

SERVING STUDENTS WITH SPECIAL NEEDS

Students with special needs, including students who have a disability, students who are economically or educationally disadvantaged, or who are limited English proficient, may require additional or supplemental services when enrolled in Health Science Technology Education programs. Special needs students enrolled in Health Science Technology Education programs must be provided the opportunity to acquire job skills and employability skills leading to a smooth transition from school to post-school activities.

The IDEA (Individuals with Disabilities Education Act) defines transition services as: a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities, including postsecondary education, career and technology education, integrated employment, continuing adult education, adult services, independent living, or community participation. The coordinated set of activities should be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional career evaluation.

The IDEA requires that a student's IEP begin including transition service needs by age 14, and a statement of needed transition services by age 16.

Under federal guidelines the LEA is responsible for providing special populations staff development for Career and Technology Education teachers.

Commissioner's Rules Concerning Career and Technology Education §75.BB.

December 1999 Update

§75.1023. Provisions for Individuals Who Are Members of Special Populations.

- a. An individual who is a member of a special population as defined in 23 United States Code, §2302(23), shall be provided career and technology services in accordance with all applicable federal law and regulations, state statutes, and rules of the State Board of Education (SBOE) and commissioner of education.
- b. A student with a disability shall be provided career and technology services in accordance with the provisions of the Individuals with Disabilities Education Act (IDEA), Public Law 105-17, as amended through the 1997 Amendments, and implementing regulations, state statutes, and rules of the SBOE and commissioner of education relating to services to students with disabilities.
- c. A student with a disability shall be instructed in accordance with the student's individualized education program (IEP) in the least restrictive environment, as determined by the admission, review, and dismiss (ARD) committee. If a student

- is unable to receive a free appropriate public education (educational benefit) in a regular career and technology education program, using supplementary aids and services, the student may be served in separate programs designed to address the student's occupational/training needs, such as career and technology education for students with disabilities (CTED) programs.
- d. A student with a disability identified in accordance with provisions of Public Law 105-302 and the IDEA Amendments of 1997, Public Law 105-17, is an eligible participant in career and technology education when the requirements of this subsection are met.
 1. The ARD committee shall include a representative from career and technology education, preferably the teacher, when considering initial or continued placement of a student in career and technology education.
 2. Planning for students with disabilities shall be coordinated among career and technology education, special education, and state rehabilitation agencies and should include a coherent sequence of courses.
 3. A school district shall monitor to determine if the instruction being provided students with disabilities in career and technology education classes is consistent with the IEPs developed for the students.
 4. A school district shall provide supplementary services that each student with a disability needs to successfully complete career and technology education, such as curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices.
 5. A school district shall help fulfill the transitional service requirements of the IDEA Amendments of 1997, Public Law 105-17, and implementing regulations, state statutes, and rules of the commissioner of education for each student with a disability who is completing a coherent sequence of career and technology education courses.
 6. When determining placement in a career and technology classroom, the ARD committee shall consider a student's graduation plan, the content of the individual transition plan and the IEP, and classroom supports. Enrollment numbers should not create a harmful effect on student learning for a student with or without disabilities in accordance with the provisions in the IDEA Amendments of 1997, Public Law 105-17, and its implementing regulations.

Source: The provisions of this §75.1023 adopted to be effective May 29, 1996, 21 TexReg; amended to be effective December 26, 1999, 24 TexReg 11334.

DEFINITIONS:

Source: Standard Application System Instruction Manual 2000-2001

"Special populations" means -- (A) individuals with disabilities, (B) individuals from economically disadvantaged families, including foster children, (C) individuals preparing for nontraditional training and employment, (D) single parents, including single, pregnant women, (E) displaced homemakers, and (F) individuals with other barriers to educational achievement, including individuals with limited English proficiency and educationally disadvantaged (at risk indicator in PEIMS).

Career and Technology Education means organized educational programs offering a sequence of courses that are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based, applied learning that contributes to an individual's general knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, and the occupationally specific skills necessary for economic independence as a productive and contributing member of society.

