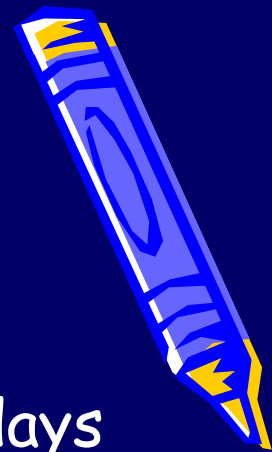


Consent for Evaluation

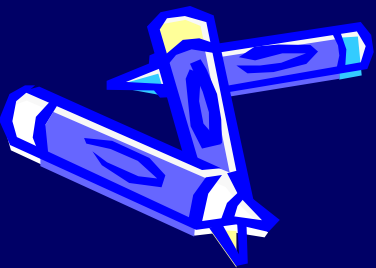
- Before conducting an initial evaluation (the first assessments requested by a school when a child is suspected of having a disability), the school must obtain parental consent. (Section 1414(a))
- If the parent refuses to consent to an initial evaluation by the school, or if the parent fails to respond to a request for consent the school may use mediation, resolution, or a due process hearing to obtain the evaluation. (Section 1414(a)(1)(D)(ii))



Timelines for Initial Evaluation

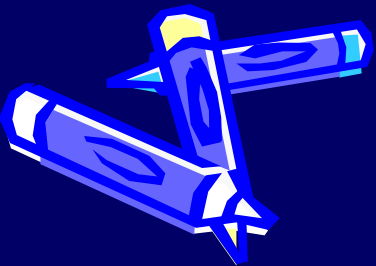
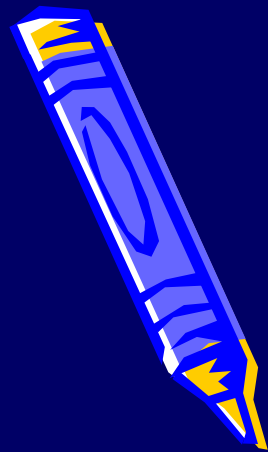


- Conduct a full individual evaluation within 60 days of receiving parental consent for the evaluation, or,
- if the state establishes a timeframe, the evaluation must be conducted within such timeframe
- The timeframe does not apply if the parent of a child repeatedly fails or refuses to produce the child for the evaluation. (section 1414 (a)(1)(C)(I))



Native Language

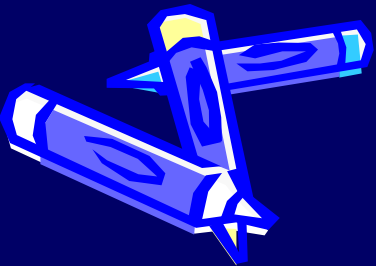
- The requirement to administer assessments in the child's native language or other mode of communication has been changed.
- The new language requires assessments to be administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally. (section 1414 (b)(3)(A)(ii))



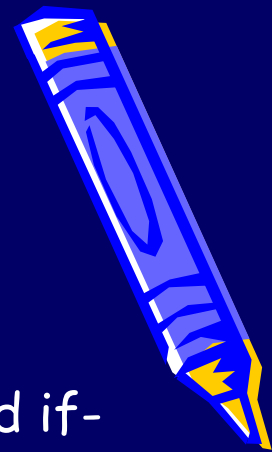


Consent for Reevaluation

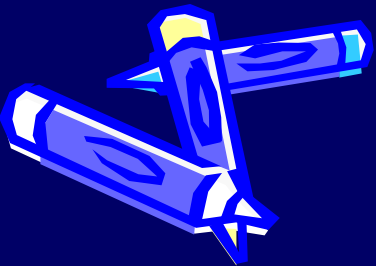
- Each school shall obtain informed parental consent prior to conducting any reevaluation except parent consent is not required if the school can demonstrate that it had taken reasonable measures to obtain consent and the child's parent has failed to respond. (section 1414(c)(3))



Timelines for Reevaluation

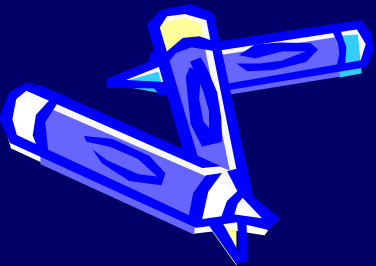
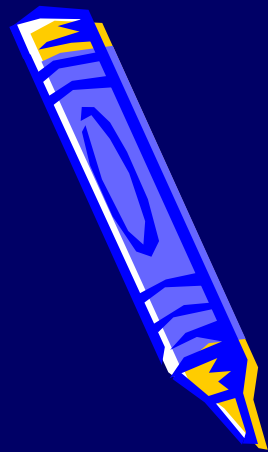


- The school shall ensure that a reevaluation is conducted if-
- The school determines that the educational or related services needs, including improved academic achievement and functional performance of the child warrant reevaluation or If the child's parents or teacher requests a reevaluation.
- A reevaluation shall occur -
- Not more frequently than once a year, unless the parent and school agree otherwise and
- At least once every 3 years, unless the parent and the school agree a reevaluation is unnecessary. (section 1414 (a)(2)(A)(B))



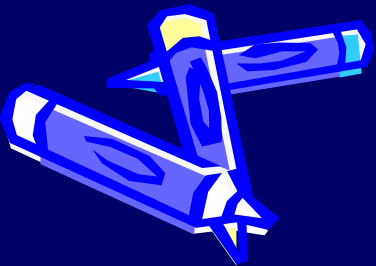
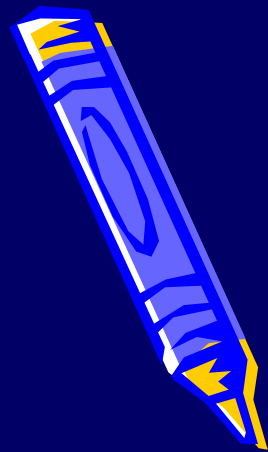
Consent for Services

- The parent is also required to give consent for special education and related services. If the parent refuses to provide consent for services, the public school "shall not provide special education and related services to the child..." (Section 1414(a)(1)(D)(ii)(II))



Parent refuses to consent for services

- The school shall not be considered in violation of the requirements to make available a free appropriate public education for the failure to provide the child with the special education and related services for which the school requests such consent.
- The school shall not be required to convene an IEP meeting or develop an IEP for the child. 1414(a)(1)(D)(iii)





Identification of a Learning Disability

SPECIFIC LEARNING DISABILITIES-

(A) IN GENERAL- Notwithstanding §607(b), when determining whether a child has a specific learning disability as defined in §602, a local educational agency shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.

(B) ADDITIONAL AUTHORITY - In determining whether a child has a specific learning disability, a local educational agency may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures described in paragraphs (2) and (3).

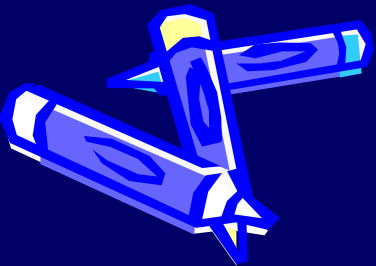
§1414(b)(6)





RTI (Response to Intervention)

Student performs below same-grade peers on measures of academic performance, even after provision of intense individualized instruction.



