

OPERATING PROCEDURES

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Goose Creek CISD

101911

Legal Framework: [Supplementary Aids and Services, Special Education, Related Services](#)

Category: Admission, Review, and Dismissal Committee

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"The Department's interpretation of the regulatory language 'general education curriculum (i.e., the same curriculum as for nondisabled children)' to mean the curriculum that is based on the State's academic content standards for the grade in which a child is enrolled is reasonable. This interpretation is also necessary to enable [Individuals with Disabilities Education Act] IDEA and [Elementary and Secondary Education Act] ESEA requirements to be read together so that children with disabilities receive high-quality instruction that will give them the opportunity to meet the State's challenging academic achievement standards and prepare them for college, careers and independence. Therefore, in order to make [free appropriate public education] FAPE available to each eligible child with a disability, the special education and related services, supplementary aids and services, and other supports in the child's [individualized education program] IEP must be designed to enable the child to advance appropriately toward attaining his or her annual IEP goals and to be involved in, and make progress in, the general education curriculum based on the State's academic content standards for the grade in which the child is enrolled." [OSERS Dear Colleague Letter \(November 16, 2015\)](#).

"The IEP Team is responsible for determining what special education and related services are needed to address the unique needs of the individual child with a disability. The fact that some of those services may also be considered 'best teaching practices' or 'part of the district's regular education program' does not preclude those services from meeting the definition of 'special education' or 'related services' and being included in the child's IEP. The [local educational agency] LEA must provide a child with a disability specially designed instruction that addresses the unique needs of the child that result from the child's disability, and ensures access by the child to the general curriculum, even if that type of instruction is being provided to other children, with or without disabilities, in the child's classroom, grade, or building." [OSEP Letter to Chambers \(May 9, 2012\)](#).

"The Act does not require the IEP to include information about the specific person(s) providing the services." 71 Fed. Reg. 46667 (August 14, 2006).

Based on Peer-Reviewed Research to the Extent Practicable

"'Peer-reviewed research' generally refers to research that is reviewed by qualified and independent reviewers to ensure that the quality of the information meets the standards of the field before the research is published. However, there is no single definition of 'peer reviewed research' because the review process varies depending on the type of information to be reviewed. We believe it is beyond the scope of these regulations to include a specific definition of 'peer-reviewed research' and the various processes used for peer reviews." 71 Fed. Reg. 46664 (August 14, 2006).

"The phrase 'to the extent practicable,' as used in this context, generally means that services and supports should be based on peer-reviewed research to the extent that it is possible, given the availability of peer-reviewed research. We do not believe further clarification is necessary." 71 Fed. Reg. 46665 (August 14, 2006).

"We decline to require all IEP Team meetings to include a focused discussion on research-based methods or require public agencies to provide prior written notice when an IEP Team

OPERATING PROCEDURES

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Goose Creek CISD

101911

refuses to provide documentation of research-based methods, as we believe such requirements are unnecessary and would be overly burdensome.” 71 Fed. Reg. 46665 (August 14, 2006).

“States, school districts, and school personnel must, therefore, select and use methods that research has shown to be effective, to the extent that methods based on peer-reviewed research are available. This does not mean that the service with the greatest body of research is the service necessarily required for a child to receive FAPE. Likewise, there is nothing in the Act to suggest that the failure of a public agency to provide services based on peer-reviewed research would automatically result in a denial of FAPE. The final decision about the special education and related services, and supplementary aids and services that are to be provided to a child must be made by the child’s IEP Team based on the child’s individual needs.” 71 Fed. Reg. 46665 (August 14, 2006).

“Special education and related services, and supplementary aids and services based on peer-reviewed research are only required ‘to the extent practicable.’ If no such research exists, the service may still be provided, if the IEP Team determines that such services are appropriate. A child with a disability is entitled to the services that are in his or her IEP whether or not they are based on peer-reviewed research. The IEP Team, which includes the child’s parent, determines the special education and related services, and supplementary aids and services that are needed by the child to receive FAPE.” 71 Fed. Reg. 46665 (August 14, 2006).

