

## SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Authorities: 34 [Code of Federal Regulations \(CFR\)](#) Part 300; Texas Education Code; [\(TEC\)](#); 19 [Texas Administrative Code \(TAC\)](#) Chapters 74, 89

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<b>FEDERAL AND STATE REQUIREMENTS</b>	
<a href="#">Practice</a>	Supplementary aids and services, special education, and related services must be based on peer-reviewed research to the extent practicable. <b>Citations:</b> <a href="#">300.320(a)(4)</a>
<b>SUPPLEMENTARY AIDS AND SERVICES</b>	
<a href="#">Document</a>	The admission, review, and dismissal (ARD) committee must determine needed supplementary aids and services to be provided to a child, or on behalf of a child. <b>Citations:</b> <a href="#">89.1050(a)(1)</a> <a href="#">300.320(a)(4)</a>
<b>PRACTICE</b>	
<a href="#">Practice</a>	The term <i>supplementary aids and services</i> means aids, services, and other supports that are provided in general education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable a child with a disability to be educated with nondisabled children to the maximum extent appropriate. <b>Citations:</b> <a href="#">300.42</a>
<b>SPECIAL EDUCATION</b>	
<a href="#">Document</a>	The ARD committee must determine needed special education services. <b>Citations:</b> <a href="#">89.1050(a)(1)</a> <a href="#">300.320(a)(4)</a>
<a href="#">Practice</a>	The term <i>special education</i> means specially-designed instruction, at no cost to parents, to meet the unique needs of a child with a disability. <b>Citations:</b> <a href="#">300.39(a)</a>
<b>RELATED SERVICES</b>	

FEDERAL AND STATE REQUIREMENTS	
<u>Document</u>	<p>The ARD committee must determine needed related services.</p> <p><b>Citations:</b></p> <p><a href="#">89.1050(a)(1)</a></p> <p><a href="#">300.320(a)(4)</a></p>
<u>Practice</u>	<p>The term <i>related services</i> means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education.</p> <p><b>Citations:</b></p> <p><a href="#">300.34(a)</a></p> <p><a href="#">300.34(b)</a></p>
<u>Practice</u>	<p>A child is eligible to receive audiology services provided under the school health and related services program of the Health and Human Services Commission, as outlined in the <a href="#">FUNDING FOR NONEDUCATIONAL SERVICES</a> framework, if the child:</p> <p><b>Citations:</b></p> <p><a href="#">TEC 38.033(a)</a></p> <p><a href="#">TEC 38.034(a)</a></p>
<u>Document</u>	<ul style="list-style-type: none"> <li>• Is 20 years of age or younger;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">TEC 38.033(a)(1)</a></p> <p><a href="#">TEC 38.034(a)(1)</a></p>
<u>Document</u>	<ul style="list-style-type: none"> <li>• Has a disability or chronic medical condition;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">TEC 38.033(a)(1)</a></p> <p><a href="#">TEC 38.034(a)(2)</a></p>
<u>Document</u>	<ul style="list-style-type: none"> <li>• Is eligible for Medicaid benefits; and</li> </ul> <p><b>Citations:</b></p> <p><a href="#">TEC 38.033(a)(3)</a></p> <p><a href="#">TEC 38.034(a)(3)</a></p>
<u>Document</u>	<ul style="list-style-type: none"> <li>• Has been prescribed the services under:</li> </ul> <p><b>Citations:</b></p> <p><a href="#">TEC 38.033(a)(4)</a></p> <p><a href="#">TEC 38.034(a)(4)</a></p>
<u>Document</u>	<ul style="list-style-type: none"> <li>○ An individualized education program (IEP); or</li> </ul>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
	<p><b>Citations:</b>  <u><a href="#">TEC 38.033(a)(4)(A)</a></u>  <u><a href="#">TEC 38.034(a)(4)(A)</a></u></p>
<u>Document</u>	<ul style="list-style-type: none"> <li>○ A plan created under Section 504.</li> </ul> <p><b>Citations:</b>  <u><a href="#">TEC 38.033(a)(4)(B)</a></u>  <u><a href="#">TEC 38.034(a)(4)(B)</a></u></p>
<u>Practice</u>	<p>For each child placed in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf that includes placement at the residential campus by the ARD committee:</p> <p><b>Citations:</b>  <u><a href="#">89.1090(a)</a></u></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>• The resident school district will be responsible for transportation from the campus as well as the return to campus at the beginning and end of school terms and for regularly scheduled holidays when all students are expected to leave the residential campus; and</li> </ul> <p><b>Citations:</b>  <u><a href="#">89.1090(a)</a></u></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>• When the ARD committee determines it is necessary for the safety of a child to be accompanied by an adult designated by the ARD committee, round-trip transportation for that adult must also be provided, as documented in the child's IEP.</li> </ul> <p><b>Citations:</b>  <u><a href="#">89.1090(d)</a></u></p>