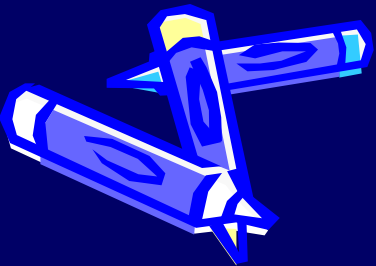
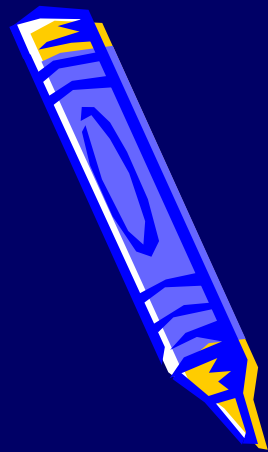
RTI is:

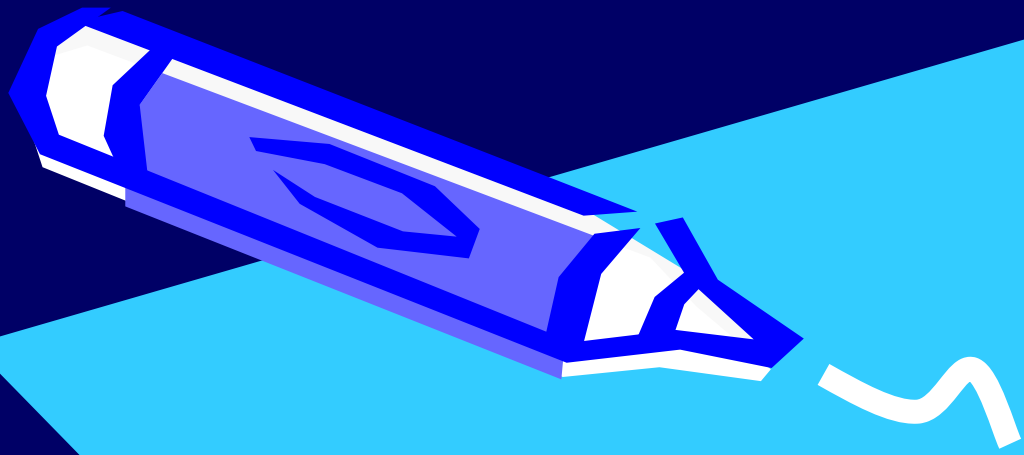
Intended to reduce number of students identified as LD

Is permitted, but not required by Congress

Will be more specifically defined in the final regulations

Has a good chance of being adopted in Texas, if regulations allow a state to require RTI as a part of an LD evaluation.





The ARD/IEP process

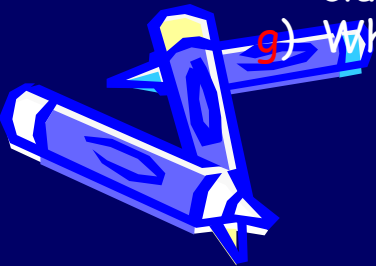


ARD/IEP team members

The ARD/IEP Team is composed of the following persons:

- a) The parents of the child with a disability;
- b) Not less than one regular education teacher (if the child is, or may be, participating in the regular education environment);
- c) Not less than one special education teacher, or when appropriate, not less than one special education provider;
- d) A representative of the local educational agency (LEA) who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; is knowledgeable about the general education curriculum; and is knowledgeable about the availability of resources of the LEA;
- e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above;
- f) Other individuals, at the discretion of the parent or the agency, who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- g) Whenever appropriate, the child with a disability.

§1414(d)(1)(B)

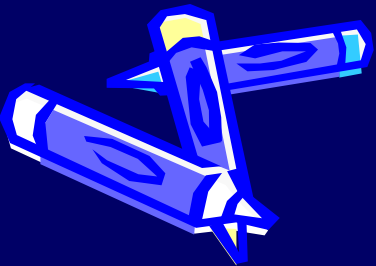
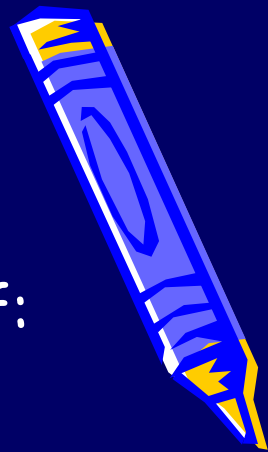


Attendance not necessary

A member of the ARD/IEP team is not required to attend an ARD/IEP meeting, in whole or part, if:

1. The parent of the child with a disability and the LEA agree, due to the fact that the member's area of the curriculum or related services is not being modified or discussed. The parent's agreement must be in writing.
2. The member submits, in writing to the parents and the team, his or her input into the development of the IEP prior to the meeting.

§1414(d)(1)(C)(i) and (iii)

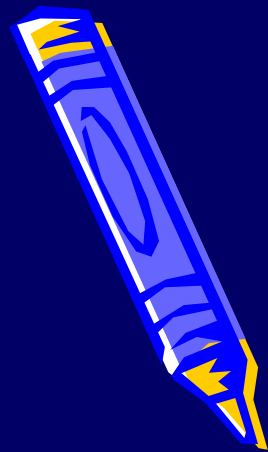


Excusal from ARD/IEP meeting

A member of the ARD/IEP team may be excused from attending an ARD/IEP meeting, in whole or in part, if:

1. The parent of the child with a disability and the LEA agree, due to the fact that the member's area of the curriculum or related services is not being modified or discussed.
2. The parent consents in writing, and the agency also; and
3. The member submits, in writing to the parents and the team, his or her input into the development of the IEP prior to the meeting.

§1414(d)(1)(C)(ii)and(iii)



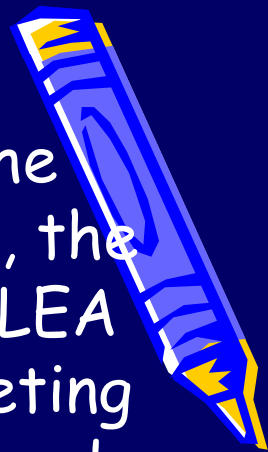
New Provisions

In making changes to a child's IEP after the annual ARD/IEP meeting for a school year, the parent of a child with a disability and the LEA may agree not to convene an ARD/IEP meeting for the purposes of making such changes, and instead may develop a written document to amend or modify the child's current IEP.

§1414(d)(3)(D)

Changes to the IEP may be made either by the entire ARD/IEP team or, as provided in §1414(d)(3)(D), by amending, rather than redrafting the entire IEP. Upon request, a parent shall be provided with a revised copy of the IEP with the amendments incorporated.