“There is nothing in the Act that requires an IEP to include specific instructional methodologies . . . The Department’s longstanding position on including instructional methodologies in a child’s IEP is that it is an IEP Team’s decision. Therefore, if an IEP Team determines that specific instructional methods are necessary for the child to receive FAPE, the instructional methods may be addressed in the IEP.” 71 Fed. Reg. 46665 (August 14, 2006).

“While the Act clearly places an emphasis on practices that are based on scientific research, there is nothing in the Act that requires all programs provided to children with disabilities to be research-based with demonstrated effectiveness in addressing the particular needs of a child where not practicable. We do not believe the recommended change should be made because, ultimately, it is the child’s IEP Team that determines the special education and related services that are needed by the child in order for the child to receive FAPE.” 71 Fed. Reg. 46665 (August 14, 2006).

Supplementary Aids and Services

“The IDEA does not dictate the services or accommodations to be provided to individual children based solely on the disability category in which the child has been classified, or the specific condition underlying the child’s disability classification. The Office of Special Education Programs (OSEP) funds a large network of technical assistance centers that develop materials and resources to support States, school districts, schools, and teachers to improve the provision of services to children with disabilities, including materials on the use of accommodations. The U.S. Department of Education does not mandate the use of, or endorse the content of, these products, services, materials, and/or resources; however, States and LEAs may wish to seek assistance from entities such as . . . [those listed under Application Guidance below].” [OSERS Dear Colleague Letter \(October 23, 2015\)](#).

OPERATING PROCEDURES

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Goose Creek CISD

101911

"The courts have generally concluded that, if a child with a disability has behavioral problems that are so disruptive in a regular classroom that the education of other children is significantly impaired, the needs of the child with a disability generally cannot be met in that environment. However, before making such a determination, LEAs must ensure that consideration has been given to the full range of supplementary aids and services that could be provided to the child in the regular educational environment to accommodate the unique needs of the child with a disability. If the group making the placement decision determines, that even with the provision of supplementary aids and services, the child's IEP could not be implemented satisfactorily in the regular educational environment, that placement would not be the LRE placement for that child at that particular time, because her or his unique educational needs could not be met in that setting." 71 Fed. Reg. 46589 (August 14, 2006).

"Participation by a student with a disability in an accelerated class or program generally would be considered part of the regular education or the regular classes referenced in the Section 504 and the IDEA regulations. Thus, if a qualified student with a disability requires related aids and services to participate in a regular education class or program, then a school cannot deny that student the needed related aids and services in an accelerated class or program. For example, if a student's IEP or plan under Section 504 provides for Braille materials in order to participate in the regular education program and she enrolls in an accelerated or advanced history class, then she also must receive Braille materials for that class. The same would be true for other needed related aids and services such as extended time on tests or the use of a computer to take notes." [OCR Dear Colleague Letter \(December 26, 2007\)](#).

"Given the breadth of this definition [of supplementary aids and services], depending on a child's needs, we do not believe it would be inconsistent with the IDEA for an IEP Team to designate a [behavior intervention plan] BIP as a supplementary aid or service." [OSEP Letter to McWilliams \(July 16, 2015\)](#).

"[W]hen an IEP Team includes a work placement as part of the student's transition services, the IEP team must consider, and include in the IEP, as appropriate, any supplementary aids and services needed to enable the student to participate with other students with disabilities and nondisabled students in the work placement described in the IEP. The LEA must provide any supplementary aids and services that are identified on the IEP." [OSEP Letter to Spitzer-Resnick, Swedeen, and Pugh \(June 22, 2012\)](#).

Special Education

"It is important to note that the IDEA does not require children to be identified with a particular disability category for purposes of the delivery of special education and related services. A child is entitled to FAPE under Part B and not to a particular label. Implicit in the definition of FAPE is the requirement that a child with a disability be provided with special education and related services in conformity with the child's individualized education program (IEP) in the least restrictive environment, 71 Fed. Reg. 46540, 46553 (August 14, 2006)." [OSEP Letter to Anonymous \(September 11, 2007\)](#).