Coherent Sequence of Courses means an educational plan made up of developmentally-appropriate courses suited for a given career objective or goal. This plan builds upon the academic core components and includes school based learning experiences leading to both academic and occupational competencies. *NOTE: Under the Recommended High School Program, a student must demonstrate proficiency equivalent to 3 1/2 credits in a coherent sequence of two or more courses for career and technology preparation, and must meet recommended high school program criteria in English language arts, mathematics, science, social studies, languages other than English, health, fine arts, and technology applications.*

Economically disadvantaged means an individual who the SBOE identifies as low income on the basis of uniform methods that are described in the state plan. A local education agency (LEA) must use one or more of the following standards as an indicator of low income: (1) annual income at or below the official poverty line established by the Director of the Office of Management and Budget, (2) eligibility for free or reduced-price school lunch, (3) eligibility for Aid to Families with Dependent Children or other public assistance programs, (4) receipt of a Pell Grant or comparable state program of need-based financial assistance, (5) eligibility for participation in programs assisted under Title II of the Job Training Partnership Act, (6) eligibility for benefits under the Food Stamp Act of 1977, and (7) eligibility for services under Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965 as amended by Improving America's Schools Act of 1996.

Educationally disadvantaged means an individual who scores at or below the 25th percentile on a standardized achievement or aptitude test or who fails to attain minimal

general competencies. The definition does not include individuals with learning disabilities. At the secondary level, failure to attain "minimal general competencies" is operationally defined as: (1) having failed to be promoted one or more times in grades one through six and continues to be unable to master the essential elements in the seventh grade or higher; (2) being two or more years below grade level in reading or mathematics; (3) having failed at least two courses in one or more semesters and not expected to graduate within four years of ninth grade entrance; or (4) having failed one or more of the reading, writing, or mathematics sections of the most recent TAAS test, beginning with the seventh grade.

Limited English Proficient (LEP) Individual means a secondary school student, an adult, or an outschool youth who has limited ability in speaking, reading, writing, or understanding the English language and (A) whose native language is a language other than English, or (B) who lives in a family or community environment in which a language other than English is the dominant language.

Individual with a Disability means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990(42 U.S.C. 12102)).

Nontraditional Training and Employment means occupations or fields of work for which individuals of one gender comprise less than 25 percent of the individuals employed in such occupation or field of work.

Acronyms

ADA (Americans With Disabilities Act)

A federal law passed in 1990 which prohibits discrimination against persons with disabilities. Public schools are covered by the ADA.

ARD Committee (Admission, Review and Dismissal Committee)

In Texas, the ARD is made up of the student's parents and school staff who meet at least annually to decide whether or not the student has an eligible disability and what special education and related services are to be provided. The major responsibility of the committee is the development of the individual education program (IEP) for the special education student. In Texas, these committee meetings are called "ARD" meetings.

Commissioner's Rules/State Board of Education (SBOE) Rules Concerning Special Education

The Commissioner of Education (Jim Nelson) and the elected State Board of Education (SBOE) adopt rules explaining how Texas school districts are to provide special education services. In some cases, these rules give families additional rights beyond the federal law and regulations.

ESC Education Service Center

Texas has 21 Education Service Centers, one located in each region whose boundaries are defined by TEA. ESCs provide training and technical assistance to teachers, administrators, board members and site-based decision-making teams

FERPA Family Educational Rights and Privacy Act

A federal law that gives parents access to and control over their child's school records.

FAPE Free Appropriate Public Education

Special education and/or related services designed to meet the individual needs of each student at no cost to the parents, guaranteed to all students with disabilities by the Individuals With Disabilities Education Act (IDEA).

Federal Regulations (34): §300.8 Appendix C: State Statute (TEC): §1.002 | §29.001 | §29.007 | §29.010 | SBOE and Commissioner's Rules (19 TAC): §89.1001 | Global Index

300.8 Free Appropriate Public Education

As used in this part, the term "free appropriate public education" means special education and related services that- (a)are provided at public expense, under public supervision and direction, and without charge; (b)meet the standards of the SEA, including the requirements of this part; (c)include preschool, elementary school, or secondary school education in the State involved; and (d)are provided in conformity with an IEP that meets the requirements of 300.340-300.350. (Authority: 20 U.S.C. 1401(a)(18))

IEP Individual Education Program

The written plan that details the special education and related services that must be provided to each student who receives special education. Parents and school personnel work together to write the IEP at the ARD meeting. It must be reviewed, and revised if needed, every year.

Rule (19 TAC): §89.1055 Federal Regulations (34 CFR): Appendix C: State Statute: Global Index

§89.1055. Content of the Individual Educational Plan (IEP).