§1414(d)(3)(F)



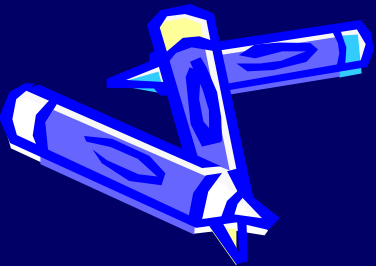
Changes regarding present levels of educational performance

IEPs must include:

- A) Present levels of academic achievement and functional performance; and
- B) A statement of measurable annual goals including both academic and functional goals.

IEPs must include a description of benchmarks, or short-term objectives only for children who take alternate assessments aligned to alternate achievement standards.

§1414(d)(1)(A)(i)(I)



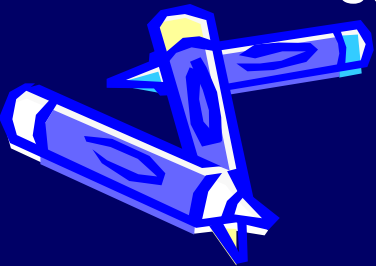
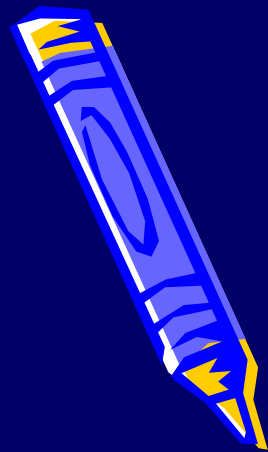
Changes regarding assessments

A statement of any individual appropriate accommodations that is necessary to measure:

Academic achievement and functional performance on statewide and district wide assessments.

If the ARD/IEP team determines that the child will take an alternate assessment, a statement must be provided that indicates why the ARD/IEP team selected a particular alternate assessment, and why it is appropriate for the child.

§1414(d)(1)(A)(i)(VI)(aa), (bb)(BB)



Changes to annual goals

IEPs are required to include:

A statement of measurable
annual goals, including academic
and functional goals.

§1414(d)(1)(A)(i)(II)



Changes to measuring progress and reporting

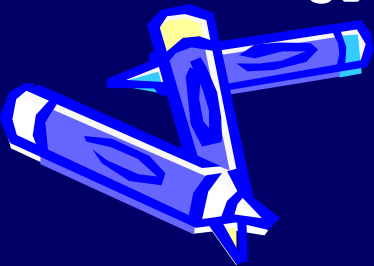
IEPs are required to include:

1. A description of how the child's progress toward meeting the annual goals will be measured; and
2. A description of when periodic progress reports will be provided to parents.

Reporting may include:

- a) Quarterly reports; or
- b) Other periodic reports concurrent with issuance of report cards.

§1414(d)(1)(A)(i)(III)



Behavior

If a child's behavior impedes learning, the ARD Committee must consider the use of positive behavior interventions and supports and other strategies to address that behavior.

Previously, the law said "consider when appropriate."

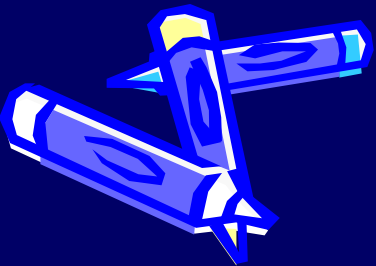
§ 1414(d)(3)(B)(i)



Peer-reviewed Research

Adds to the statement of the special education and related services and supplementary aids and services, for the child or on behalf of the child-that they be based on peer-reviewed research, to the extent practicable.

§1414(d)(1)(A)(i)(IV)



Transition

Beginning not later than the first IEP to be in effect when the child turns 16 [note: eliminates age 14 requirements] and then updated annually thereafter, the IEP must include:

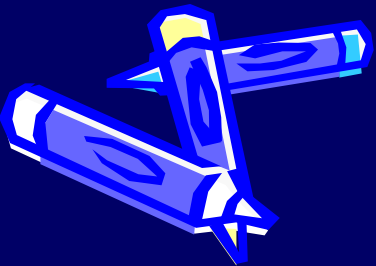
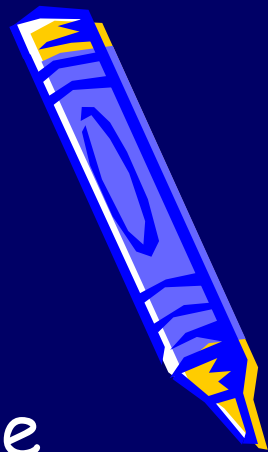
1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and independent living skills, where appropriate;
2. Transition services needed to assist the child in reaching those goals, including courses of study; and
3. Beginning not later than one year before the child reaches the age of majority under state law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to him or her on reaching the age of majority.

§1414(d)(1)(A)(i)(VIII)



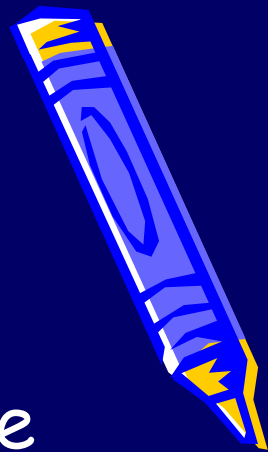
Purposes of IDEA and Transition

- “The purposes of this title are to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living.” (Section 1400(d)(1)(A))

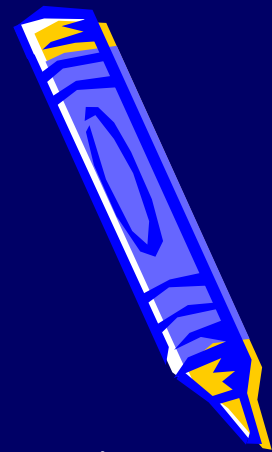


Transition

- Congress made extensive changes to the legal requirements for transition.
- IDEA 97 required “a statement of transition services needs” (beginning at age 14) and
- “a statement of needed transition services for the child” (beginning at age 16).
- The statement of transition services needs at age 14 was eliminated



Transition- IDEA 2004



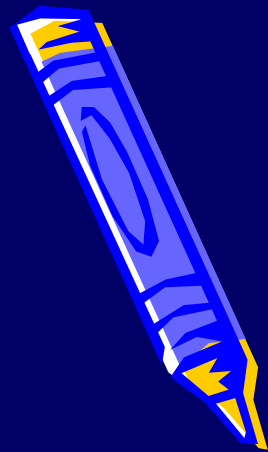
- Beginning not later than the first IEP to be in effect when the child turns 16 and then updated annually thereafter the IEP must include:
- appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, independent living skills, where appropriate;
- transition services (including courses of study) needed to assist the child in reaching those goals,. (Section 1414(d)(1)(A)(i) (VII)(aa)(bb))



Definition of "Transition Services"

