

TEXAS SCHOOL FOR THE DEAF

SPECIAL PROGRAMS: SPECIAL EDUCATION

EHBA

NONDISCRIMINATION

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any School service, program, or activity.

42 U.S.C. 12132; 29 U.S.C. 794; 34 C.F.R. 104.4(a)

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

Eligible students with disabilities shall enjoy the right to a free appropriate public education, which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate.

Education Code 29.003(a)

"Free appropriate public education" (FAPE) means special education and related services that:

1. Have been provided at public expense, under public supervision and direction, and without charge;
2. Meet standards set out by TEA;
3. Include an appropriate preschool, elementary school, or secondary school education; and
4. Are provided in conformity with the student's individualized education program (IEP).

20 U.S.C. 1401(9); 34 C.F.R. 300.13, .17, .36

LEAST RESTRICTIVE ENVIRONMENT

The School shall ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are nondisabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

20 U.S.C 1412(a)(5); 34 C.F.R. 300.550(b)

TSD is considered the least restrictive environment for many deaf and hard of hearing students who need full and direct access to sign language in order to further develop their cognitive and academic skills. IDEA recognizes that deaf students should be able to communicate directly with their peers and that their unique communication mode should be respected, utilized, and developed. Accordingly, for a student who demonstrates the following, TSD is the least restrictive environment that will provide the student with a meaningful educational benefit—which the child would not otherwise receive elsewhere; (a) the ability to learn and/or use American Sign Language (ASL) as the primary mode of communication to access instruction; (b) that his or her primary educational needs are related to a severe hearing loss; (c) that he or she can benefit educationally from an ASL environment; (d) that he or she would profit from interaction opportunities with other deaf and hard of hearing peers; and (d) the ability to access the general education or alternative curriculum with reasonable accommodations. TSD provides an age appropriate academic and social environment for a deaf or hard of hearing student that a regular school cannot equalize.

DISCIPLINE

All disciplinary actions regarding students with disabilities shall be in accordance with federal requirements and Education Code Chapter 37 and

TEXAS SCHOOL FOR THE DEAF

**SPECIAL PROGRAMS:
SPECIAL EDUCATION**

EHBA

19 TAC 89.1053. 19 TAC 89.1050(j)

**INSTRUCTIONAL
ARRANGEMENTS AND
SETTINGS**

Instructional arrangements/settings shall be based on the individual needs and IEPs of eligible students receiving special education services. The students admission, review and dismissal (ARD) committee may consider one or more of the following arrangements, among others:

1. Attending classes at an independent school district in accordance with residency restrictions; (See Mainstream policy) Attending classes at an institution of higher education for the purposes of earning credits at both TSD and at university or college level;
2. Support services including but not limited to speech therapy, occupational therapy, school counseling, academic counseling, behavioral support, physical therapy, etc; or
3. Vocational adjustment class/program: providing services to a student who is placed on a job (paid or unpaid) with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP.

**OTHER PROGRAM
OPTIONS**

Other program options that may be considered for the delivery of special education and related services to a student include contracts with other districts and programs approved by TEA.

19 TAC 89.63(c) (f)

**SHARED SERVICES
ARRANGEMENTS**

The School may enter into a written contract to jointly operate its special education program. The contract must be approved by the Commissioner. Education Code 29.007

**RELATED SERVICES
DEFINITION**

“Related services” 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, including the early identification and assessment of disabling conditions in children.

The term includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive FAPE as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that medical services shall be for diagnostic and evaluation purposes only.

The term does not include a medical device that is surgically implanted, the optimization of the device's functioning, or the replacement of such device.

20 U.S.C. 1401(26); 34 C.F.R. 300.34

TEXAS SCHOOL FOR THE DEAF

**SPECIAL PROGRAMS:
SPECIAL EDUCATION**

EHBA

TRANSPORTATION

The School shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. *19 TAC 89.1096(e)*

**EXTENDED SCHOOL
YEAR SERVICES**

Extended school year (ESY) services are defined as individualized instructional programs beyond the regular school year for eligible students with disabilities.

The School shall ensure that ESY services are available as necessary to provide a student with a disability with FAPE.

ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for FAPE. The school may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services

34 C.F.R. 300.106; 19 TAC 89.1065

Issued: 05-29-82

Adopted: 05-29-82

Amended: 03-26-88
08-10-01
08-07-15
05-06-16

Reviewed: 06-01-91