



**WINDHAM SCHOOL
DISTRICT**

NUMBER: OP-08.29
DATE: September 9, 2024
PAGE: 1 of 13
SUPERSEDES: N/A

OPERATING PROCEDURES

SUBJECT: STUDENTS WITH DISABILITIES

AUTHORITY: Americans with Disabilities Act (ADA); Individuals with Disabilities Education Act (IDEA); and Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. Part 104); Texas Department of Criminal Justice Administrative Directive AD 07.02, “Inmate Participation in Educational Programs and Services”

APPLICABILITY: Windham School District campuses

POLICY:

Windham School District (WSD) provides students access to programming and classes regardless of race, disability, sex, age, color, national origin, creed, religion, sexual orientation, ancestry, or any other legally-protected classification.

DEFINITIONS:

These definitions are meant only for this directive and may not apply in other contexts.

“Americans with Disabilities Act (ADA)” is a federal civil rights law that prohibits discrimination against people with disabilities. The ADA guarantees individuals with disabilities are afforded the same opportunities as individuals without disabilities to participate in and benefit from governmental services, programs, and activities, including correctional educational programming.

“Auxiliary Aids and Services” are methods to make information available to individuals with communication disabilities (such as hearing, vision, or speech disabilities) so they can receive and convey information to others as effectively as individuals without disabilities. Examples of auxiliary aids and services include qualified interpreters, notetakers, written materials, qualified readers, taped texts, audio recordings, braille materials, screen reader software, magnifiers, large print materials, and other similar services and actions.

“Campus Accessibility Coordinator” is the student advisor or designee who ensures students are notified of their rights under the ADA and coordinates the process of requesting accommodations or identifying the potential need for student accommodations.

“District Accessibility Coordinator” is the special education and federal programs administrator or designee who oversees the implementation of this directive.

“Student with a Disability” is a WSD student who has a physical or mental impairment that substantially limits one or more major life activities, a student who has a history or record of such an impairment, or a student who is perceived by others as having such an impairment.

“Individuals with Disabilities Education Act (IDEA)” is a federal law that makes available a free appropriate public education to eligible students under the age of 22 with disabilities, and ensures special education and related services to those students.

“Individualized Education Program (IEP)” is a written statement of a qualifying student’s special education goals and services that is developed, reviewed, and revised in accordance with IDEA.

“Reasonable Accommodation” is an adjustment or change to a program or a process designed to ensure students with disabilities have equal access to educational programming or testing and which does not fundamentally alter the nature of the educational program or testing. Students with identified disabilities will be provided accommodations designed to meet their individual needs and to ensure equal access to educational programming or testing. Accommodations may include extra time for task completion; or changes to the manner in which the course, practice test, or exam is conducted, or materials are distributed.

“Section 504 Plan” is a plan developed to ensure a student with a disability receives appropriate educational services and accommodations required under Section 504 of the Rehabilitation Act (Section 504), a federal civil rights law that protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance. A student may be eligible for a Section 504 Plan even if they are not eligible for special education under the IDEA.

“Special Education” refers to specially-designed instruction and related services, as identified by an IEP, to meet the unique cognitive, academic, communicative, social and emotional, motor ability, vocational, sensory, physical, or behavioral and functional needs of a student with a disability who is eligible under IDEA.

PROCEDURES:

I. General

- A. WSD will not deny qualified individuals with disabilities equal opportunity to participate in or benefit from educational programming or otherwise subject them to discrimination. WSD must provide reasonable accommodations to qualified students with disabilities by:
 - 1. providing appropriate auxiliary aids and services for persons with impaired sensory, manual, or speaking skills in its programs, unless offering a particular auxiliary aid or service would fundamentally alter the program or

would result in an undue burden;

2. properly evaluating requests for accommodations, auxiliary aids, or services, or other disability-related needs of individuals in its programming in accordance with the ADA;
3. considering past accommodations, auxiliary aids, or services received through an IEP or Section 504 plan, or in similar educational testing situations;
4. not prohibiting, preventing, or otherwise hindering an individual from seeking reasonable accommodations, and by assisting when necessary in submitting requests for accommodations, auxiliary aids, or services; and
5. developing procedures to ensure appropriate programming access is available to students in restrictive housing who are required to be in education programming, in accordance with TDCJ Administrative Directive AD-07.02.

- B. Students with disabilities who have not previously received special education services or who are not currently eligible for special education services may be entitled to reasonable accommodations in educational programming under the ADA and Section 504.