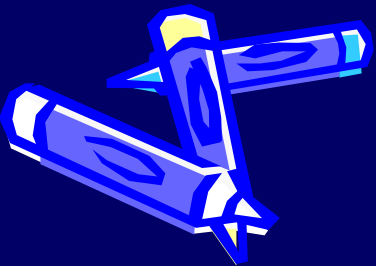
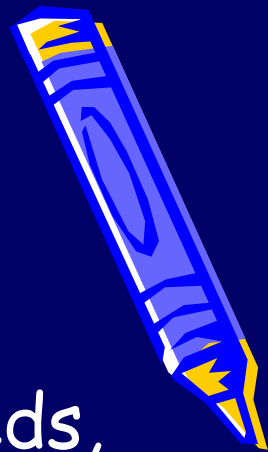
- **Transition Services** - The term 'transition services' means a coordinated set of activities for a child with a disability that:

(A) is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation



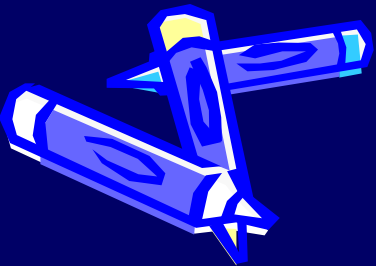
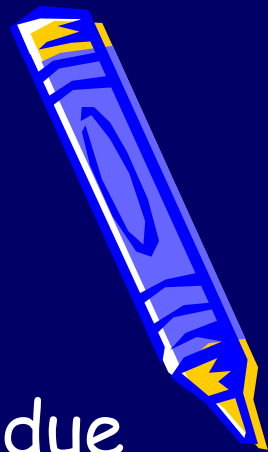
Definition of Transition Services, Continued

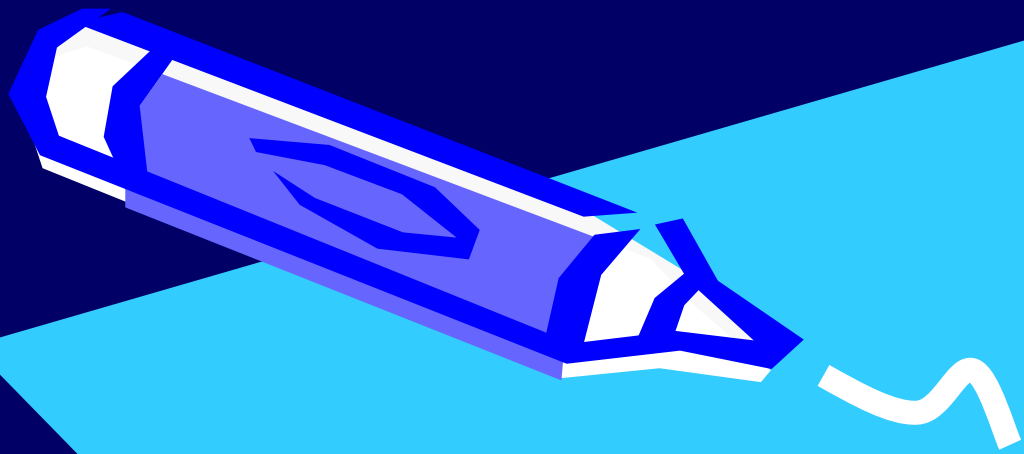
- (B) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests and
- (C) Includes instruction, related services, community experiences, development of employment and other post school adult living objectives and when appropriate acquisition of daily living skills and functional vocational evaluation. (Section 1402(34))



Summary of Performance

- For a child whose eligibility terminates due to receiving a regular diploma or by aging out the school must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. (section 1414(c)(5)(B)(ii))





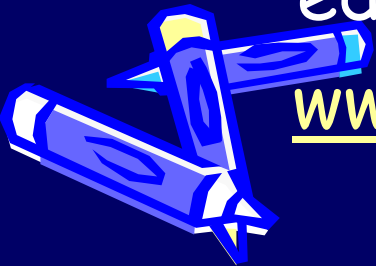
Highly Qualified Teacher requirements



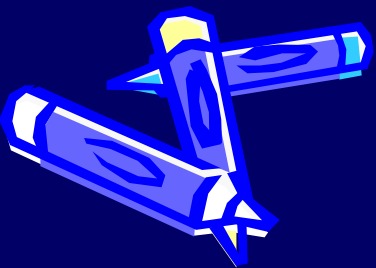
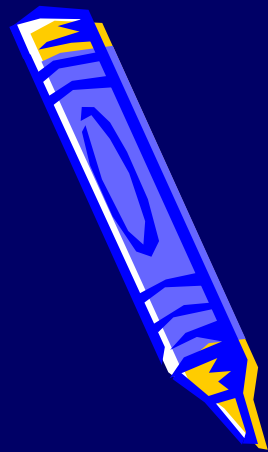
Do the requirements for Highly Qualified Teachers include special education teachers?

Yes. Special education teachers who provide instruction in core academic subjects must meet the highly qualified teacher requirements for those core academic subjects that they teach. See the Texas Education Agency's special education guidance documents at:

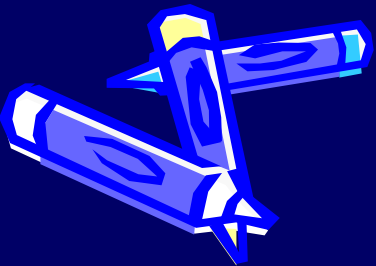
www.tea.state.tx.us/nclb/hqteachers.html



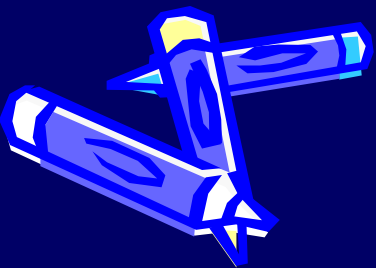
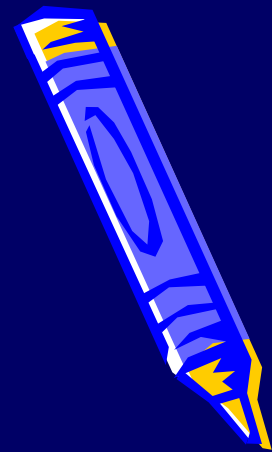
If the special education teacher is the teacher of record providing instruction in a core academic subject area, the teacher must meet the applicable highly qualified requirements for the grade level and core subject area taught. Special education teachers who teach core academic subjects in self-contained classrooms must meet highly qualified teacher standards.

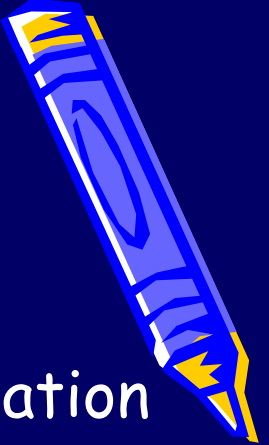


Other special education teachers who provide supplementary instruction in the core academic subject area would also not be required to meet highly qualified as long as there is a separate teacher of record. The LEA and/or campus must document whether the general education teacher or the special education teacher is the teacher of record.



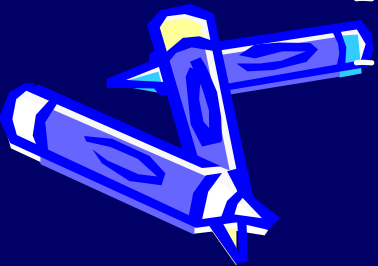
What other activities may special education teachers carry out if they are not highly qualified in the core academic content area being taught?