"OSEP recognizes that classrooms across the country are changing as the field of special education responds to innovative practices and increasingly flexible methods of teaching. While the needs of many learners can be met using such methods, they do not replace the need of a child with a disability for unique, individualized instruction that responds to his or

OPERATING PROCEDURES

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Goose Creek CISD

101911

her disability and enables the child to meet the educational standards within the jurisdiction of the public agency that apply to all children.” [OSEP Letter to Chambers \(May 9, 2012\)](#).

Related Services

“The IEP Team for each child with a disability is responsible for identifying the related services that the child needs in order to benefit from special education and receive FAPE. These services must be included in the child's IEP in the statement of special education, related services, and supplementary aids and services, to be provided to, or on behalf of, the child to enable the child to: advance appropriately toward attaining the annual goals, be involved and make progress in the general education curriculum, participate in extracurricular and other nonacademic activities, and be educated and participate with other children with and without disabilities in those activities.” [OSERS Questions and Answers On Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(September 2011\)](#).

“The IEP Team is responsible for determining if transportation is required to assist a child with a disability to benefit from special education and related services, and how the transportation services should be implemented. The IEP should describe the transportation services to be provided, including transportation to enable the child with disabilities to participate in nonacademic and extracurricular activities in the manner necessary to afford the child an equal opportunity for participation in those services and activities to the maximum extent appropriate to the needs of that child.” [OSERS Questions and Answers on Serving Children with Disabilities Eligible for Transportation \(November 2009\)](#).

“When a child with a disability has a right to transportation to and from school-related activities that occur outside of normal school hours depends on whether the IEP Team has included transportation as a related service in the child's IEP to enable the child to benefit from special education and related services. If the IEP Team has made that determination, then it should include transportation for required after-school activities, such as community service activities that are required by the school, as well as for activities necessary to afford the child an equal opportunity to participate in extracurricular activities.” [OSERS Questions and Answers on Serving Children with Disabilities Eligible for Transportation \(November 2009\)](#).

“The following examples of appropriate strategies may be helpful when IEP Teams consider how to provide transportation for children with disabilities:

1. Expanding the Ridership of Small Bus Routes and Integrating Children with Disabilities into General Education Bus Routes. School districts often provide door-to-door service for children with disabilities in a ‘small bus’ vehicle that is separate from the school transportation used for other students. While this might be an appropriate strategy for supporting some children with disabilities, districts should explore options for integrating children with disabilities with nondisabled students, especially when the children with disabilities are in the same location and have the same schedule as children without disabilities. This option may require the utilization of a lift-equipped vehicle for the regular routes or the addition of a monitor or aide.
2. Using Aides on Buses. Many children with disabilities are able to ride the regular school bus with support provided by an aide who may be an instructional

OPERATING PROCEDURES

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Goose Creek CISD

101911

assistant or volunteer, based on State and local policy. Some LEAs also use other students to provide this service through a buddy system, based on State and local policy.

3. Bus Stop Monitors. For students who may need assistance with 'going' to the bus stop or 'waiting' at the bus stop independently, adding a bus stop monitor can be considered. Based on State and local policy, bus stop monitor positions may be filled by parents or community volunteers. Bus stop monitors will facilitate safe travel for all students.
4. Positive Behavioral Support. Recognizing that the school day begins at the bus stop is an important first step to ensuring that all students have a safe and positive experience. Many schools implement 'positive behavioral support programs' that include the integration of behavioral strategies on the bus." [*OSERS Questions and Answers on Serving Children with Disabilities Eligible for Transportation \(November 2009\).*](#)