II. Student Requests for Accommodations in Educational Programming

- A. The campus accessibility coordinator must advise students about the accommodation request process upon admission into a WSD program, or when a student discloses a potential disability requiring assistance. A notice with information about requesting accommodations (Attachment A) must also be displayed on every campus, in English and Spanish, in an area that is easily visible to all students.
- B. A student may request accommodations in educational programming at any time by completing and signing the Student Accommodation Request (SAR) form (Attachment B), which asks the student to:
1. identify their disability;
 2. explain how the disability limits their access to educational programming or their ability to benefit from educational programming;
 3. detail the specific accommodations, auxiliary aids, or services they are requesting; and
 4. acknowledge willingness to participate in discussions, assessments, or examinations with education, medical, or behavioral health staff as necessary to resolve their request.

- C. The campus accessibility coordinator will help a student complete and submit their SAR form as needed.
- D. The student must submit the completed SAR form to the campus accessibility coordinator.
- E. Proper assessment of potential disabilities and associated needs is contingent upon WSD having sufficient information related to the request for accommodation; a student's refusal to participate in assessments or examinations, or failure to provide requested information or documents may affect the outcome of the request.

III. Staff Initiated Inquiry

- A. WSD's obligation to provide reasonable accommodations applies when WSD knows *or reasonably should know* that a student has a disability and needs an accommodation. Therefore, a WSD staff member who reasonably believes that a student may have a disability for which the student may need an educational accommodation must promptly notify the campus accessibility coordinator.
- B. Once a campus accessibility coordinator becomes aware that a student may have a disability for which the student may need an educational accommodation, the campus accessibility coordinator must meet with the student for interactive dialogue to determine:
 - 1. whether the student should submit an SAR because of a disability or possible disability;
 - 2. if further observation is needed; or
 - 3. that no action is necessary because no accommodation is needed.
- C. A student may refuse to participate in a disability-related inquiry and may waive their right to an accommodation at any time.

IV. Review of Student Accommodation Requests

- A. Campus Accessibility Coordinator
 - 1. The campus accessibility coordinator will review each submitted SAR form to ensure the form is complete, describes a disability or possible disability, and requests an accommodation that WSD may provide.
 - 2. An SAR form that identifies a serious health condition must be forwarded immediately to unit medical. An SAR form that may identify an accommodation requiring action by TDCJ or a medical provider must be forwarded to TDCJ Health Services Division within five business days.

3. The campus accessibility coordinator may discuss the request with the student to gather additional information about the request as needed.
4. Within three business days of obtaining information necessary to complete the request, the campus accessibility coordinator must submit a referral, with the SAR attached, using the designated method of submission.

B. District Accessibility Coordinator

1. The district accessibility coordinator will review the referral and SAR form, complete the Accommodation Determination form (Attachment C), and respond to the student within five working days, if possible.
2. The district accessibility coordinator may consult with appropriate educational, medical, behavioral health, and case management staff as necessary to confirm the student's disability and determine whether the requested accommodation is reasonable and appropriate.
3. During the review, the district accessibility coordinator must review whether:
 - a. the request involves a medical or mental health condition;
 - b. the student requires additional educational, medical, or behavioral health testing or evaluations to establish a disability, or to support future requests for accommodations in third-party testing;
 - c. the requested accommodations present safety or security concerns;
 - d. the requested accommodations require physical alterations to the facility; and
 - e. the student may be accommodated through alternative but equally effective means if their initial request is not feasible.
4. At the conclusion of the review, the district accessibility coordinator may:
 - a. approve the requested accommodations;
 - b. approve alternative accommodations;
 - c. deny the request for accommodations with an explanation; and/or
 - d. with prior approval from the student, refer the student for disability-related diagnostic testing to assess possible disability or to support a request for third-party testing accommodations when indicated.

5. Upon completing the review, the district accessibility coordinator will:
 - a. provide the student with a copy of the SAR form, a copy of the Accommodation Determination form, and any supplemental information;
 - b. complete any referrals for disability-related diagnostic testing;
 - c. make any necessary requests for records; and
 - d. upload and save the documentation in the student's electronic file and notify the campus accessibility coordinator and the student's teacher(s) of the completed review.


C. Accommodation Plan

1. The campus accessibility coordinator must develop a written implementation plan using the Student Accommodation Plan form (Attachment D) for all approved accommodations, in coordination with the student's teacher(s), specifying accommodations, how they will be implemented, and who is responsible for ensuring that they are implemented. Accommodations should be regularly reviewed for effectiveness, with consideration to the student's performance and feedback from the teacher and student.
2. Upon becoming aware of the transfer of a student with an accommodation plan in place, the campus accessibility coordinator must forward the student's accommodation plan to the student advisor or principal of the student's newly assigned campus.