<b>PROGRAM MODIFICATIONS AND SUPPORTS FOR SCHOOL PERSONNEL</b>	
<u>Document</u>	<p>The ARD committee must determine needed program modifications or supports for school personnel that will be provided to a child to enable the child to:</p> <p><b>Citations:</b>  <u><a href="#">89.1050(a)(1)</a></u>  <u><a href="#">300.320(a)(4)</a></u></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>• Advance appropriately toward attaining the annual goals;</li> </ul> <p><b>Citations:</b>  <u><a href="#">300.320(a)(4)(i)</a></u></p>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
<u>Practice</u>	<ul style="list-style-type: none"> <li>• Be involved in and make progress in the general education curriculum, and be afforded an equal opportunity to participate in extracurricular and other nonacademic activities including, to the maximum extent appropriate, in nonacademic settings and services such as:</li> </ul> <p><b>Citations:</b>  <a href="#">300.107</a>  <a href="#">300.117</a>  <a href="#">300.320(a)(4)(ii)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ Meals;</li> </ul> <p><b>Citations:</b>  <a href="#">300.117</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ Recess periods;</li> </ul> <p><b>Citations:</b>  <a href="#">300.117</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ Counseling services;</li> </ul> <p><b>Citations:</b>  <a href="#">300.107(b)</a>  <a href="#">300.117</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ Athletics;</li> </ul> <p><b>Citations:</b>  <a href="#">300.107(b)</a>  <a href="#">300.117</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ Transportation;</li> </ul> <p><b>Citations:</b>  <a href="#">300.107(b)</a>  <a href="#">300.117</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ Health services;</li> </ul> <p><b>Citations:</b>  <a href="#">300.107(b)</a>  <a href="#">300.117</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ Recreational activities;</li> </ul> <p><b>Citations:</b>  <a href="#">300.107(b)</a></p>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
	<u><a href="#">300.117</a></u>
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ Special interest groups or clubs sponsored by the local educational agency (LEA);</li> </ul> <p><b>Citations:</b>  <u><a href="#">300.107(b)</a></u>  <u><a href="#">300.117</a></u></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ Referrals to other agencies that provide assistance to individuals with disabilities;</li> </ul> <p><b>Citations:</b>  <u><a href="#">300.107(b)</a></u>  <u><a href="#">300.117</a></u></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ Employment of children, including both employment by the LEA and assistance in making outside employment available; and</li> </ul> <p><b>Citations:</b>  <u><a href="#">300.107(b)</a></u>  <u><a href="#">300.117</a></u></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>● Be educated and participate with other children with disabilities and nondisabled children.</li> </ul> <p><b>Citations:</b>  <u><a href="#">300.320(a)(4)(iii)</a></u></p>
<u>Document</u>	<p>A determination that a child is unable to complete the requirement to receive instruction in cardiopulmonary resuscitation is made by the ARD committee.</p> <p><b>Citations:</b>  <u><a href="#">74.38(f)(1)</a></u>  <u><a href="#">TEC 28.0023(d)</a></u></p>
<b>TRAINING TO IMPLEMENT THE IEP</b>	
<u>Practice</u>	<p>The LEA is required to provide training to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the IEP developed for the child receiving instruction from the educator:</p> <p><b>Citations:</b>  <u><a href="#">TEC 21.451(d)(2)</a></u>  <u><a href="#">TEC 21.451(e)</a></u></p>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
<u>Practice</u>	<ul style="list-style-type: none"> <li>The LEA <del>will</del><ins>may</ins> determine the time and place at which the training is delivered;</li> </ul> <p><b>Citations:</b> <a href="#">TEC 21.451(e)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>The LEA must include training that is evidence-based, and that:</li> </ul> <p><b>Citations:</b> <a href="#">TEC 21.451(d)(2)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>Relates to instruction of children with disabilities, including children with disabilities who also have other intellectual or mental health conditions; and</li> </ul> <p><b>Citations:</b> <a href="#">TEC 21.451(d)(2)(A)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>Is designed for educators who work primarily outside the area of special education; and</li> </ul> <p><b>Citations:</b> <a href="#">TEC 21.451(d)(2)(B)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>In developing or maintaining the training, the LEA must consult with persons with expertise in research-based practices for children with disabilities such as:</li> </ul> <p><b>Citations:</b> <a href="#">TEC 21.451(f)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>Persons from colleges, universities, private and nonprofit organizations, regional education service centers;</li> </ul> <p><b>Citations:</b> <a href="#">TEC 21.451(f)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>Qualified LEA personnel; and</li> </ul> <p><b>Citations:</b> <a href="#">TEC 21.451(f)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>Any other persons identified as qualified by the LEA.</li> </ul> <p><b>Citations:</b> <a href="#">TEC 21.451(f)</a></p>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
<b>INTENSIVE PROGRAM OF INSTRUCTION</b>	
<u>Practice</u>	<p>For a child who did not perform satisfactorily on a state assessment under the <u>STATE AND DISTRICTWIDE ASSESSMENTS</u> framework or who is likely not to receive a high school diploma before the fifth school year following the child's enrollment in grade 9:</p> <p><b>Citations:</b></p> <p><a href="#">TEC 28.0213(a)</a>  <a href="#">TEC 28.0213(e)</a>  <a href="#">TEC 39.023</a></p>
<u>Document</u>	<ul style="list-style-type: none"> <li>• The ARD committee must design the intensive program of instruction:</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1050(a)(10)</a>  <a href="#">TEC 28.0213(e)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ To enable a child to attain a standard of annual growth on the basis of the child's IEP; and</li> </ul> <p><b>Citations:</b></p> <p><a href="#">TEC 28.0213(e)(1)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ If applicable, to carry out the purposes of the Student Success Initiative.</li> </ul> <p><b>Citations:</b></p> <p><a href="#">TEC 28.0211</a>  <a href="#">TEC 28.0213(e)(2)</a></p>
<b>ACCELERATED READING INSTRUCTION</b>	
<u>Practice</u>	<p>For a child in kindergarten or grades 1 or 2 who did not perform satisfactorily on a reading instrument selected from the list adopted <u>or approved</u> by the commissioner of education or by the <u>district</u><u>LEA</u>-level committee:</p> <p><b>Citations:</b></p> <p><del><a href="#">TEC 28.006(c)</a></del>  <del><a href="#">TEC 28.006(c-2)</a></del>  <del><a href="#">TEC 28.006(c-3)</a></del>  <del><a href="#">TEC 28.006(g)</a></del></p>
<u>Document</u>	<ul style="list-style-type: none"> <li>• The ARD committee must determine the manner in which a child will participate in an accelerated reading instruction program.</li> </ul>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
	<p><b>Citations:</b>  <a href="#">89.1050(a)(7)</a>  <a href="#">TEC 28.006(g)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>Each reading instrument adopted or approved by the commissioner of education or the LEA-level committee must provide for the ability to compare the performance that indicates kindergarten readiness on that instrument with the performance that indicates kindergarten readiness on other instruments.</li> </ul> <p><b>Citations:</b>  <a href="#">TEC 28.006(c-3)</a></p>
<b>ACCELERATED INSTRUCTION AND SUPPLEMENTAL INSTRUCTION</b>	
<u>Practice</u>	<p>The ARD committee of a child who does not perform satisfactorily on the statewide assessment program will, at the child's next annual review meeting, review the child's participation and progress in, as applicable, accelerated instruction, supplemental instruction, or an accelerated education plan.</p> <p><b>Citations:</b>  <a href="#">TEC 28.0211(i)</a></p>
<u>Practice</u>	<p>A child's parent may request, or the LEA may schedule, an additional ARD committee meeting, if a committee member believes that the child's IEP needs to be modified related to the child's participation and progress in, as applicable, accelerated instruction, supplemental instruction, or an accelerated education plan.</p> <p><b>Citations:</b>  <a href="#">TEC 28.0211(i)</a></p>