"An IEP Team may consider whether mental health services are provided as counseling services (34 CFR § 300.34(c)(2)) or social work services in schools (34 CFR § 300.34(c)(14)). Under 34 CFR § 300.34(c)(2), counseling services are defined as including services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel. Under 34 CFR § 300.34(c)(14)(ii), social work services in schools includes group or individual counseling for the child and family. However, under 34 CFR § 300.34(c)(5), the public agency would not be responsible for paying for mental health services that constitute medical treatment for a child by a licensed physician except to the extent that the services are for diagnostic and evaluation purposes only." [*OSERS Questions and Answers On Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(September 2011\).*](#)

"Related services can include artistic and cultural services that are therapeutic in nature, regardless of whether the IDEA or the Part B regulations identify the particular therapeutic service as a related service. The Department's long-standing interpretation is that the list of related services in the IDEA and the Part B regulations is not exhaustive and may include other developmental, corrective, or supportive services (such as artistic and cultural programs, art, music, and dance therapy), if they are required to assist a child with a disability to benefit from special education in order for the child to receive FAPE. As is true regarding consideration of any related service for a child with a disability under Part B of the IDEA, the members of the child's IEP Team (which include the parents, school officials, and whenever appropriate, the child with a disability) must make individual determinations in light of each child's unique abilities and needs about whether an artistic or cultural service such as music therapy is required to assist the child to benefit from special education." [*OSERS Questions and Answers On Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(September 2011\).*](#)

Initiation, Frequency, and Duration

"The meaning of the term 'duration' will vary, depending on such things as the needs of the child, the service being provided, the particular format used in an IEP, and how the child's day and IEP are structured. What is required is that the IEP include information about the amount of services that will be provided to the child, so that the level of the agency's commitment of resources will be clear to parents and other IEP Team members. The amount

OPERATING PROCEDURES

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Goose Creek CISD

101911

of time to be committed to each of the various services to be provided must be appropriate to the specific service, and clearly stated in the IEP in a manner that can be understood by all involved in the development and implementation of the IEP." 71 Fed. Reg. 46667 (August 14, 2006).

Does the amount of minutes and hours a specific service is given required to be made a part of each child's IEP? "Although Part B does afford State and local educational authorities some discretion in this area, public agencies must ensure that the amount of services is stated in a manner that is appropriate to the specific service and clear to all who are involved in the development and implementation of the child's IEP. The statement of the amount of service must be sufficiently specific to reflect the commitment of agency resources to the particular service to ensure that the child's IEP addresses the child's identified educational needs. Therefore, it would be inconsistent with Federal requirements for States and school districts to have a practice of using ranges of time to express the agency's level of commitment to a particular special educational or related service since a child's IEP would not contain the specific amount of time committed for that service." [OSEP Letter to Ackron \(November 20, 1990\)](#).

"On a case-by-case basis, the IEP Team may determine that the individual needs of the child require that the start date of a related service should occur the first week of school or after the beginning of the school year. Therefore, a policy that mandates that related services for all children with disabilities will begin at a specific time after the beginning of the school year (e.g., the third week of the school year) would not be consistent with the IDEA and its implementing regulations at 34 CFR §§ 300.320-300.324." [OSEP Letter to Ackerhalt \(September 6, 2012\)](#).

Location

"'[P]lacement' does not mean a particular school, but means a setting (such as regular classes, special education classes, special schools, home-instruction, or hospital or institution-based instruction). . . . This is the better view." [White v. Ascension Parish School Board \(5th Cir. 2003\)](#).

"The provision that requires the IEP to specify the location is primarily administrative; it requires the IEP to include such technical details as the projected date for the beginning of services, their anticipated frequency, and their duration. . . . Schools have significant authority to determine the school site for providing IDEA services." [White v. Ascension Parish School Board \(5th Cir. 2003\)](#).