- a. The individual educational plan (IEP) developed by the admission, review, and dismissal (ARD) committee for each student with a disability shall include the following information in addition to the requirements of 34 Code of Federal Regulations (CFR), §300.346, and Part 300, Appendix C:
 1. information to allow for determining the student's eligibility for participation in extracurricular activities;
 2. a statement addressing nonexemption, modification/accommodation, or exemption from some or all of the basic skills assessment instruments, as appropriate. Modifications/accommodation of regular classroom procedures which are provided for students by the local district as specified in the

- student's IEP shall be provided during the testing process in accordance with §101.3 of this title (relating to Testing Accommodations and Exemptions; and
3. goals and objectives shall be specified if extended year services are included in the IEP.
 - b. For students with visual impairments, from birth through 21 years of age, the IEP or individualized family services plan (IFSP) shall also meet the requirements of Texas Education Code (TEC), §30.002(e).
 - c. For students with autism/pervasive developmental disorders, information about the following shall be considered and, when needed, addressed in the IEP:
 1. extended educational programming;
 2. daily schedules reflecting minimal unstructured time;
 3. in-home training or viable alternatives;
 4. prioritized behavioral objectives;
 5. prevocational and vocational needs of students 12 years of age or older;
 6. parent training; and
 7. suitable staff-to-students ratio.
 8. If the ARD committee determines that services are not needed in one or more of the areas specified in subsection (c)(1)-(7) of this section, the IEP must include a statement to that effect and the basis upon which the determination was made. Source: The provisions of this §89.1055 adopted to be effective September 1, 1996, 21 TexReg 7240.

Federal Regulations (34): §300.346 Appendix C: 50 | State Statute (TEC): §33.081 | §39.027 | SBOE and Commissioner's Rules (19 TAC): §89.1055 Global Index

50. If a student with a disability is to receive vocational education, must it be described or referred to in the student's IEP?

The answer depends on the kind of vocational education program to be provided. If a student with a disability is able to participate in the regular vocational education program without any modifications to compensate for the student's disability, it would not be necessary to include vocational education in the student's IEP. On the other hand, if modifications to the regular vocational education program are necessary in order for the student to participate in that program, those modifications must be included in the IEP. Moreover, if the student needs a specially designed vocational education program then vocational education must be described in all applicable areas of the student's IEP (e.g., present levels of educational performance, goals and objectives, and specific services to be provided). However, these statements would not have to be presented in any more detail than the other special education services included in the IEP.

IDEA Individuals with Disabilities Education Act

The federal law requiring school districts to provide students with disabilities a free appropriate public education.

ITP Individual Transition Plan

A plan designed to identify the services a student needs to make a successful transition to adult life once he/she leaves school. Required by age 16 for every student who receives special education. Students with very significant disabilities may need an ITP at age 14 or younger.

LRE Least Restrictive Environment

The term used in the IDEA to refer to a student's right to be educated to the maximum extent appropriate with students who are not disabled.

OCR The Department of Education's Office for Civil Rights

The agency which enforces Section 504 of the Rehabilitation Act. OCR looks into complaints about discrimination based upon disability.

SEA State Education Agency**Section 504**

The common name for the federal law which prohibits discrimination against students with disabilities. Section 504 (of Public Law 93-112, the Rehabilitation Act of 1973, 29 U.S.C.A. 794. 34 C.F.R. 104) applies to any agency (including school districts) that receives federal money.

Special Education

Federal Regulations (34): §300.17 Appendix C: State Statute (TEC): §ad | SBOE and Commissioner's Rules (19 TAC): §29.002 | Global Index

300.17 Special Education

- (a)(1) As used in this part, the term "special education" means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including-
- (i) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
 - (ii) instruction in physical education.
- (2)The term includes speech pathology, or any other related service, if the service consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, and is considered special education rather than a related service under State standards.
- (3)The term also includes vocational education if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

TEA Texas Education Agency

The state agency ultimately responsible for making sure every student with a disability receives a free appropriate public education.

TEKS (Texas Essential Knowledge and Skills)

The required curriculum for each grade level used in Texas public schools. The TEKS should be considered the "general curriculum" referenced in IDEA. Parents are advised to request a copy of the TEKS for their child's age-appropriate grade level to use in developing their IEP.

LAWS, REGULATIONS AND RULES THAT AFFECT SPECIAL EDUCATION:

IDEA -- Federal Individuals With Disabilities Education Act

<http://www.ed.gov/offices/OSERS/IDEA>

IDEA guarantees every eligible student a "free appropriate public education (FAPE)".

The law says that schools must:

- Find and identify students who have a disability;
- Make sure parents participate in decision making;
- Evaluate (test) students in a nondiscriminatory way;
- Develop an IEP for each student that will help them be involved and progress in the general curriculum
- Decide what special instruction and related services the school district will provide;
- Make placement decisions;
- Maintain education records/files; and
- Have hearings/appeals for complaints and grievances.