There are many activities that special education teachers may carry out that would not, by themselves, require those teachers to be highly qualified in a particular subject matter. Special educators who do not directly instruct students in a core academic subject do not have to demonstrate subject-matter competency in those subjects. Examples of indirect instructional activities include:

- Consultation to a highly qualified teacher
- Adapting curriculum
- Using behavioral supports and instructions
- Assisting students in study or organizational skills
- Reinforcing prior instruction



TEA EXAMPLE

Parent Notification Compliance with P.L. 107-110, Section 1111(h)(6)(A)

To: All Parents
From: (School District Name)
Date: (Date)
Subject: Notification of Parents of Teacher Qualifications

As a parent of a student at (school name), you have the right to know the professional qualifications of the classroom teachers who instruct your child. Federal law requires the school district to provide you this information in a timely manner if you request it. Specifically, you have the right to request the following information about each of your child's classroom teachers:

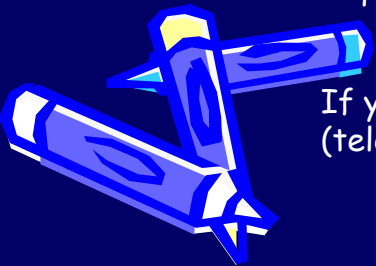
Whether the teacher meets the state qualifications and licensing criteria for the grades and subjects he or she teaches.

Whether the teacher is teaching under emergency or provisional status because of special circumstances.

The teacher's college major, whether the teacher has any advanced degrees, and the field of discipline of the certification or degree.

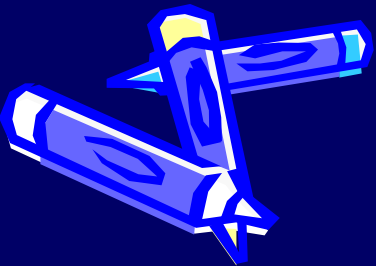
Whether paraprofessionals provide services to your child and , if so, their qualifications.

If you would like to receive any of this information, please contact (name) at (telephone number).



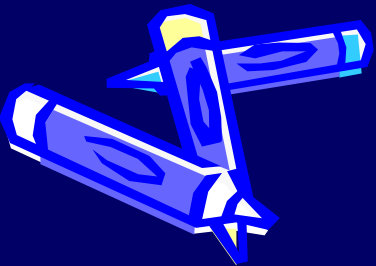
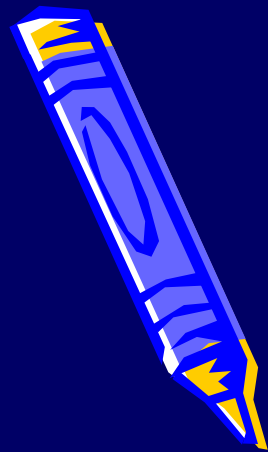
Core Academic Subjects

English
Reading/Language Arts
Math
Science
Foreign Language
Civics/Government
Economics
Arts
History
Geography



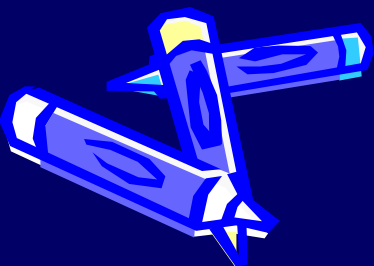
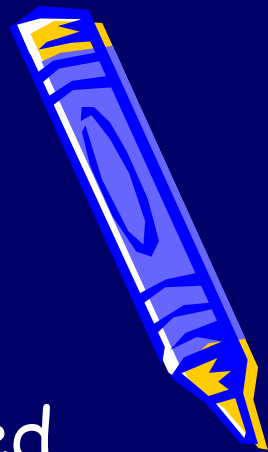
How do the higher standards apply to paraprofessionals?

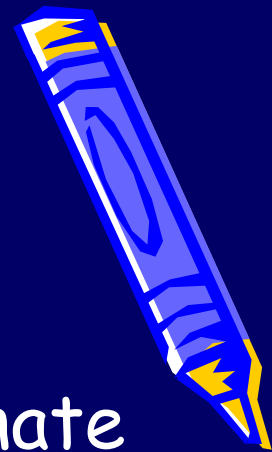
The NCLB standards for paraprofessionals apply only to staff who work in Title I schools and are paid with Title I funds. There is likely to be little impact on paraprofessionals working with students with disabilities.



Participation in Assessments

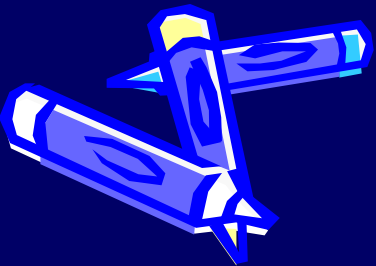
- All Children with disabilities are included in all general State and district wide assessment programs, including assessments described under NCLB with appropriate accommodations and alternate assessments where necessary and as indicated in their IEP. (section 1412(a)(16)(c))



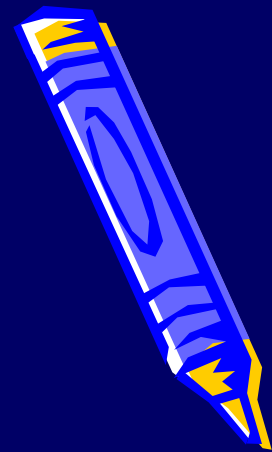


Alternative Assessments

- The State Guidelines provide for alternate assessments that-
- Are aligned with the State's challenging academic content standards and challenging academic achievement standards
- The state may adopt alternative academic standards per NCLB (section 1412(a)(16)(c)(ii))



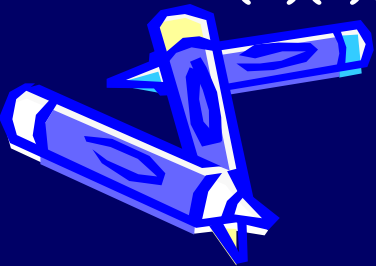
Accommodations and Alternate Assessments



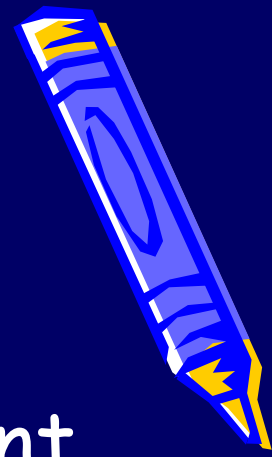
- The child's IEP must include:

"...a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments..."