"[T]he Department has consistently maintained that a child with a disability should be educated in a school as close to the child's home as possible, unless the services identified in the child's IEP require a different location. Although IDEA does not require that each school building in a local educational agency (LEA) be able to provide all the special education and related services for all types and severities of disabilities, the LEA has an obligation to make available a full continuum of alternative placement options that maximize opportunities for its children with disabilities to be educated with nondisabled peers to the maximum extent appropriate. In light of the above, the Department cannot speculate as to the appropriateness of a particular program, based on the proximity of that program to the child's home. If a child's IEP requires services that are not available at the school closest to the child's home, the child may be placed in another school that can offer the services that are included in the

OPERATING PROCEDURES

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Goose Creek CISD

101911

IEP and necessary for the child to receive a free appropriate public education. If the child is placed in a school that is not the school closest to the child's home, transportation, if needed for the child to benefit from special education, must be provided as a related service at no cost to the parent, to the location where the IEP services will be provided." [OSEP Letter to Trigg \(November 30, 2007\)](#).

"[Y]ou request clarification regarding the continuum of service delivery options to be considered for a student. As you correctly point out, the final regulations do not address service delivery options, but, instead, address the continuum of alternative placements. . . . The examples you provide in your letter (e.g., small-group instruction or direct services) are matters for consideration by the IEP Team, based on a child's individual and unique needs, and cannot be made as a matter of general policy by administrators, teachers or others apart from the IEP Team process." [OSEP Letter to Clarke \(March 8, 2007\)](#).

Application Guidance

- [Scientifically Based Research](#) (Region 10 ESC)
- [Response to Intervention \(RtI\) Resources](#) (Region 10 ESC)
- [Progress in the General Curriculum \(PGC\) Network](#) (Region 20 ESC)
- [Accelerated Instruction and Intensive Programs of Instruction for Students in Special Education Programs](#) (TEA)
- [Student Success Initiative](#) (TEA)
- [Related Services for Students with Disabilities–Questions and Answers](#) (TEA)
- [National Center on Intensive Intervention](#) (OSEP Technical Assistance Center)
- [Center for Parent Information and Resources](#) (OSEP Technical Assistance Center)
- [National Center on Accessible Educational Materials](#) (OSEP Technical Assistance Center)

Through the implementation of the Goose Creek CISD policies and procedures as outlined in the [Legal Framework](#) for the Child-Centered Special Education Process, the Goose Creek CISD ensures the IEP of each child with a disability includes a statement of supplementary aids and services, special education and related services as required by the IDEA and its accompanying federal regulations, state statutes and regulations.

PERSONS RESPONSIBLE: Assessment Personnel completing evaluations and primarily those Special Education Personnel working with student although general education staff will be trained on as outlined in child's ARD.

TIMELINES: 2020-2021

MATERIALS: eSped forms; Service Animal Checklist

Supplementary Aids and Services

Accommodations

34 CFR §§ 300.42, 300.320(a)(4); 19 TAC 89.1050(a)(1); 28 C.F.R. 35.104

OPERATING PROCEDURES

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Goose Creek CISD

101911

Supplementary Aids and Services are “aids, services, and other supports provided in General Education classes, other educational-related settings, and in extracurricular and non-academic settings, to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate.”

Examples of supplementary aides and services:

- a. Qualified interpreters, note-takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments
- b. Qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments
- c. Acquisition or modification of equipment or devices

Modifications

A modification is a change in what the student is expected to learn and/or demonstrate. An instructional modification indicates what is being taught the - curriculum content - is altered. As an example, students may not be required to learn all of the course objectives but only targeted objectives. A curriculum modification reduces content and skills the student is required to learn. In Texas, a modification is defined as "practices and procedures that change the nature of the task or target skill". Accommodations and modifications should be individualized and routinely used during classroom instruction and testing. Data regarding the use of accommodations and modifications, such as observational reports and/or assignment/test scores with/without the use of accommodations should be collected and analyzed on a regular basis to determine (a) if the accommodations are being implemented as specified by the student's ARD Committee and (b) if the student is benefitting from the use of the accommodations and modifications.

