

# **Down and Dirty SPED**

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## **I. What is Special Education?**

Special Education (hereinafter referred to as “SPED”) is a specially designed instruction that addresses the unique needs of children that are eligible to receive special education services. Special education is provided at no cost to parents and includes the related services that a child needs to access their specific educational program.

Students with disabilities who are determined eligible for special education and related services are entitled to a Free Appropriate Public Education (hereinafter referred to as “FAPE”). The Individuals with Disabilities Education Act (herein after referred to as “IDEA”) of 2004 is the federal law that guarantees that FAPE is provided to eligible children with disabilities. Services are provided to eligible children according to each child’s specific Individualized Education Program (hereinafter referred to as IEP).

## **II. How does Special Education begin?**

To be eligible a Full and Individual Evaluation (FIE) must determine that a child has a disability and the child could benefit from school provided services to navigate and be successful in the school setting.

The process typically begins when a referral is made to a school administrator in writing. Parents, teachers, school district personnel, or anyone with knowledge about the child can make the referral. The school district has an affirmative duty to identify children who are struggling and suspected of having a disability that adversely impacts their education. The child doesn’t just have to be struggling academically – it can be struggles with things such as speech, social skills, behavior problems or attention problems.

Once the referral is made, the school district must decide if the child will be evaluated for special education. Most school districts have twenty-five (25) school days to decide to evaluate a child.

Once the school district decides to evaluate a child for special education, the school obtains the consent of the parent or legal guardian of the child. The parent or legal guardian of the child usually signs a consent to evaluate. The school district cannot evaluate a child without the written consent of the parent or legal guardian.

After receiving written consent to evaluate a child, the school district has forty-five (45) school days to do the evaluation. When the evaluation is complete, the school district will write up their findings in an FIE. The FIE only determines if the child meets the criteria to receive services – it does not determine what services the child will receive. The FIE discusses in detail each testing performed on a child and the child’s results.

If the FIE determines that a child is eligible for special education, the Admission, Review, and Determination (ARD) committee will determine what services the child will receive. If a parent or legal guardian disagrees with the FIE, the parent or legal guardian can (1) request an Independent Educational Evaluation; (2) inquire about receiving services under section 504; or (3) engage in one of the dispute resolution processes available.

The FIE evaluates the child's health, vision and hearing, social and emotional status, general intelligence, academic performance, communicative status (speech) and motor abilities (occupational/physical therapy).

### **III. What Conditions are Eligible for Special Education?**

IDEA 2004 specifies fifteen (15) categories in which a child ages 3 through 21 could qualify for services.

#### **1. Auditory Impairment**

Hearing or Auditory Impairment (hereinafter referred to as "AI") means an impairment in hearing. It can be temporary or permanent but it must adversely affect a child's educational performance.

#### **2. Autism**

Autism (hereinafter referred to as "AU") means a developmental disability significantly affecting verbal and nonverbal communications and social interactions that adversely affect a child's educational performance.

To be classified with AU:

1. A child must have all of the following:
  - a. Deficits in social-emotional reciprocity;
  - b. Deficits in nonverbal communicative behaviors used for social interactions; and
  - c. Deficits in developing, maintaining, and understanding relationships; and
2. A child must have at least two (2) of the following:
  - a. Stereotyped or repetitive motor movements, uses of objects or speech;
  - b. Insistence on sameness, inflexible adherences to routines, or ritualized verbal or nonverbal behavior;
  - c. Highly restricted, fixated interest that are abnormal in intensity or focus; or
  - d. Hyper- or hyperactivity to sensory input or unusual interest in sensory aspects of the environment.

#### **3. Deaf-Blind**

Deaf-Blind (hereinafter referred to as "DB") means simultaneous hearing and visual impairments that causes severe communication, developmental, and educational

needs that cannot be accommodated in special education programs for children with deafness or children with blindness.

4. Developmental Delay

Developmental Delay (hereinafter referred to as “DD”) means a delay in one or more of the areas of physical development, cognitive development, communication, social or emotional development, or adaptive (behavioral) development.

Texas does not recognize DD.

5. Emotional Disturbance

Emotional Disturbance (hereinafter referred to as “ED”) means a condition exhibiting one or more of the following characteristics over a long period of time and to such a degree that adversely affects a child’s education performance:

1. An inability to learn that cannot be explained by intellectual, sensory or health factors;
2. An inability to build or maintain satisfactory interpersonal relationships with children or teachers;
3. A general pervasive mood of unhappiness or depression;
4. A tendency to develop physical symptoms or fears associated with personal or school problems
5. Inappropriate types of behavior or feelings under normal circumstances.