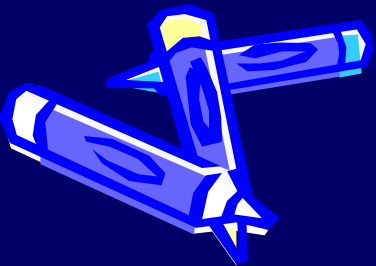
"...if the IEP Team determines that the child shall take an alternate assessment on a particular State or district wide assessment of student achievement, a statement of why (AA) the child cannot participate in the regular assessment; and (BB) the particular alternate assessment selected is appropriate for the child..." (section 1414 (d)(1)(A)(i)(VI)(aa) (bb))



Texas Assessment of Knowledge and Skills (TAKS)

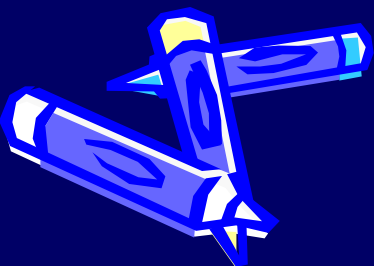
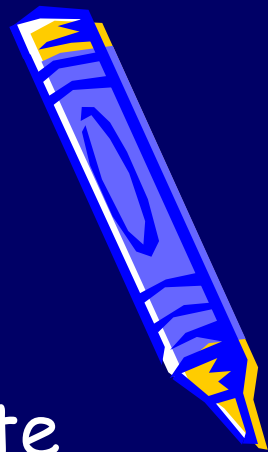


- TAKS - is the statewide assessment that measures a students mastery of the state mandated curriculum, The Texas Essential Knowledge and Skills (TEKS).



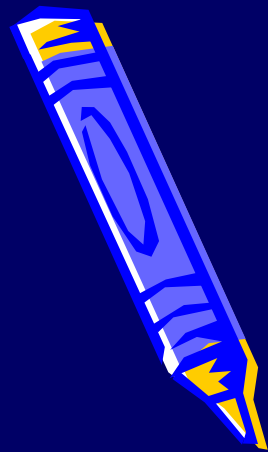
New Terms

- TEKS- Curriculum mandated by the state
- Modified TEKS- the TEKS curriculum accessed by using adaptations and modifications in instructional strategies
- Alternate TEKS- the TEKS curriculum accessed by using supports and structure needed for the functional level of the students



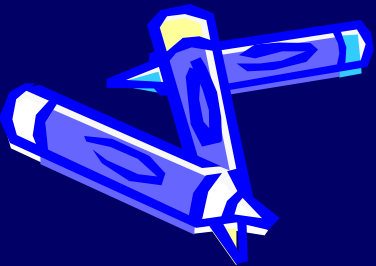
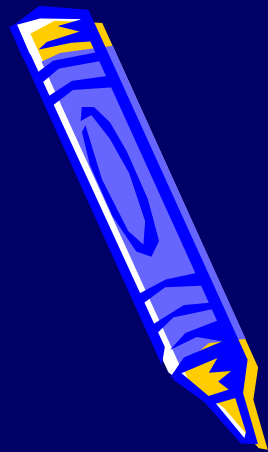
TAKS-Inclusive

- TAKS Inclusive (TAKS-I) - measures the academic progress of students receiving special education services for whom TAKS, even with allowable accommodations, is not an appropriate measure of academic progress. Students take TAKS-I only at the enrolled grade level. (2006 grade 5,8,10 and exit level science and social studies and exit level math, ELA).
- TAKS-I is the same test content as TAKS without field test items, and with larger font size, fewer items per page and SDAA II allowable accommodations. ARD committees will not set expected achievement levels.



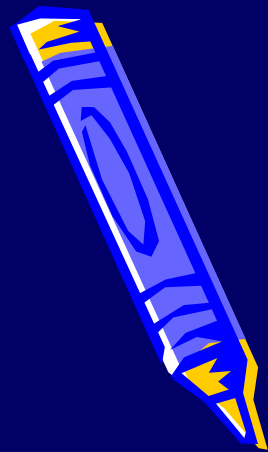
State Developed Alternative Assessment II

- SDAA II- is aligned with TAKS and measures the degree to which students understand the TEKS. SDAA II measures the academic progress of students receiving special education services for whom TAKS, even with allowable accommodations, is not an appropriate measure of academic progress. (K-9 reading, K-10 math, K-9 writing, 10 ELA)



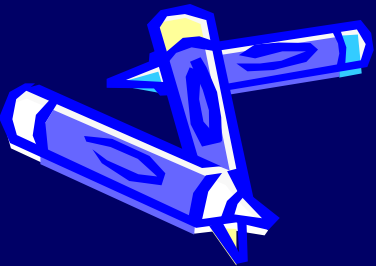
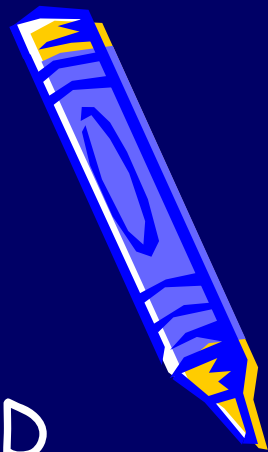
Locally Determined Alternate Assessment

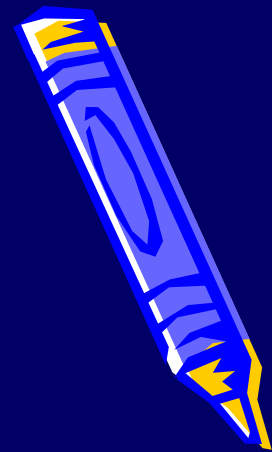
- LDAA measures the learning of a student receiving special education services when TAKS, TAKS-I and SDAA II are not appropriate, because the student is receiving an alternate curriculum or the student requires non allowable accommodations.
- SDAA II does not include science, social studies or exit level tests. When TAKS I is not appropriate, special education students are given an LDAA for these subjects.



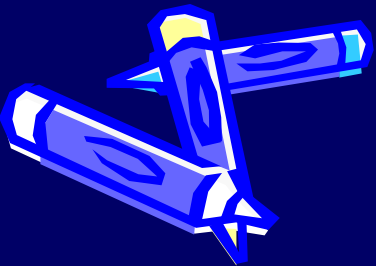
Assessment Decisions

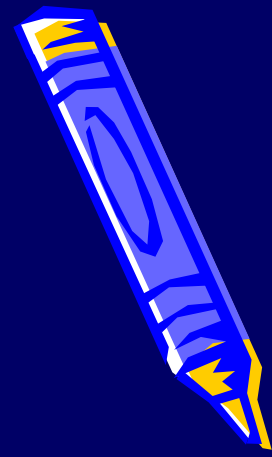
- Instructional decisions made by the ARD committee and documented in the IEP must guide assessment decisions
- Each subject area is considered separately and annually
- Review present level of functioning
- Determine TEKS mastery level and appropriate assessment



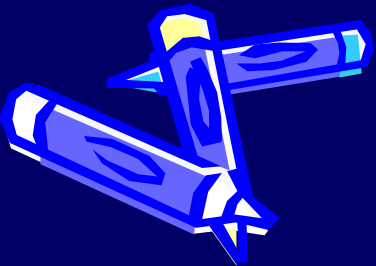


- If SDAA II - select appropriate SDAA II instructional level
- Determine if student is receiving on or near grade level TEKS, modified TEKS or alternate TEKS curriculum
- Select an SDAA II expected achievement level (beginning- level I, developing- level II and proficient- level III)
- Determine if the student has mastered few, some or many or all of the objectives of the TEKS curriculum





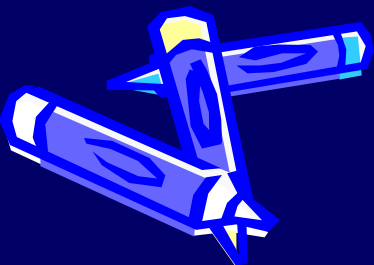
- Determine which allowable accommodations will be used during testing
- Set expected achievement level for each subject area based on expected growth
- Document in IEP assessment decisions, including why a student cannot participate in TAKS and why the alternate assessment is appropriate.