<u>Document</u>	<p>If the LEA refuses to convene a committee meeting requested by a child's parent concerning the child's participation and progress in, as applicable, accelerated instruction, supplemental instruction, or an accelerated education plan, the LEA will provide the parent with written notice explaining the reason the LEA refuses to convene the meeting.</p> <p><b>Citations:</b>  <a href="#">TEC 28.0211(i)</a></p>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
<u>Practice</u>	If a child who attends school in a homebound or other off-campus instructional arrangement, including at a residential treatment campus or state hospital, is unable to participate in an accelerated instruction program due to the child's condition, the LEA may determine that the child be provided the accelerated instruction when the child attends school in an on-campus instructional setting.  <b>Citations:</b> <a href="#">TEC 28.0211(i-1)</a>
<u>Practice</u>	If a child's condition prevents the child from attending school in an on-campus instructional setting for the school year during which the accelerated instruction is required to be provided to the child, the LEA is not required to provide the accelerated instruction to the child for that school year.  <b>Citations:</b> <a href="#">TEC 28.0211(i-1)</a>
<b>PERSONAL GRADUATION PLAN IN JUNIOR HIGH AND MIDDLE SCHOOL</b>	
<u>Practice</u>	For a child in junior high or middle school, the child's IEP may be used as the child's personal graduation plan.  <b>Citations:</b> <a href="#">89.1050(a)(9)</a> <a href="#">TEC 28.0212(c)</a>
<b>INITIATION, FREQUENCY, AND DURATION OF SERVICES</b>	
<u>Practice</u>	The ARD committee must determine and include in a child's IEP:  <b>Citations:</b> <a href="#">300.320(a)(7)</a>
<u>Document</u>	<ul style="list-style-type: none"> <li>The projected date for the beginning of the services and modifications;</li> </ul> <b>Citations:</b> <a href="#">300.320(a)(7)</a>
<u>Document</u>	<ul style="list-style-type: none"> <li>The anticipated frequency of those services and modifications; and</li> </ul> <b>Citations:</b> <a href="#">300.320(a)(7)</a>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
<u>Document</u>	<ul style="list-style-type: none"> <li>The anticipated duration of those services and modifications.</li> </ul> <p><b>Citations:</b> <a href="#">300.320(a)(7)</a></p>
<u>Document</u>	<p>The ARD committee must determine the appropriate instructional setting and length of day for each child, and these must be specified in the child's IEP.</p> <p><b>Citations:</b> <a href="#">89.1075(f)</a></p>
<u>Practice</u>	<p>Children with disabilities must have available an instructional day commensurate with that of children without disabilities.</p> <p><b>Citations:</b> <a href="#">89.1075(f)</a></p>
<b>LOCATION</b>	
<u>Document</u>	<p>The ARD committee must determine and include in the IEP the anticipated location of the services and modifications.</p> <p><b>Citations:</b> <a href="#">89.1050(a)(1)</a> <a href="#">300.320(a)(7)</a></p>
<u>Practice</u>	<p>If, for the purpose of receiving special education services, the LEA assigns a child to a campus location other than the campus location the child would attend based on the child's residence:</p> <p><b>Citations:</b> <a href="#">TEC 25.0343(a)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>The LEA must permit a child's parent, guardian, or other person standing in parental relation to the child to obtain a transfer to the assigned campus for any other child residing in the household of the child receiving special education services, provided that:</li> </ul> <p><b>Citations:</b> <a href="#">TEC 25.0343(a)</a> <a href="#">TEC 25.0343(c)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>The other child is entitled to attend school in the LEA;</li> </ul> </li> </ul> <p><b>Citations:</b> <a href="#">TEC 25.0343(a)(1)</a></p>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ The appropriate grade level for the other child is offered at the campus;</li> </ul> <p><b>Citations:</b> <a href="#">TEC 25.0343(a)(2)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ The child receiving special education services does not reside in a residential facility; and</li> </ul> <p><b>Citations:</b> <a href="#">TEC 25.0343(d)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ The LEA is not required to provide transportation to the other child who transfers to another campus location under this section; however, this does not affect any transportation services provided by the LEA in accordance with other laws for the child receiving special education services.</li> </ul> <p><b>Citations:</b> <a href="#">TEC 25.0343(b)</a></p>

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