

RESIDENTIAL FACILITY WITHIN A DISTRICT

Texas Education Code; 19 TAC Chapter 89

	Additional Resources
	FEDERAL AND STATE REQUIREMENTS
Practice	<p>The local educational agency (LEA) in which the residential facility (RF) is located must provide a free appropriate public education (FAPE) for all children residing in the RF, unless the child was placed in the RF by another LEA.</p> <p>Citations:</p> <p>89.1001(c)</p> <p>89.1115(d)(1)(A)</p> <p>TEC 29.012(c)</p>
Practice	<p>The LEA must comply with the CHILD FIND frameworks.</p>
Practice	<p>The LEA must comply with the PARENT and the ADULT STUDENT AND TRANSFER OF RIGHTS frameworks, as appropriate.</p>
Practice	<p>The LEA must comply with the CHILDREN WHO TRANSFER OR RECENTLY REGISTERED framework when applicable.</p>
Practice	<p>The LEA must comply with the CHILDREN IN PRIVATE SCHOOLS framework.</p>
Practice	<p>Not later than the third day after the date the child age 3-22 is placed in an RF, the RF must notify the LEA unless the RF is an open-enrollment charter school or the RF has been designated as an LEA.</p> <p>Citations:</p> <p>89.1115(d)(1)(B)(i)</p> <p>TEC 29.012(a)(1)</p>
	EXCHANGE OF RECORDS
Practice	<p>Except for a juvenile pre-adjudication secure detention facility or a juvenile post-adjudication secure correctional facility, the RF will provide to the LEA any information retained by the RF relating to:</p> <p>Citations:</p>

	FEDERAL AND STATE REQUIREMENTS
	TEC 29.012(f) TEC 29.012(g)
Practice	<ul style="list-style-type: none"> The child's school records including records regarding: special education eligibility or services; behavioral intervention plans; school-related disciplinary actions; and other documents related to the student's educational needs; Citations: TEC 29.012(f)(1)
Practice	<ul style="list-style-type: none"> Any other behavioral history information regarding the child that is not confidential under another provision of law; and Citations: TEC 29.012(f)(2)
Practice	<ul style="list-style-type: none"> The child's record of convictions or the child's probation, community supervision, or parole status, as provided to the facility by a law enforcement agency, local juvenile probation department or juvenile parole office, community supervision and corrections department, or parole office, if the information is needed to provide educational services to the child. Citations: TEC 29.012(f)(3)
Practice	<p>The LEA and the RF are required to share, within a reasonable period of time and to the extent permitted by applicable statutes and regulations, all appropriate records and relevant information relating to the child with a disability including but not limited to:</p> Citations: 89.1115(d)(2)(A)(i)
Practice	<ul style="list-style-type: none"> Birth certificate or other identifying document that proves the child's age; Citations: 89.1115(d)(2)(A)(i)(I)
Practice	<ul style="list-style-type: none"> Medical history and medical records, including current immunization records and a history of infectious disease (e.g., hepatitis B, tuberculosis) including a description of any behavioral characteristics related to the transmission of such disease; Citations:

	FEDERAL AND STATE REQUIREMENTS
	89.1115(d)(2)(A)(i)(II)
Practice	<ul style="list-style-type: none"> • Social history; Citations: 89.1115(d)(2)(A)(i)(III)
Practice	<ul style="list-style-type: none"> • Vision and hearing screening and evaluation; Citations: 89.1115(d)(2)(A)(i)(IV)
Practice	<ul style="list-style-type: none"> • Evaluation reports including psychological, educational, related service, assistive technology and vocational evaluations, and behavioral assessments; Citations: 89.1115(d)(2)(A)(i)(V)
Practice	<ul style="list-style-type: none"> • Treatment plan of care or service; Citations: 89.1115(d)(2)(A)(i)(VI)
Practice	<ul style="list-style-type: none"> • Educational history (e.g., previous educational placement information); Citations: 89.1115(d)(2)(A)(i)(VII)
Practice	<ul style="list-style-type: none"> • Any relevant court orders (e.g., orders related to placement in an RF, guardianship or conservatorship, or court-ordered services); Citations: 89.1115(d)(2)(A)(i)(VIII)
Practice	<ul style="list-style-type: none"> • Information regarding the child's movement from an RF to a subsequent residence including but not limited to the date the child left the RF and the location of the child's subsequent residence; and Citations: 89.1115(d)(2)(A)(i)(IX)
Practice	<ul style="list-style-type: none"> • Name and phone number of contact persons representing the RF and the LEA. Citations:

