

OPERATING PROCEDURES

SPECIAL FACTORS

Weslaco ISD

108-913

At a duly constituted ARD committee meeting *that is conducted after at least 5 school days-notice to the student's parent or guardian*, the student's ARD committee, including the student's parent or guardian, shall develop an IEP, consistent with **FAPE: Section 3.3** below, by considering—¹

- the student's strengths; the concerns of the parents or guardians for enhancing the education of the student; the results of the student's initial or most recent evaluation; and the present academic, developmental, and functional needs of the student;
- in the case of student whose behavior impedes the student's learning or that of others, the use of positive behavioral interventions and supports, and other strategies to address that behavior;
- the language needs of a student with limited English proficiency as those needs relate to the student's IEP;
- providing for instruction in Braille and the use of Braille unless the ARD committee determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), consistent with **EVALUATIONS: Section 2.0** above, that instruction in Braille or the use of Braille is not appropriate for the student;
- the communication needs of the student, including, for a student who is deaf or hard of hearing, the student's opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and
- the student's need for assistive technology devices and services.

The special education teacher will ensure that for a student eligible for special education and related services as a student with Autism, the student's ARD committee considers the eleven strategies as described in the District's Autism IEP Supplement, and includes as part of the IEP any strategies deemed necessary and appropriate for the student.² Those strategies deemed necessary and appropriate for the student may be incorporated throughout the IEP and/or described in a supplement.

¹ 34 C.F.R. § 300.324(a)-(b)

² 19 TEX. ADMIN. CODE § 89.1055(h)

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- ³ In the case of a student with a disability whose behavior impedes the student's own learning or that of others, the special education case manager shall ensure that the student's ARD committee considers the use of positive behavioral interventions and supports, and other strategies, to address that behavior, and includes as part of the IEP any needed interventions, supports and strategies.⁴ The student's ARD committee may determine that a behavior improvement plan or a behavioral intervention plan (BIP) is appropriate for a student. In such instances, the ARD committee determines the appropriate components of a BIP for the student's individual needs; there are no formal requirements for a BIP.⁵ If the student's ARD committee determines that a BIP is appropriate, the BIP shall be included as part of the student's IEP and provided to each responsible teacher.⁶ Students will be subject to the Student Code of Conduct (SCOC) consistent with students without disabilities, provided that any discipline under the SCOC shall be subject to the timelines and protections provided to a student with a disability under the IDEA, including holding an ARD Committee (MDR) meeting in connection with any "disciplinary change of placement" in accordance with the District's **FOF(Legal)** policy.

³ 34 C.F.R. § 300.324(a)(2)(i)

⁴ 34 C.F.R. § 300.324(a)(2)(i)

⁵ *Alex R. v. Forestville Valley Community Unit School District*, 375 F.3d 603 (7th Cir. 2004)

⁶ Tex. Ed. Code § 29.005(g)