Accommodations

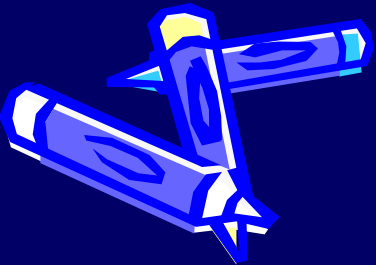
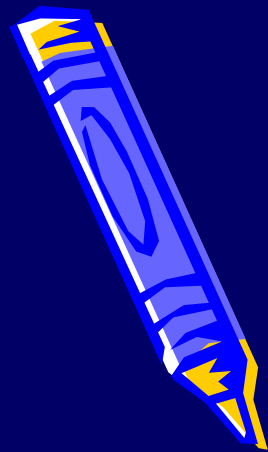
Does the student routinely receive the accommodation in instruction and testing?

- Document in IEP all testing accommodations that are not part of the standard assessment procedures, to assure student is provided appropriate accommodations during test administration.
- Accommodations that do not invalidate test results may be used.



Accommodations for TAKS-I and SDAA II

- With the exception of non-allowable accommodations, accommodations documented in the IEP that are necessary to address the students instructional needs based on their disability but do not invalidate the assessment may be used.
- To request testing accommodations fax the accommodation request form to TEA Student Assessment Division two weeks prior to testing.

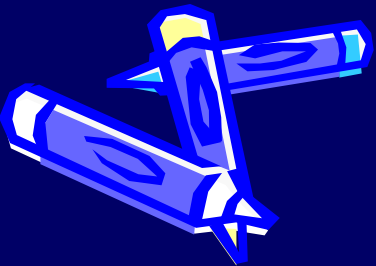


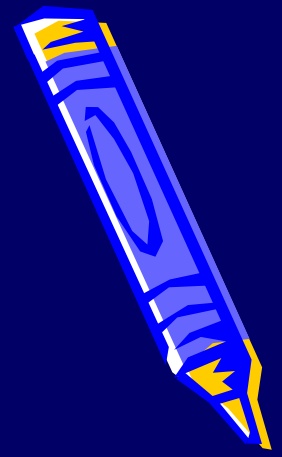
Draft Proposed Statewide Assessments 2006 and beyond



06-07

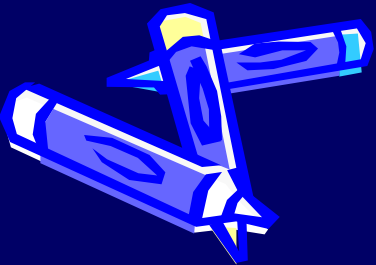
- TAKS-I - on or near grade level
- SDAA II (last one) - for academic disabilities- 2%
- LDAA (last one) - for severe cognitive disabilities 1%
- Develop TAKS-I - reading 3-9, math 3-11 writing 4,7 and ELA 10
- Develop TAKS modified - reading k-9, math k-10
- Develop TAKS alternate





07-08

- **TAKS-I** reading 3-9, math 3-11, writing 4-7, ELA 10-11, Science 5,8,10,11, Social Studies 8,10, 11
- **TAKS- Modified** reading k-9, math k-10 (persistent academic disability 2% - achievement standard pass/fail)
- **TAKS- Alternate** reading 3-9, math 3-11, writing 4, 7, ELA 10,11 Science 5,8, 10, 11 Social Studies 8,10,11 (severe cognitive disability 1%)

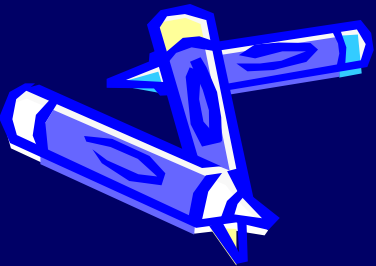
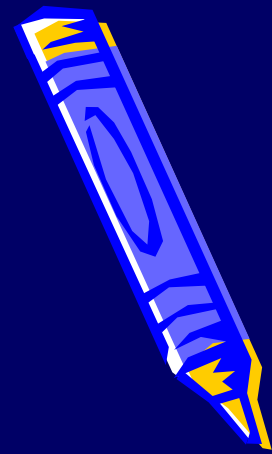




Miscellaneous Provisions



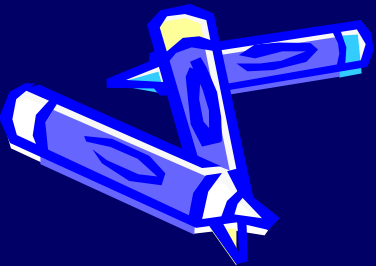
Requirements for children with disabilities transferring within a state and between states



Within-state transfers:

In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in the same state, the new local educational agency (LEA) must provide such child with a free appropriate public education (FAPE), including services consistent with the previous district's IEP, in consultation with parents, until it adopts the previously held IEP or develops and implements a new IEP that is consistent with federal and state law.

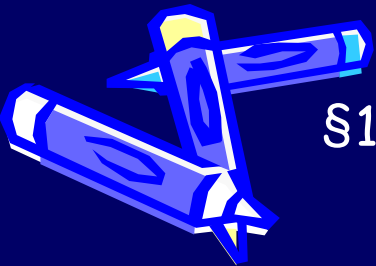
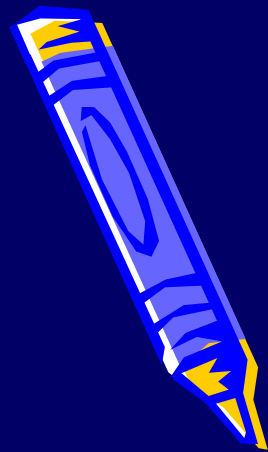
§1414(d)(2)(C)(i)(I)



Between-state transfers:

In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in another state, the new LEA must provide such child with FAPE, including services consistent with the previous IEP, in consultation with parents, until the new LEA conducts an evaluation pursuant to §1414(a)(1), if determined to be necessary by such agency, and develops a new IEP that is consistent with federal and state law.