Consideration for related services, other than transportation, should begin with a student review which considers the student's academic achievement and functional performance to determine the factors that are interfering with learning and to determine if an evaluation is needed. The review process may include observation of the student, review of student records and interviews with teachers and parents to identify problems in areas significant to the child's education. Written evaluation data are required to indicate a student's need for each related service listed in the IEP and documentation that the service is designed to enable the student to benefit from special education. Related services evaluations requested by an ARD committee should be completed in 30 school days, unless otherwise agreed upon by the ARD committee and the reason is documented in the IEP. A completed evaluation must include a written report indicating the student's need for each related service listed in the IEP and documentation that the services will enable the student to benefit from the educational

OPERATING PROCEDURES

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Goose Creek CISD

101911

process. Examples of Related/Supportive Services include:

- Counseling as a related service
- In-home/parent training
- Orientation and mobility (O&M)
- Occupational therapy
- Physical therapy
- Psychological services
- School health services
- Transportation*

***NOTE: An evaluation is not required for transportation as a related service. However, the ARD Committee must document in the ARD report the reason the child needs transportation.**

The Full Individual Evaluation and ARD process identify the appropriate supplementary aids and services students require to be educated with non-disabled children to the maximum extent appropriate.

The ARD Committee is responsible for documenting in the student's IEP the projected date for the beginning of services and the anticipated frequency, location, and duration of those services. Requirements for documenting the provision of related services include:

- **Frequency** describes how often the child will receive the service(s) (e.g., number of times per day or week). If the service is provided less than daily, the conditions for the provision of services must be clearly specified within the ARD documents using a weekly reference (ex: 1 hour per week, 30 minutes every two weeks).
- **Duration** describes how long each "session" will last (number of minutes) and when the services will begin and end (starting and ending dates).
- **Location** describes where the services will be provided (in the general education classroom or another setting, such as a special education resource room).

Student-Specific/1:1 Aide or Paraprofessional

Prior to a holding an ARD Meeting to discuss a student-specific aide, the campus should contact the appropriate Program Coordinator to review all data to ensure that Least Restrictive Environment is being followed.

The discussion of a student-specific aide should be documented in the ARD Deliberations. If a student-specific aide is determined to be necessary for a student to access and make progress in the general education curriculum, the service should be documented on the Schedule of Services page within eSped under related services. Factors to consider include individual student needs, class size, staff-to-

OPERATING PROCEDURES

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Goose Creek CISD

101911

student ratio, and need for student support in order to demonstrate educational progress. Some of the most common reasons for this type of support include:

1. Protection/safety of the student;
2. Physical assistance/needs throughout day;
3. Instructional support;
4. Transition; and
5. Reducing student anxiety.

This type of support ranges from portions of the school day to a full school day, depending on the needs of the student. In the event a student-specific aide is provided to a student, the campus should develop a contingency plan for when the student-specific aide is absent.

The ARD committee determines a student's required supplementary aids and services. To the extent practicable, supplementary aids and services, special education, and related services must be based on peer-reviewed research. Accommodations and/or modifications determined during the ARD should be those that the student must have on a regular basis in order to access and make progress in the general education curriculum. The ARD Committee considers any request by a parent for a specific supplementary aid and/or service such as service dogs, tape recorders, note-takers, and any other specific requests. Any decision to discontinue a supplementary aid should be based on data that demonstrates the student does not make progress in the general education curriculum when the supplementary aid is used.

The ARDC must determine and include in the child's IEP:

1. The projected date for the beginning of the services and modifications.
2. The anticipated frequency of those services and modifications; and
3. The anticipated duration of those services and modifications.

Service Animals

28 C.F.R. §35.104

Requests for the Use of Service Animals by Enrolled Students, Under the ADA Section 504

PURPOSE

The purpose of these procedures is to establish guidelines for the use of service animals by students in the Goose Creek Consolidated School District, including school buildings, vehicles and other property. These procedures will be used to assist Goose Creek CISD personnel in handling requests for service animals, including directing parents' requests to

OPERATING PROCEDURES

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Goose Creek CISD

101911

the proper individuals within Goose Creek CISD, and advising parents of their rights under the relevant laws. For additional information regarding Service Animals, please refer to Goose Creek CISD Board Policy FBA (LEGAL).