SECTION 504

<http://www.thompson.com/tpg/hand.html>

http://www.thompson.com/tpg/fed_gts/hand/handlink.html

Under Section 504 (of the Rehabilitation Act of 1973, 29 U.S.C.A. Section 794), no program or activity receiving federal money may discriminate against any qualified person with a disability. These regulations apply to all schools that receive or benefit from federal funds. Each district is required to have a 504 officer. Some students who do not qualify for special education services under the IDEA get services under Section 504. Section 504 requires that all students have an equal opportunity to participate in activities, transportation, health and counseling services and vocational programs.

ADA Americans with Disabilities Act

<http://www.usdoj.gov/crt/ada/adahom1.htm>

<http://consumerlawpage.com/brochure/disab.shtml>

The ADA is a federal law passed in 1990 which gives people with disabilities, including students, protections like those provided to people on the basis of race, sex and national origin. All public schools must comply with the ADA. The ADA bans discrimination based on disability in the areas of public accommodations, state and local government services, employment, transportation and telecommunications.

FERPA The Family Educational Rights And Privacy Act

<http://www.reg.niu.edu/FERPA.htm>

<http://ojjdp.ncjrs.org/pubs/annualreport98/chapter2e.html>

FERPA, 20 U.S.C.A. 1232(g), is the federal law which gives parents of students under age 18 the right to see, make copies of and correct their child's records.

TEXAS EDUCATION AGENCY - Division of Special Education State Board of Education/Commissioner's Rule (19 TAC)

Rule (19 TAC): §89.1075 Federal Regulations (34 CFR): Appendix C: State Statute:
Global Index

§89.1075. General Program Requirements and Local District Procedures.

(a) Each school district shall maintain an eligibility folder on each student receiving special education services, in addition to the student cumulative record. The eligibility folder must include, but need not be limited to: copies of referral data; documentation of notices and consents; assessment reports and supporting data; admission, review, and dismissal (ARD) committee deliberations; and the individual educational plan (IEP).

(b) For school districts providing special education services to students with visual impairments, there shall be written procedures as required in the Texas Education Code (TEC), §30.002(c)(10).

(c) Each school district shall provide parents of students receiving special education services written reports of the students' progress on the same timely basis as the reports provided to students in regular education.

(d) Each school district shall have procedures to ensure that each teacher involved in a student's instruction has the opportunity to provide input and request assistance regarding the implementation of the student's IEP. These procedures must include a method for a student's regular or special education teachers to submit requests for further consideration of the student's IEP or its implementation. In response to this request, the district's procedures shall include a method for the district to determine whether further consideration is necessary and whether this consideration will be informal or will require an ARD committee meeting. If the district determines that an ARD committee meeting is necessary, the student's current regular and special education teachers shall have an opportunity to provide input. The school district shall also ensure that each teacher who provides instruction to a student with disabilities receives relevant sections of the student's current IEP, such as goals and objectives, modifications/accommodations, and adaptations.

(e) Students with disabilities shall have available an instructional day commensurate with that of students without disabilities. The ARD committee shall determine the appropriate instructional setting and length of day for each student, and these shall be specified in the student's IEP. Source: The provisions of this §89.1075 adopted to be effective September 1, 1996, 21 TexReg 7240.

TEXAS EDUCATION AGENCY Division of Special Education

Federal Regulations (34): §99.7 Appendix C: State Statute (TEC): §da | SBOE and Commissioner's Rules (19 TAC): §89.1075 Global Index

§99.7 What must an educational agency or institution include in its annual notification?

- (a) Each educational agency or institution shall annually notify parents of students currently in attendance, and eligible students currently in attendance, at the agency or institution of their rights under the Act and this part. The notice must include a statement that the parent or eligible student has a right to:
 - (1) inspect and review the student's education records;
 - (2) request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
 - (3) consent to disclosures of personally identifiable information contained I the student's education records, except to the extent that the Act and the regulations in this part authorize disclosure without consent;
 - (4) file with the U. S. Department of Education a complain under §99.64 concerning alleged failures by the agency or institution to comply with the requirements of the act and this part; and
 - (5) obtain a copy of the policy adopted under §99.6.
- (b) The notice provided under paragraph (a) of this section must also indicate the places where copies of the policy adopted under §99.6 are located.
- (c) An educational agency or institution may provide this notice by any means that are reasonably likely to inform the parents and eligible students of their rights.
- (d) An agency or institution of elementary or secondary education shall effectively notify parents of students who have a primary or home language other than English.