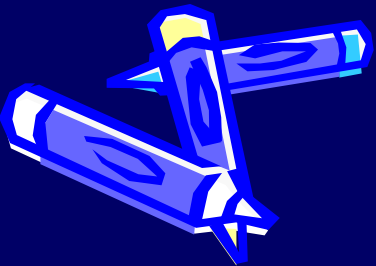
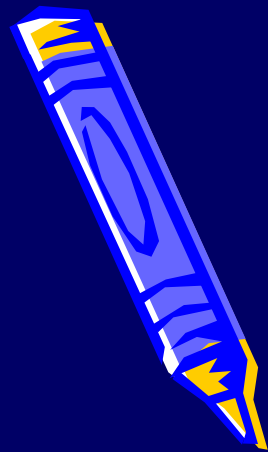
§1414(d)(2)(C)(i)(II)



Zero Tolerance

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change of placement for a student code of conduct violation.

§1415(k)(1)(A)

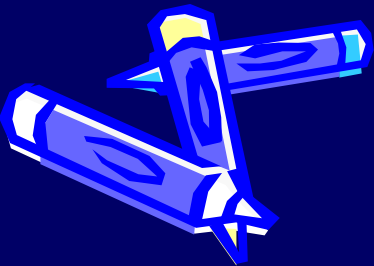


Funding

Districts may use up to 15% of their IDEA funds to provide "early intervening" services to non-identified students.

There is no right to FAPE for these students.

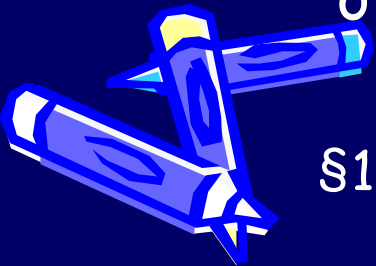
§1413(f)

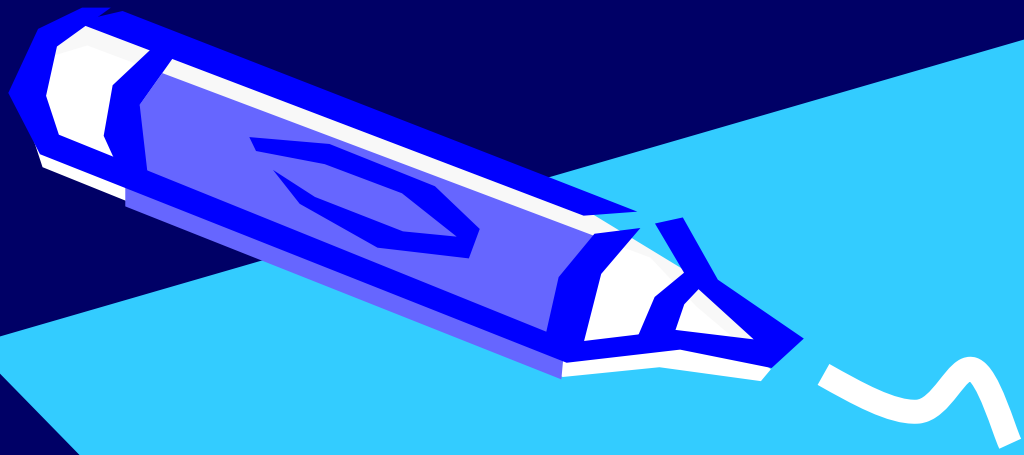


Private Schools

- LEAs must report the number of children evaluated, found eligible and served.
- LEAs must consult with private school representatives re: planning for services—including child find, amount of funds spent, how, where, and by whom services will be provided.
- Private school officials may complain to the SEA that the LEA did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of a private school official.

§1412(a)(10)(A)

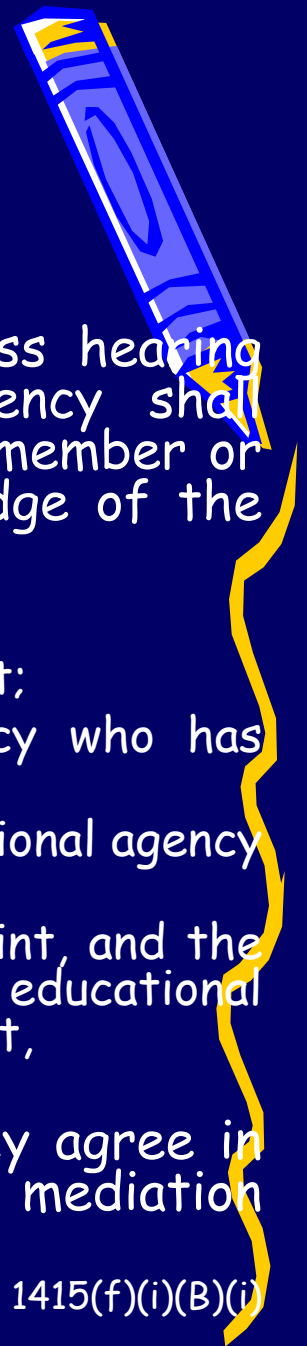




Procedural Safeguards



Resolution Session



(B) Resolution session

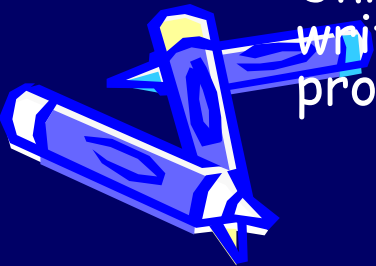
(i) Preliminary setting

Prior to the opportunity for an impartial due process hearing under subparagraph (A), the local educational agency shall convene a meeting with the parents and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the complaint -

- (I) within 15 days of receiving notice of the parents' complaint;
- (II) which shall include a representative of the agency who has decision making authority on behalf of such agency;
- (III) which may not include an attorney of the local educational agency unless the parent is accompanied by an attorney; and
- (IV) where the parents of the child discuss their complaint, and the facts that form the basis of the complaint, and the local educational agency is provided the opportunity to resolve the complaint,

Unless the parents and the local educational agency agree in writing to waive such meeting, or agree to use the mediation process described in subsection (e) of this section.

20 U.S.C. § 1415(f)(i)(B)(i)

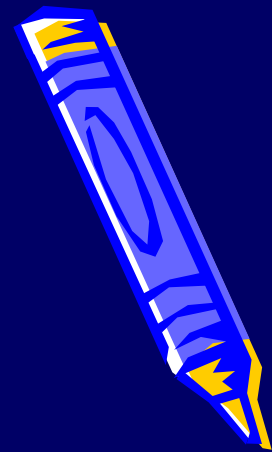


Timeline for Requesting Hearing

(C) Timeline for requesting hearing

A parent or agency shall request an impartial due process hearing within 2 years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the complaint, or, if the State has an explicit time limitation for requesting such a hearing under this subchapter, in such time as the State law allows.

20 U.S.C. § 1415(f)(3)(C)



Attorney's Fees

(B) Award of attorney's fees

(i) In general

In any action or proceeding brought under this section, the court, in its discretion, may award reasonable attorneys' fees as part of the costs—

(I) to a prevailing party who is the parent of the child with a disability;

(II) to a prevailing party who is a State educational agency or local educational agency against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or

(III) to a prevailing State educational agency or local educational agency against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

20 U.S.C. § 1415(i)(3)(B)(i)