FEDERAL LAWS CONCERNING SERVICE ANIMALS IN SCHOOLS

Individuals with Disabilities in Education Act

Under the Individuals with Disabilities in Education Act (“IDEA”), eligible students are entitled to a free, appropriate public education (“FAPE”). The parent may request that an ARD committee consider whether or not the use of a service animal is necessary in order for the student to receive a FAPE. If the ARD Committee determines that the student can be provided FAPE without the use of the animal, the animal does not become a related service or support under a student’s IEP.

Americans with Disabilities Act and Section 504 of the Rehabilitation Act

Under the Americans with Disabilities Act (“ADA”) and Section 504 of the Rehabilitation Act (Section 504), schools are generally required to allow a disabled individual to be accompanied by a service animal, so long as the animal meets the ADA definition of “service animal,” the animal is under the control of its handler, is housebroken, and does not pose a direct threat to the health and/or safety of others. Exclusion of an animal could be discrimination based on disability. The ADA requires public entities to appoint a person to handle claims of disability discrimination, the Director for At-Risk and Interventions. Additionally, the Section 504 committee should convene to apply the ADA guidelines and determine if additional accommodations are needed for access or for an equal educational opportunity.

For students who are eligible under Section 504 and have a Section 504 accommodation plan, a Section 504 committee should convene to review the plan to ensure the child continues to have equal educational opportunity and to consider reasonable accommodations. Additionally, the Section 504 committee should convene to apply the ADA guidelines and determine if additional accommodations are needed for access or for an equal educational opportunity.

DEFINITION OF SERVICE ANIMAL

Service animals are defined by the ADA as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed must be

OPERATING PROCEDURES

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Goose Creek CISD

101911

directly related to the individual's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. 28 C.F.R. §35.104. A service animal is not a pet.

PROCEDURES/REQUIREMENTS for Students

Use of service animals by a student with a disability is subject to the following procedures and requirements:

- A. Application for Use of Service Animal** –Parents/Adult students must submit a request, *Service Animal Documentation and Medical Information Sheet* found in the Appendix of Section IV of the Special Education Administrative Procedures) for the use of service animals to the Program Coordinator, Special Education/504/Dyslexia who is the district designee for Section 504. The campus administrator or campus diagnostician/ARD Facilitator must notify the Director of Special Education the request. Requests for the use of service animals on School District property must, whenever possible, be made no less than fifteen (15) business days prior to the proposed use of the service animal. The animal may be required to demonstrate that it is a trained service animal by performing the functions identified by the owner/user that are intended to mitigate the impact of a disability.
- B. Determination of Whether Animal is a Service Animal** - Applications for use of Service Animal will be reviewed by the Director of At-Risk Programs. The Director of At-Risk Programs will determine if the animal meets the definition of service animal under the ADA. If the animal meets the definition of service animal and there are no grounds to remove the animal, the student will be allowed to use the animal on campus. All applications for use of the service animal on School District property will be considered on a case-by-case basis. Subject to the IDEA and Section 504, approval of the use of the service animal is subject to periodic review, revision, or revocation by the District. At a minimum, the request for a service animal will be reviewed annually. The request for use of the service animal must be renewed annually, prior to the start of each subsequent school year. In addition, the request must be renewed whenever the student changes schools or when the student desires to use a different service animal.
- C. Service animals necessary for FAPE** - If the student is eligible for special education services under the IDEA, an ARD committee must be scheduled and the student's ARD committee will determine if the animal is necessary for FAPE. The use of a service animal is a methodology. If the student's needs can be met by a method other than the use of a service animal, such as with assistive technology or adult support, the service

OPERATING PROCEDURES

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Goose Creek CISD

101911

animal is not necessary for FAPE. The need for a service animal is subject to periodic review and revision by the ARD committee. At a minimum, the student's IEP and the need for a service animal will be reviewed annually. A service animal will not be included as part of a student's IEP unless the ARD committee determines the animal is necessary for a FAPE.