V. Student Right to Appeal

- A. A student whose request for accommodation is denied or who is not satisfied with an approved alternative accommodation may seek reconsideration of their request by the department director of Instruction over Assessment, Advisement, and Records (department director of Instruction). The student must, within 30 calendar days of receiving their Accommodation Determination form, submit to the campus accessibility coordinator a completed Student Appeal of Accommodation Decision form (Attachment E) along with the SAR form and Accommodation Determination as returned to the student and any supplemental information provided to the student.
- B. Upon receipt, the campus accessibility coordinator must forward the student's appeal documents to the department director of Instruction.
- C. The department director of Instruction must respond to appeals within 15 business days of receiving the appeal and document the response in the student's electronic file. In response to an appeal, the department director of Instruction may:

1. approve the student's original request for accommodation;
2. approve evaluation or reevaluation of the student's claimed disability by the district accessibility coordinator. The approval for evaluation or reevaluation may include a referral for new or updated educational, medical, or behavioral health disability-related diagnostic testing or assessments. Upon being directed to evaluate or reevaluate a student for possible disability, the district accessibility coordinator may also refer the student within 30 days for new or updated educational, medical, or behavioral health disability-related diagnostic testing or assessments; or
3. deny the appeal. For all denied appeals, the department director of Instruction will provide a written explanation. The decision of the department director of Instruction is final within WSD, but the student will be provided with information about the U.S. Department of Justice in case they wish to submit a complaint.



Kevin Sawnick
Director of Instruction
Windham School District

Americans with Disabilities Act



Are you a Windham student that may require accommodations to be successful in education?

Contact Windham staff to complete the Student Accommodation Request Form or learn more about your options.





Acta para Americanos con Discapacidades ("Americans with Disabilities Act")

**¿Eres un estudiante de Windham que
puede requerir adaptaciones para tener
éxito en la educación?**

Contacta al personal de Windham para
completar la Solicitud de Adaptación
("Student Accommodation Request" en Inglés)
o para aprender mas acerca de cuales
son tus opciones.





**Windham School District
Student Accommodation Request**

Date Received by CAC:

Request Date:		Campus:	
Student Name:		TDCJ #:	

To be completed by student:

1. Did you receive Special Education or 504 services in public school?
 Yes, I received Special Education services. or Yes, I received 504 services.
 No, I did not receive Special Education or 504 services.

2. Do you have a disability? Yes No
If 'Yes', name or describe your disability: _____

3. Last grade attended:		4. Last year in public school:	
5. Last school attended:			

6. Accommodations Requested:

Extended time Large print Individual testing Oral administration
 Scribe Small group testing One test per day
 Other: _____

7. Explain how your disability limits your access to educational programming or ability to benefit from educational programming:

I am willing to participate in discussions, assessments, or examinations with education, medical, or behavioral health staff as necessary to resolve my request.

A student's refusal to participate in assessments or examinations, or their refusal to provide information or releases for WSD staff to obtain third-party records related to their disability or request for accommodation, may affect the outcome of their request if the WSD lacks sufficient information to assess their disability or disability-related needs.

Student Signature: _____

For Office Use Only			
Campus Response:	<input type="checkbox"/> Complete WSD referral	<input type="checkbox"/> Refer to college	<input type="checkbox"/> Refer to TDCJ

Accommodation Eligibility Determination

Response to request

Response to appeal (final)

Determination:		Student Name:	
<input type="checkbox"/>	Request approved		
<input type="checkbox"/>	Request approved with modifications	Student TDCJ#:	
<input type="checkbox"/>	Refer for evaluation or reevaluation		
<input type="checkbox"/>	Request denied	Determination Date:	

Student Right to Appeal

A student whose request for accommodation is denied or who is not satisfied with an approved alternative accommodation may seek reconsideration of their request. The student must, within 30 calendar days of receiving the response to their student accommodation request (SAR), submit to the campus accessibility coordinator a completed Student Appeal of Accommodation Decision form, along with the SAR form as returned to the student and any supplemental information provided to the student. A decision made in response to an appeal is final within WSD.

Additional information:



**Windham School District
Student Accommodation Plan**

Student Name:			
TDCJ #:		Campus:	

1. Roles and Responsibilities

Action to Implement:	Assigned to:

2. Accommodation measures are to be implemented from Start Date: **to** End Date:

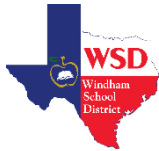
If end date exceeds one year from start date, this plan must be reviewed annually, as applicable, for effectiveness; the next review of this accommodation plan will occur on : Review Date:

Comments:

Student signature: _____ Date: _____

Campus accessibility coordinator (or designee) completing this Student Accommodation Plan:

Printed name:	Signature:	Date:



**Windham School District
Student Appeal of Accommodation Decision**

Date Received by DOI:

Student Name:		TDCJ #:		Campus:	
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Appeal (To be completed by student)

1. This request for reconsideration is for (check one):
 Accommodation denial
 Unsatisfactory alternative accommodation

2. What date did you receive a response to your request for accommodation(s)? _____

3. Accommodations Requested:
 Extended time Large print Individual testing Oral administration
 Scribe Small group testing One test per day
 Other: _____

4. Explain how the denial of accommodations limits your access to educational programming or ability to benefit from educational programming: