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Sec. 1. NONDISCRIMINATION POLICY

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 service, program, or activity provided or offered by UT Tyler University Academy
42 U.S.C. § 12132; 29 U.S.C. § 794(a); 34 C.F.R. § 104.4(a).

Sec. 2. FREE APPROPRIATE PUBLIC EDUCATION

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

Tex. Educ. Code § 29.003(a).

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 the Texas Education Agency ("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, 300.17, 300.36.

Sec. 3. LEAST RESTRICTIVE ENVIRONMENT

UT Tyler University Academy shall ensure that, to the maximum extent possible, children with disabilities shall be educated with children who are not disabled. Special educational classes, special education schooling, or other removal of children with disabilities from the general educational environment shall occur only when the nature or severity of the child's disability is such that education in general education classes with the use of supplementary aids and services cannot be satisfactorily achieved.

20 U.S.C. § 1412(a)(5); 34 C.F.R. § 300.114(a)(2).

Sec. 4. DISCIPLINE

All disciplinary actions regarding students with disabilities shall be determined in accordance with applicable federal regulations, Texas Education Code Chapter 37 (as applicable), and 19 Administrative Code § 89.1053.

19 T.A.C. § 89.1050(a)(4).

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Sec. 5. INSTRUCTIONAL ARRANGEMENTS AND SETTINGS

Instructional arrangements and settings shall be based on the individual needs and IEPs of eligible students receiving special education services. Instructional arrangements/settings include:

1. Mainstream: special education and related services provided to a student in the general education classroom in accordance with the student's IEP. Qualified special education personnel must be involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services to the student and/or the student's general education classroom teacher(s) necessary to enrich the general education classroom and enable student success. The student's IEP must specify the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum and/or appropriately advance in achieving the goals set out in the student's IEP. Examples of services provided in this instructional arrangement include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, educational aides, curricular or instructional modifications/accommodations, special materials/equipment, positive classroom behavioral interventions and supports, consultation with the student and his/her general education classroom teacher(s) regarding the student's progress in general education classes, staff development, and reduction of ratio of students to instructional staff. Monitoring students' progress in and of itself is not a special education service; this cannot be listed as the only specially designed instruction documented in a student's IEP.

2. Homebound: also referred to as home-based instruction, is for providing special education and related services who are served at their home for the following reasons:

   A. Medical reasons. Homebound instruction is used for a student whose Admission, Review & Dismissal ("ARD") committee has received medical documentation from a physician licensed to practice in the United States that the student is expected to incur full-day absences from school for a minimum of four weeks for medical reasons, which could include psychological disorders, and the ARD committee has determined that this is the most appropriate placement for the student. The absences do not have to be consecutive. For the ARD committee to approve this placement, the committee will review documentation related to anticipated periods of student confinement to the home, as well as whether the student is determined to be chronically ill or has any other unique medical circumstances that would require this placement in order to provide FAPE to the student. Documentation by a physician does not guarantee the placement of a student in this instructional arrangement/setting, as the student's ARD committee shall determine whether the placement is necessary for the provision of FAPE, and, if so, will determine the amount of services to be provided to the student at home in this instructional arrangement/setting in accordance with federal and state laws, rules, and regulations, including the provisions specified in 19 TAC § 89.1005(c);

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B. Children aged three through five years of age. Home-based instruction may be used for children ages three through five when determined appropriate by the child's ARD committee and as documented in the student's IEP. While this setting would generate the same weight as the homebound instructional arrangement/setting, the data on this setting may be collected differently than the medical homebound arrangement/setting;
C. Students confined to or educated in hospitals. This instructional arrangement/setting also applies as described in TEC § 29.014.

3. Hospital class: services provided in a classroom, hospital facility, or residential care and treatment facility not operated by UT Tyler University Academy as set forth in 19 TAC § 89.1055(e)(3);
4. Speech therapy: speech therapy services provided, whether in a general education classroom or setting other than a general education classroom.
   A. When the only special education service provided to a student is speech therapy, then this instructional arrangement may not be combined with any other instructional arrangement. If a student's IEP indicates that a special education teacher is involved in the implementation of the student's IEP but there is no indication of how that teacher provides a special education service, the student is in the speech therapy instructional arrangement/setting;
   B. When a student receives speech therapy and a related service but no other special education service, the student is in the speech therapy instructional arrangement/setting;
5. Resource room/services: This instructional arrangement/setting is for providing special education and related services to a student in a setting other than general education for less than 50% of the regular school day. For funding purposes, this will be differentiated between the provision of special education and related services to a student in a setting other than general education for less than 21% of the instructional day and special education and related services provided to a student in a setting other than general education for at least 21% of the instructional day but less than 50% of the instructional day;
6. Self-contained (mild, moderate, or severe) regular campus: This instructional arrangement/setting is for providing special education and related services to a student who is in a setting other than general education for 50% or more of the regular school day on a regular school campus. For funding purposes, mild/moderate will be considered at least 50% but no more than 60% of the student's instructional day, and severe will be considered more than 60% of the student's instructional day;
7. Off-home campus: This instructional arrangement/setting is for providing special education and related services as set forth in 19 TAC § 89.1055(e)(6);
8. Nonpublic day school: services provided through a contractual agreement with a nonpublic school;
9. Vocational adjustment class/program: Although referred to as a class, this instructional arrangement/setting is a support program for providing special education and related services to a student who is placed on a job (paid or unpaid unless otherwise prohibited by law) with regularly scheduled direct involvement by special education personnel in

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the implementation of the student's IEP. This instructional arrangement/setting shall be used in conjunction with the student's transition plan, as documented in the student's IEP, and may include special education services received in career and technical education work-based learning programs;

10. Residential care and treatment facility (not UT Tyler University Academy resident): services provided at a facility at which a student with a disability currently resides, who was not placed at the facility by the student's ARD committee, and whose parent or guardian does not reside in the district providing educational services to the student. This instructional arrangement/setting is for providing special education and related services to a student on a UT Tyler University Academy campus who resides in a residential care and treatment facility and whose parents do not reside within the boundaries of the school district that is providing educational services to the student. If the instruction is provided at the facility, rather than on a school district campus, the instructional arrangement is considered to be the hospital class arrangement/setting rather than this instructional arrangement, or if the student resides at a state-supported living center, the instructional arrangement will be considered the state school arrangement/setting. Students with disabilities who reside in these facilities may be included in the average daily attendance of the district in the same way as all other students receiving special education;
11. State supported living center: services provided to a student who resides at a state supported living center when the services are provided at the state supported living center location; or
12. Other program options, including contracts with other districts and programs approved by TEA.

19 T.A.C. § 89.1005.

Sec. 6. RELATED SERVICES

"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 a 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.

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