D. Agreement for Use of Service Animal - If the animal meets the definition of a service animal, the parent must sign and return the *Agreement for Use of the Service Animal*, (Found in Appendix) prior to the service animal being introduced into the schools setting. Goose Creek CISD requests, but does not require, that Service Animals wear an orange collar and a leash or a vest at all times that identifies it as a service animal to students and staff.

E. Exclusion of Service Animal – Under the Americans with Disabilities Act, a service animal may be excluded if: 1) it is out of the handler's control and the handler cannot take effective steps to control the animal; 2) the animal is not housebroken; 3) the animal poses a direct threat to the health or safety of others; or 4) the animal's presence or behavior fundamentally alters the nature of the School District's service, program, or activity.

F. Responsibility for Service Animal

- a. It is the responsibility of the student who uses a service animal pursuant to this procedure to provide proper handling of the service animal. The service animal must be under the control of the handler at all times. The school district is not responsible for the care or supervision of the animal. Any cost incurred to handle the service animal will be the responsibility of the adult student or parent of the student who uses the service animal. The school nurse will be consulted by school administration regarding any known allergies among the school population. Any measures needed to minimize contact between any allergic students and the service animal will be identified by the school administration and followed by the handler.
- b. The service animal shall have a harness, leash, or other tether unless either: (a) the handler is unable because of a disability to use a harness, leash, or other tether; or (b) the use of such device would interfere with the service animal's safe, effective performance of work or tasks. In such circumstances, the service animal must be under the handler's control through another effective means such as voice control or signals. The handler will be responsible for ensuring the service animal is provided any food and water needed by the animal and regular outside time to relieve itself in a designated place, including proper disposal of waste. Any food provided at the school must be contained in

OPERATING PROCEDURES

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Goose Creek CISD

101911

sealable containers. The service animal will not be allowed on school furnishings unless it is required for performance of its work or task. It is the handler's responsibility to inform others that the animal is a service animal and should not be petted, bothered, harassed or fed.

- c. The adult student or the student's parents/guardians are liable for any damage to school or personal property and any injuries to individuals caused by the service animal. The District and its employees shall be held harmless in the event that the animal damages property or causes harm to any individual.

- G. The District may, at its discretion, require that the student/parent requesting the use of a service animal complete the steps of this procedure, as often as reasonable so that the District may ensure the safety of patrons and the continued need for the service animal to the student.

- H. Prior to the introduction of the service animal into the school, relevant campus staff will create a plan with the student and the student's parent to integrate an approved service animal into the classroom and school environment and to meet the animal's basic needs during the school day. The plan will consider appropriate training for school staff, emergency evacuation and disaster response, and any other activities or conditions appropriate for the learning environment.

- I. To the extent that use of a service animal is not a related service addressed in an IEP or Section 504 plan, an integration plan does not constitute a service or accommodation under the IDEA or Section 504.

- J. The introduction of a service animal into the school setting may result in medical issues among other students and/or employees. Should such issues arise, the District will resolve those issues by considering the needs of all persons involved. The student's schedule may be altered, or other appropriate action taken in order to accommodate the document needs of all students and staff on the campus.

- K. Goose Creek Consolidated Independent School District follows all applicable laws and regulations to protect the health and safety of the students and employees of Goose Creek CISD. Texas law pertaining to the treatment of animals shall apply. See Tex. Penal Code Chapter 42 and Tex. Human Res. Code Chapter 121.

COMPLAINT PROCEDURES

Goose Creek Consolidated Independent School District provides training to staff to ensure

OPERATING PROCEDURES

SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES

Goose Creek CISD

101911

compliance with the ADA and Section 504 regarding requests for service animals. Any individual who believes that he/she is being denied access to buildings or programs, or discriminated against based on disability, should immediately inform the Director of Interventions, Holli Pharis, at 281-420-4800. Any disputes or complaints by any person involving service animals should be made in writing to the Director of Interventions. Some disputes may be subject to the grievance procedures outlined by School Board Policy and/or in the Student Handbook.