

Memorandum of Understanding 2013-2014

Attachment A

Procedure for Students Receiving Special Education Services

- I. School districts may expel a student with disabilities only after a duly constituted manifestation determination review (MDR) is conducted according to the Individuals with Disabilities Education Act (IDEA) provisions and regulations.
- DCJJAEP placement may result if:
- A. The expellable behavior is not a manifestation of the student's disability;
 - B. The expellable behavior falls within one of the special circumstances recognized by the (IDEA) (drugs, weapons, or serious bodily injury); or
 - C. The expellable behavior is a manifestation of the student's disability but the parent and the sending school district agree to a change of placement to the JJAEP as part of the modification of the behavior intervention plan. Notwithstanding the foregoing, the parties understand that no child with a disability who receives special education services may be placed in the DCJJAEP for solely educational purposes.
- II. The following procedures shall serve to establish a mechanism whereby DCJJAEP staff can communicate with, and provide input to, the ARD Committee regarding placement and the continuation of special education services to students while at the DCJJAEP.

Nothing in these Procedures shall be construed to relieve the DCJJAEP of its statutory obligations under Texas law to students eligible for special education services under the (IDEA). Likewise, nothing in these Procedures shall be construed to create a duty on the participating sending districts to indemnify the DCJJAEP for any failure to provide services that the DCJJAEP is required to provide under this MOU.

DCJJAEP, pursuant to the Memorandum of Understanding Regarding Dallas County Juvenile Justice Alternative Education Program (the "MOU") as it may be modified from time to time and (IDEA) shall provide special education instructional services in a full continuum of arrangements, as specified in the student's IEP.

Per 34 CFR § 300.114 Least Restrictive Environment (LRE) requirements.

(a) *General.*

- (1) Except as provided in § 300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and §§ 300.115 through 300.120.
- (2) Each public agency must ensure that-
 - (i) To maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
 - (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

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The student's IEP will include, as appropriate, a functional behavioral assessment (FBA), behavioral intervention services and modifications that are designed to provide instruction so that the behavior does not interfere with the ability of the student to receive an educational benefit.

- A. The sending school district will be responsible for the provision of Speech and any related services as specified in the student's IEP.
 - B. The sending school district will conduct any required evaluation or re-evaluation.
- III. Upon enrollment of a student who receives special education services, the DCJJAEP Special Education Designee will notify the special education administration from the sending school district. The Designee Will also notify special education administration when a student who is enrolled at DCJJAEP changes residence into a different school district.
- IV. During the time that the student is placed in the DCJJAEP, the sending school district and DCJJAEP agree as follows:
- A. The DCJJAEP special education teacher will review the IEP and inform the appropriate instructional staff regarding required IEP implementation, including identified accommodations and/or modifications needed to ensure progress toward the IEP. If a student's needs change, DCJJAEP staff shall notify the sending school district. The sending school district will promptly convene an ARD meeting with the appropriate school district staff and DCJJAEP staff to address the student's needs.
 - B. The DCJJAEP special education teacher shall serve as a consultant to the regular instructional staff regarding implementation of the IEP according to the frequency and duration of service necessary for the implementation of the student's IEP and in compliance with IDEA 2004 statutory requirements.
 - C. The sending school district is responsible for periodic monitoring of students' performance at DCJJAEP.
 - 1. Parents of students who receive special education services must receive progress reports at least as often as parents of regular education students or as identified in the student's current IEP documents. Such progress report must be based on progress on IEP goals and objectives and is in addition to the grade report.
 - 2. The DCJJAEP special education teacher shall assist in monitoring and documenting the progress of students who receive special education services. DCJJAEP will provide the sending school district information pertaining to each student's progress. This shall be a copy of the LEA's designated reporting period (6 or 9 weeks) IEP progress report sent to parents by DCJJAEP.
- V. The DCJJAEP Special Education Designee shall notify the special education administration of the sending school district at least three weeks prior to the return of a student to the district. The sending

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school district shall convene an ARD committee meeting with DCJJAEP general and special education staff to consider exit and transition to the sending school district. The DCJJAEP shall provide to the ARD committee:

1. Present level of academic achievement and functional performance
2. Updated goals and objectives
3. Proposed goals and objectives
4. Student's current report card and transcript
5. Summary of successful behavioral interventions

- VI. DCJJAEP administration shall ensure, and document, that all staff are trained annually and adhere to legal requirements of confidentiality.

DCJJAEP administrators shall ensure and document that all staff are trained annually and adhere to IDEA requirements and state regulations.