ED includes Bipolar Disorder, Disruptive Mood Dysregulation Disorder, Generalized Anxiety Disorder, Major Depressive Disorder, Schizoaffective Disorders.

ED does not include Attention Deficit Disorder (hereinafter referred to as “ADD”)/Attention Deficit Hyperactivity Disorder (hereinafter referred to as “ADHD”), Conduct Disorder, Personality Disorders, Oppositional Defiance Disorder, or Tourette’s.

6. Intellectual Disability

Intellectual Disability (hereinafter referred to as “ID”) means significantly subaverage general intellectual function existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child’s performance.

Typically children with ID have general intelligence IQ’s of 70 or less.

7. Learning Disability

Learning Disability (hereinafter referred to as “LD”) means a disorder in one or more of the basic psychological processes involved in understanding or in using language that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations including conditions such as Auditory Processing

Disorder, Dyscalculia, Dysgraphia, Dyslexia, Language Processing Disorder, Non-Verbal Learning Disabilities, Visual Perceptual/Visual Motor Deficits.

LD testing assesses:

1. Comprehension-Knowledge or Crystallized Intelligence (Gc)
2. Fluid Reasoning (Gf)
3. Long-Term Retrieval (Glr)
4. Short-Term Memory (Gsm)
5. Auditory Processing (Ga)
6. Visual-Spatial Ability (Gv)
7. Processing Speed (Gs)

Typically there is one or more deficits listed above along with one of the following academic deficits:

1. Reading skills;
2. Reading comprehension;
3. Reading fluency
4. Mathematics calculation
5. Math problem solving
6. Written expression
7. Listening Comprehension
8. Oral expression

#### 8. Multiple Disabilities

Multiple Disabilities (hereinafter referred to as “MD”) means simultaneous impairments that causes such severe educational needs that they cannot be accommodated in the special educational programs solely for one of the impairments. This does not include DB.

To be classified as multiple disabilities, a child must have two or more severe disabilities. Examples include ID-blindness, ID-deafness, etc.

#### 9. Non-categorical Early Childhood

Non-categorical Early Childhood (hereinafter referred to as “EC”) means a condition of developmental delay which impairs a child’s functioning and which has a high predictability of impairing normal developmental performance. A difference must exist between a child’s expected level of development and their actual level of development.

EC only applies to children between the ages of 3-6.

#### 10. Other Health Impairment

Other Health Impairment (hereinafter referred to as “OHI”) means that a child has limited strength, vitality, or alertness including a heightened alertness to environmental

stimuli that results in limited alertness with respect to the educational environment that is due to a chronic or acute health problem and adversely affects a child's educational performance.

Typically a diagnosis is made by a physician and documented on forms required by the school district.

Common examples of OHI include ADD/ADHD, Cerebral Palsy, Diabetes, Down Syndrome, Multiple Sclerosis, Muscular Dystrophy, Seizure Disorders, Sickle Cell Anemia, Tourette's, etc.

#### 11. Orthopedic Impairment

Orthopedic Impairment (hereinafter referred to as "OI") means a severe orthopedic impairment that adversely affects a child's academic performance such as navigating the school hallways, writing assignments, participating in physical education.

Orthopedic Impairments can be congenital defects or impairments caused by various diseases such as cerebral palsy, amputations, etc.

#### 12. Speech Impairment

Speech Impairment (hereinafter referred to as "SI") means a communication disorder such as stuttering, impaired articulation, a language impairment or a voice impairment that adversely affects a child's educational performance

A Speech and Language Evaluation must be completed by a Speech Pathologist.

Areas of eligibility:

1. Expressive language
2. Receptive language
3. Global communication disorder
4. Articulation
5. Fluency (stuttering)
6. Pragmatics
7. Voice

#### 13. Traumatic Brain Injury

Traumatic Brain Injury (hereinafter referred to as "TBI") means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance.

TBI can result in impairments that affect one or more areas of cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual, motor abilities, psychosocial abilities, physical functions, information processing or speech.

This area does not apply to congenital or degenerative or to brain injuries cause by birth trauma.

#### 14. Visual Impairment

Vision Impairment (hereinafter referred to as “VI”) means an impairment in vision that even with correction adversely affects a child’s performance in the educational setting. VI can be partial sight or complete blindness.