	FEDERAL AND STATE REQUIREMENTS
	89.1115(d)(2)(A)(i)(X)
	PLACEMENT AND STAFFING
Practice	<p>The LEA must comply with the ADMISSION, REVIEW, AND DISMISSAL COMMITTEE frameworks, including the LEAST RESTRICTIVE ENVIRONMENT framework.</p> <p>Citations:</p> <p>89.1115(d)(3)(A)</p>
Practice	<p>The admission, review, and dismissal (ARD) committee must determine the appropriate educational placement for the child who resides in a residential facility, considering:</p> <p>Citations:</p> <p>89.1115(d)(3)(B)</p>
Practice	<ul style="list-style-type: none"> • All available information regarding the educational needs of the child; and <p>Citations:</p> <p>89.1115(d)(3)(B)</p>
Practice	<ul style="list-style-type: none"> • The non-educational needs that may restrict the ability of the LEA to serve the child on a public school campus or other instructional setting. <p>Citations:</p> <p>89.1115(d)(3)(B)</p>
Practice	<p>The non-educational needs could include:</p> <p>Citations:</p> <p>89.1115(d)(3)(B)</p>
Practice	<ul style="list-style-type: none"> • The child's health and safety (e.g., substance abuse); and/or <p>Citations:</p> <p>89.1115(d)(3)(B)</p>
Practice	<ul style="list-style-type: none"> • The child's placement in a restrictive residential facility program (e.g., juvenile incarceration or restrictive court-ordered placements). <p>Citations:</p> <p>89.1115(d)(3)(B)</p>

	FEDERAL AND STATE REQUIREMENTS
Practice	<p>The ARD committee's educational placement determination must be individualized based on the child's need and not made on a categorical basis such as the disability or residence in the residential facility.</p> <p>Citations:</p> <p>89.1115(d)(3)(B)</p>
Practice	<p>The ARD committee must not determine educational placement on the basis of what is most convenient to the LEA or residential facility.</p> <p>Citations:</p> <p>89.1115(d)(3)(B)</p>
	COORDINATION OF INDIVIDUALIZED EDUCATION PROGRAM (IEP) AND TREATMENT
Practice	<p>When educational services will be provided at the residential facility, the ARD committee must determine appropriate educational space as follows:</p> <p>Citations:</p> <p>89.1115(d)(4)</p>
Practice	<ul style="list-style-type: none"> Whether space available at the residential facility is appropriate for the provision of FAPE based on the individual child's needs and the residential facility's available space; or <p>Citations:</p> <p>89.1115(d)(4)</p>
Practice	<ul style="list-style-type: none"> If the ARD committee or residential facility determines that the residential facility has no appropriate available space, the ARD committee must identify alternative locations for providing educational services. <p>Citations:</p> <p>89.1115(d)(4)</p>
Practice	<p>The LEA and RF are required to coordinate the child's IEP and treatment plan of care or service by communicating responsibilities and timelines related to the development and implementation of the IEP and treatment plan, including permanency planning.</p> <p>Citations:</p> <p>89.1115(d)(2)(A)(ii)</p>
Practice	The LEA must provide:

	FEDERAL AND STATE REQUIREMENTS
	Citations: 89.1115(d)(2)(B)
Practice	<ul style="list-style-type: none"> The name and phone number of the contact person representing the RF to the surrogate parent upon assignment of the surrogate parent according to the PARENT framework; Citations: 89.1115(d)(2)(B)(i)
Practice	<ul style="list-style-type: none"> The name and phone number of the surrogate parent, upon assignment of the surrogate parent according to the PARENT framework, to the contact person representing the RF; and Citations: 89.1115(d)(2)(B)(ii)
Practice	<ul style="list-style-type: none"> Designation and training of the surrogate parent in accordance with the PARENT framework. Citations: 89.1115(d)(2)(B)(iii)
Document	<p>RFs and LEAs will agree in writing to the staffing levels that will be maintained by both the RF and the LEA to ensure the safety of students and teachers while educational services are provided at an RF.</p> Citations: 89.1115(d)(5)
	DISPUTE RESOLUTION
Practice	<p>Resolution of disputes concerning the implementation of this framework between LEAs or between an LEA and an RF will first be attempted at the local level.</p> Citations: 89.1115(d)(6)(A)
Practice	<p>The specific issues involved in the dispute and possible solutions will be identified and referred to local personnel authorized to make decisions necessary to resolve the dispute.</p> Citations:

	FEDERAL AND STATE REQUIREMENTS
	89.1115(d)(6)(A)
Practice	<p>If resolution is not reached after a reasonable period of time not to exceed 45 calendar days unless the disputing entities agree otherwise, the LEA will refer and the RF may refer the dispute to TEA for further negotiations toward a mutually agreeable resolution. The referring entity will identify:</p> <p>Citations:</p> <p>89.1115(d)(6)(A)</p>
Practice	<ul style="list-style-type: none"> • The nature of the dispute; <p>Citations:</p> <p>89.1115(d)(6)(A)(i)</p>
Practice	<ul style="list-style-type: none"> • Any resolutions agreed upon; <p>Citations:</p> <p>89.1115(d)(6)(A)(ii)</p>
Practice	<ul style="list-style-type: none"> • The issues that remain unresolved; and <p>Citations:</p> <p>89.1115(d)(6)(A)(iii)</p>
Practice	<ul style="list-style-type: none"> • The contact persons representing the disputing entities. <p>Citations:</p> <p>89.1115(d)(6)(A)(iv)</p>

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