Evaluations for VI child must include a Functional Vision Evaluation and a Learning Media evaluation by a Certified Teacher for the Visually Impaired.

To be classified as a special needs child in the school setting, a child must be classified as medically fragile. A medically fragile child is a child that has a medical condition or a set of conditions that puts the child medically at risk. The child must have a need for specialized in school health care such as an external feeding tube (G-Tube), Total Parenteral Feeding (TPN dependent), Cardiac monitoring, IV therapy, ventilator or oxygen dependent, urinary catheterization, renal dialysis, tracheotomy, colostomy or ileostomy, etc.

It is important to note that just because a child has one of the conditions listed above, the child still may not qualify for special education. The key is whether or not the child’s impairment interferes with their education. For example, most children with ADD or ADHD will never qualify for special education because their impairment does not interfere with their education especially if they are on medication.

#### **IV. So, the child is eligible but how do you get into to SPED?**

Once a child has been determined as eligible for SPED, the ARD committee must decide if the child’s impairment warrants school services necessary for the child to be successful in the educational setting. A lot of people will be present at the ARD – naturally the school’s case manger is present along with the school’s educational diagnostician, campus administrator (principal or assistant principal), a general education teacher and most likely a special education teacher. If a child is found to need ancillary services or was screened for things such as OI, SI, VI, a licensed Occupational Therapist, Physical Therapist, Speech Pathologist or school nurse may be present.

If the ARD committee determines that the child’s impairment adversely affects their academic performance, the ARD committee will write an IEP for the child. The IEP for the child will determine precisely what supports the school will put in place to ensure academic success for the child and exactly what the child is expected to learn (Language Arts, Mathematics, Science, Social Studies, Physical Education, Music and Art) during the school year. For example, a child that is VI may receive audio assignments or assignments in braille, a child with OI may receive occupational or physical therapy, a child with a stutter may receive speech therapy, a child with dyslexia may receive specialized reading instruction or a child with ID may be expected to learn the alphabet or colors. An IEP will also address STARR testing for the child once the child is in third (3<sup>rd</sup>) grade. The goals and objectives for the child must be objective and measurable.

If a child is having problems in the classroom, often a Functional Behavior Assessment (hereinafter referred to as “FBA”) will be performed. FBA’s can assist in figuring out the cause of problem behaviors. A Behavior Intervention Plan (hereinafter referred to as a “BIP”) is a plan that is based on the FBA and is designed to help prevent problem behaviors by addressing their cause. A BIP describes the problem behavior, the reason the behavior occurs, and the intervention strategies that will address the problem behavior. If an FBA is performed, a Licensed Specialist in School Psychology (hereinafter referred to as “LSSP”) will interview the child, the teachers and parents or legal guardians.

Once the initial evaluation has been completed, and the school district believes the child needs special education, the school district will typically discuss the placement of the child and the services the child should receive. Most school districts have numerous programs for children needing special education but not all campuses offer each program. The school district wants to ensure that the child is in the program that is best suited to the child and legally required to place the child in the least restrictive environment. This means that to the maximum extent appropriate, children with disabilities are to be educated alongside children who are not disabled. The most common types of programs offered are:

1. Life Skills (developmental)
2. Adaptive behavior
3. Autism
4. PPCD (Preschool Programs for Children with Disabilities)

The biggest source of contention between parents and legal guardians of the child and the school surround services. Parents and legal guardians push for more services for the child and the school is offering less due to staffing and budget issues – not because of the child’s needs. Parents and legal guardians need to be aware that just because a child receives services such as occupational therapy, physical therapy or speech therapy, doesn’t mean the child will receive the same type of services they would receive from a private practitioner. Schools most often use a collaborative model in lieu of a clinical model. In the collaborative model, the professionals (occupational, physical and/ or speech) provide instruction to the teachers and provide ideas to implement in the classroom professionals such as using a certain type of paper, short pencils, headphones, seat cushions, word processors, etc.

Ultimately, the only people that matter in the ARD meeting are the parent/legal guardian and the campus administrator. The parent/legal guardian and campus administrator must agree on the eligibility, determination of the need for services and IEP.

Once the IEP is written and the parent/legal guardian and the campus administrator are in agreement, the parties will sign a consent for eligibility and services. A child’s IEP will then become permanent five (5) days after the ARD. Parents/Legal Guardians can waive the five (5) day waiting period in writing and have the IEP begin immediately. Once special education services

begin, the parents must receive a written report on the child's progress towards the child's IEP goals and objectives as often as children in general education receive report cards.

If a child is eligible for SPED based on Autism. The IEP must contain the Autism supplement. The Autism supplement must address the eleven (11) strategies listed in §89.1055(e) of Chapter 19 of the Texas Administrative Code which are:

1. Extended educational programming (extended school year services);
2. Daily schedule with minimal unstructured time;
3. In home training or community-based training;
4. Positive behavior supports;
5. Future planning;
6. Parent/Family training and support;
7. Suitable student to staff ratio;
8. Communication intervention;
9. Social skills support and strategies;
10. Professional educator and staff support (training); and
11. Teaching based on research-based strategies.

These eleven (11) areas of consideration are specific to Texas – it is not a federal mandate and must be reviewed annually. It is important to note that not all eleven items will be needed for each student and often the items are addressed through another portion of the IEP. However, it is a great check list to ensure all things are considered at the end of an ARD.

#### **V. Staying in SPED**

The school must provide an annual ARD within twelve (12) months from the date the IEP was signed by the campus administrator and the parent/legal guardian. The purposes of the annual ARD is to review the IEP and services the child has received in the last year and determine what changes if any need to be made to the child's services, placement, or if the child still qualifies for services. The annual ARD will update and rewrite the child's IEP and BIP for the new goals set forth for the child for the next twelve (12) months.

The school is required to re-evaluate the child the child for eligibility not less than every three (3) years unless the parents/legal guardians and school believe the evaluation is unnecessary. The school cannot re-evaluate a child without the written consent of the parent/legal guardian. The school can re-evaluate the child one time per year with the written consent of the parents/legal guardians. The school will typically ask parents/legal guardians for written consent to re-evaluate the child approximately 60 days prior to the child's annual ARD date. The re-evaluation will evaluate the child's health, vision and hearing, social and emotional status, general intelligence, academic performance, communicative status (speech/language) and motor abilities (occupational/physical therapy), if needed.

In lieu of a re-evaluation often a school will engage in a Review of Existing Evaluation Data (hereinafter referred to as “REED”). REED’s are generally unhelpful as a child’s needs can change a lot within a one (1) to three (3) year time frame.

REEDs are most often used in an ARD when a school has not re-evaluated a child within the legally required time frame. The yearly ARD is held within the legal time frame and begins with a REED. The school will then determine additional testing is needed. If the school and the parents or legal guardians agree that no additional testing is needed, the parent/legal guardian must provide written consent to use the REED.

## **VI. What if Parents/Legal Guardians disagree with the School?**

If a parent or legal guardian does not agree with the FIE or re-evaluation (eligibility) of a child, the parent or legal guardian can request an Independent Educational Evaluation (hereinafter referred to as “IEE”). This is an evaluation of the child performed by an independent licensed educational diagnostician or psychologist not employed by the school district but paid for by the school district. The independent evaluator must perform the exact same testing as performed by the school district on the child. The independent evaluator may have different testing or additional testing they want to use but the school district will not pay for it. Even if the parent/legal guardian pays for the different or additional testing, the school district is not obligated to review the different or additional testing. The parent or legal guardian must request the IEE in writing.

Once an IEE is requested by a parent/legal guardian, the school must either grant the IEE and pay for the IEE or deny the request. If the school denies the parent/legal guardian’s request for an IEE, the school district must file for a due process hearing against a parent.

If a parent or legal guardian agrees with the FIE or re-evaluation (eligibility) of a child, but refuses to the offer of eligibility and services, the child cannot be placed in special education, no services will be offered and no IEP will be written for the child.

If a parent/legal guardian agrees with the FIE or re-evaluation (eligibility) of a child but not the services that will be provided by the school district in the child’s IEP, the ARD will end in non-consensus. The ARD must reconvene within ten (10) school days. This cannot be waived by either the parent/legal guardian or the school district. Each individual that was present in the first ARD must be present at the reconvene unless the parent/legal guardian and campus administrator excuse the individual from attending at the first ARD.

The parent/legal guardian and the school can request State IEP Facilitation if the parties are unable to agree on a child’s IEP. IEP Facilitation utilizes a trained facilitator to assist the parties in reaching an agreed upon IEP. Both the parent/legal guardian and the school must request IEP facilitation and sign the required form by the TEA (hereinafter referred to as “TEA”) within five (5) calendar days of the ARD ending in disagreement. The TEA pays for the IEP Facilitator to attend the ARD reconvene but the facilitator must be available on the day of the ARD reconvene. If no facilitator is available on the date of the ARD reconvene, the parties must reconvene the ARD without the facilitator.

Once the ARD reconvenes, and the parent/legal guardian does not come to the ARD, the IEP will become effective five (5) school days after the date of the ARD reconvene. If the parent/legal guardian participates at the ARD reconvene and the parent/legal guardian and school still cannot reach an agreement regarding a child's IEP, the parent/legal guardian has the following choices:

1. Refuse to sign the consent for eligibility and services and do nothing. If nothing is done by the parent/legal guardian, the IEP will become effective five school days after the date of the ARD reconvene. Usually the school will write up points of disagreement and the parent/legal guardian can submit a written statement;
2. Request an IEE;
3. Request mediation; or
4. Request a due process hearing. If the parent/legal guardian wants to invoke due process, they must do in writing within one (1) year.

## **VII. Mediation**

If the parties disagree on a child's eligibility or IEP, either the parent/legal guardian or the school may request mediation. A request for mediation must be made in writing. This is a voluntary process so both parties – the parent/legal guardian and the school district must agree to attend mediation. The TEA will pay for the mediator but the parties must pay for any attorney's fees or advocate fees they incur if they hire an attorney or advocate.

Mediation can be requested at any time; including before or during a due process hearing or the state complaint process. If the parties want to attend mediation during the due process hearing period, mediation must occur before the due process hearing.

Mediation is a confidential process and any mediated settlement agreement reached is enforceable in court.

## **VIII. Due Process**

Within one (1) year from the date the ARD ended, either the parent/legal guardian or the school may file a written request for a due process hearing. Unlike Mediation or IEP Facilitation, both parties do not have to agree to a due process hearing. A written request a due process hearing must include the child's name and address, the name of the child's school, a description of the problem, the facts, and a proposed resolution to the problem.

A due process hearing is held forty-five (45) days from the date the due process request is received by the TEA. The first thirty (30) days of the due process hearing procedure is often called the "30-Day Resolution Period." During this time, the TEA will schedule the due process hearing with a hearing officer within first (5) calendar days if receiving the written due process request from the filing party.

A party receiving a due process hearing request, the non-filing party, has ten (10) days from the date they have received the due process hearing request to respond to the issues in the

request. If the non-filing party is the school district, the school district does not have to respond if they have previously provided the parent/legal guardian with a written notice that addresses all issues in the due process request. The prior written notice issued by the school district must contain (1) an explanation of why the school is refusing the relief requested in the due process hearing request; (2) a description of all other options considered and refused by at the ARD meeting; (3) a description of each evaluation, assessment, record or report the school relied upon in refusing the requested relief in the due process hearing request; and (4) a description of any other relevant factors that the school relied upon in refusing the requested relief in the due process hearing request. If the prior written notice does not contain all four items listed above, the school district must respond to the due process hearing request.

The non-filing party must notify the filing party and the hearing officer if they believe there is a defect in the filing party's due process written request within fifteen (15) days of the filing of the due process request and the hearing officer has five (5) days to rule on the defect. Additionally, within the first fifteen (15) days, the parties must hold a resolution meeting to attempt to come to an agreement, waive the resolution meeting requirement or agree to attend mediation in lieu of a resolution meeting.

At the conclusion of the 30-Day Resolution Period, if the parties have not reached an agreement, the hearing officer will hold a pre-hearing conference usually through a telephone conference which is transcribed by a court reporter. The pre-hearing conference is basically a pre-trial conference. The hearing officer can ask the parties to clarify their position, stipulate to certain facts, limit the number of witnesses and the length of time each party has to present their case, and attempt to help the parties settle the matter. All parties receive a copy of the transcript of the pre-hearing conference. At the conclusion of the pre-hearing conference, the hearing officer will issue a prehearing order (similar to a scheduling order) providing the date, time and location of the hearing, the issues that will be present before the hearing officer, relief requested by the filing party, deadlines to disclose evidence, exhibits and witnesses, and any other relevant information the hearing officer needs to provide to the parties.

The hearing offer must issue their ruling no later than forty-five (45) days after the end of the resolution period unless the parties have agreed to extend the deadline. If the school is required to take action to implement the hearing officer's rendition, the school must implement the hearing officer's ruling within the time frame specified in the hearing officer's ruling or if no date was provided by the hearing officer, within ten (10) days of the rendition. Either party can appeal the ruling of the hearing officer to the appropriate state or federal court within ninety (90) calendar days. During the appeals process, if the school was ordered to provide services or engage in course of action, the school must implement the hearing officer's rendition until the appeal is resolved.

A due process hearing is a semi-confidential process. A parent or legal guardian has the right to open the hearing to the public. Once the hearing officer rules, the rendition will be made public with all identifying information regarding the child or parents/legal guardians removed.

## **IX. Complaint and Resolution**

If the parent/legal guardian or even a person or organization unrelated to the child wants to invoke SPED Complaint and Resolution, they must do in writing within one (1) year of the date the complaint is filed with the TEA unless the timeline is extended for some extraordinary reason. This procedure is most often used when violations have occurred.

The person initiating the complaint and resolution process must provide facts to support the allegations in their complaint. Once the complaint is made, the TEA will then investigate the allegations alleged by reviewing all information and documents related to the allegations.

The TEA must issue a written decision called an investigative report that includes findings and conclusions explaining their decision no more than sixty (60) calendar days from the date the complaint was filed. If the TEA finds the school is in violation, the investigative report must address how the school is to correct the violation.

The SPED complaint and resolution process is confidential, in that the investigative report is released to the general public but with all identifying information of the child and the parent/legal guardians removed.

## Glossary of Terms

**Admission, Review and Dismissal (ARD):** The meeting in which special education supports and services for a student are determined and referred to as ARD meeting.

**Auditory Impairment (AI):** An impairment in hearing. It can be temporary or permanent but it must adversely affect a child's educational performance.

**Auditory Processing (Ga):** The ability to perceive, analyze, and synthesize a variety of auditory stimuli.

**Autism (AU):** A developmental disability significantly affecting verbal and nonverbal communications and social interactions that adversely affect a child's educational performance.

**Behavioral Intervention Plan:** A plan developed from the information in the Functional Behavior Assessment (FBA) that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings.

**Child Find:** The school's duty to identify children who are struggling and suspected of having a disability that adversely impacts their education.

**Comprehension-Knowledge or Crystallized Intelligence (Gc):** The breadth and depth of a person's acquired knowledge of a culture and the application of the knowledge – knowledge of one's culture, including verbal or language-based knowledge.

**Deaf-Blind (DB):** A simultaneous hearing and visual impairments that causes severe communication, developmental, and educational needs that cannot be accommodated in special education programs for children with deafness or children with blindness.

**Developmental Delay (DD):** A delay in one or more of the areas of physical development, cognitive development, communication, social or emotional development, or adaptive (behavioral) development. This is not recognized by the State of Texas.

**Due Process:** An administrative remedy available to parents and school districts to resolve special education disputes. It is a court like administrative hearing governed by IDEA and other laws.

**Emotional Disturbance (ED):** A condition exhibiting one or more of the following characteristics over a long period of time and to such a degree that adversely affects a child's education performance:

1. An inability to learn that cannot be explained by intellectual, sensory or health factors;
2. An inability to build or maintain satisfactory interpersonal relationships with children or teachers;
3. A general pervasive mood of unhappiness or depression;
4. A tendency to develop physical symptoms or fears associated with personal or school problems
5. Inappropriate types of behavior or feelings under normal circumstances.

**Fluid Reasoning (Gf):** The type of thinking used when facing a relatively new task that cannot be performed automatically – problem solving intelligence.

**Free Appropriate Public Education (FAPE):** Special education and related services that –

- 1) have been provided at public expense, under public supervision and direction, and without charge;
- 2) meet the standards of the State educational agency;
- 3) include an appropriate preschool, elementary school, or secondary school education in the State involved; and
- 4) are provided in conformity with the IEP required under §1414(d) of IDEA.

**Full Individual Evaluation (FIE):** Evaluation conducted by the school to determine the student's eligibility for special education. Also known as an **Initial Educational Evaluation**.

**Functional Behavior Assessment (FBA):** Behavioral assessment performed by the school involving the systematic collection and analysis of data over a period of time across many settings. It should utilize input from the school and from the parent and involve a scientific-like inquiry – not a simple filling out of a form.

**Individuals with Disabilities Education Act (IDEA) of 2004:** A federal law that requires schools to serve the educational needs of eligible students with disabilities.

**Independent Educational Evaluation (IEE):** An evaluation a parent can request that the school district pay for when the parent disagrees with the school's evaluation. It should be paid for by the school but performed by someone outside of the school district.

**Individualized Educational Plan (IEP):** A written statement for each child with a disability that is developed, reviewed, and revised in accordance with §1414(d) of IDEA. It should include objective and measurable goals and set forth the special education supports and services to be utilized.

**Intellectual Disability (ID):** This is when a child has significantly subaverage general intellectual function existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's performance.

**Learning Disability (LD):** This is a disorder in one or more of the basic psychological processes involved in understanding or in using language that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations including conditions such as Auditory Processing Disorder, Dyscalculia, Dysgraphia, Dyslexia, Language Processing Disorder, Non-Verbal Learning Disabilities, Visual Perceptual/Visual Motor Deficits.

**Least Restrictive Environment (LRE):** Law under IDEA mandating that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities are educated with children who are not disabled.

**Long-Term Retrieval (Glr):** The ability to take and save information and later retrieve the information using association.

**Manifestation Determination Review (MDR):** If a child with a disability engages in behavior or breaks a rule or code of conduct that applies to nondisabled children, and the school proposes to remove the child, the school must hold a hearing to determine if the child's behavior was caused by the disability.

**Multiple Disabilities (MD):** This is simultaneous impairments that causes such severe educational needs that they cannot be accommodated in the special educational programs solely for one of the impairments. This does not include DB.

**Non-categorical Early Childhood (EC):** A condition of developmental delay which impairs a child's functioning and which has a high predictability of impairing normal developmental performance. A difference must exist between a child's expected level of development and their actual level of development.

**Orthopedic Impairment (OI):** A severe orthopedic impairment that adversely affects a child's academic performance such as navigating the school hallways, writing assignments, participating in physical education.

**Other Health Impairment (OHI):** This is when a child has limited strength, vitality, or alertness including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment that is due to a chronic or acute health problem and adversely affects a child's educational performance.

**Prior Written Notice (PWN):** Written prior notice to the parents of the child a reasonable time before the local education agency:

- 1) Proposed to initiate or change; or
- 2) Refuses to initiate or change,

the identification, evaluation, or educational placement of the child, or the provision of a free appropriate education to the child

**Processing Speed (Gs):** The ability to process simple or routine visual information quickly and effectively to perform tasks based on the information.

**Review of Existing Evaluation Data (REED):** The school district reviews the existing evaluation data instead of performing a true reevaluation.

**Short-Term Memory (Gsm):** The ability to hold information and then use it within a few seconds. This is linked to working memory which is the ability to take verbal or visually present information, process the information and form a response.

**Speech Impairment (SI):** A communication disorder such as stuttering, impaired articulation, a language impairment or a voice impairment that adversely affects a child's educational performance.

**“Stay Put”; Maintenance of current educational placement:** With some exceptions for disciplinary matter appeals, during the pendency of any proceeding conducted pursuant to this section, unless the State or local education agency and the parents otherwise agree, the child shall

remain in the then-current educational placement of the child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed.

**Transition:** A coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-secondary activities. A transition plan must be included in a child with a disability's IEP beginning not later than the first IEP to be in effect when the child is 16 years of age.

**Traumatic Brain Injury (TBI):** An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance.

**Vision Impairment (VI):** An impairment in vision that even with correction adversely affects a child's performance in the educational setting. VI can be partial sight or complete blindness.

**Visual-Spatial Ability (Gv):** The ability to think about visual patterns and visual stimuli and the ability to generate, perceive, analyze, synthesize, manipulate, transform visual patterns/stimuli.

## **Useful Links**

**National Disability Rights Network** (<http://www.ndrn.org/index.php>)

**Education Law Resource Center** (<http://www.edlawrc.com/>)

**The Individuals with Disabilities Education Act** (<http://idea.ed.gov/>)

**Special Education Law Blog** (<http://specialedlaw.blogs.com/>)

**Wrightslaw** (<http://www.wrightslaw.com/>)

**Arc of Greater Houston** ([www.thearcofgreaterhouston.com](http://www.thearcofgreaterhouston.com))

**Disability Rights Texas** ([www.disabilityrightstx.org](http://www.disabilityrightstx.org))

**National ARD/IEP Advocates** (<http://narda.org>)