



Admission, Review, and Dismissal Committee

PLACEMENT IN A RESIDENTIAL FACILITY

October 1, 2021

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PLACEMENT IN A RESIDENTIAL FACILITY

What is Required

The District must provide a residential placement to a student with disabilities at no cost to the parents if the ARD Committee determines that such placement is necessary for the student to receive FAPE. District Special Education Administration may contract with a residential facility to provide some or all of the special education services listed in a student's IEP if the student cannot obtain an educational benefit in a less restrictive setting.

When the ARD Committee determines that a residential placement is necessary for FAPE, the ARD Committee must list the services in the IEP which the District is unable to provide and which the residential facility will provide, document the appropriateness of the facility, and verify during the initial ARD meeting and each subsequent annual ARD meeting that the facility meets minimum standards for health and safety, is needed, appropriate, and the LRE for the student. The ARD Committee must also establish, in writing, criteria and estimated timelines for the student's return to the District.

When making a residential placement, the District must comply with the use of funds for contract services requirements of the law. In addition, Campus Special Education Personnel must make an initial and an annual on-site visit to verify that the residential facility can, and will, provide the services listed in the student's IEP.

Texas School for the Blind and Visually Impaired (TSBVI) and Texas School for the Deaf (TSD)

Where appropriate based on the student's disability, the ARD Committee may determine that placement at the TSBVI or TSD is necessary. The ARD Committee must include in the IEP the services that TSBVI or TSD can appropriately provide and the criteria and estimated timelines for the student's return to the District. District Special Education Personnel may make an on-site visit to verify that TSBVI or TSD can and will offer the services listed in the student's IEP and to ensure an appropriate educational program for the student can be offered.

In-State Versus Out-of-State Placements

The District may only enter into a contract with an in-state public or private residential placement that maintains current and valid licensure for the particular disabling condition and age of the student. The facility must be approved by the Texas Commissioner of Education. The same applies for out-of-state placements, so long as the facility is approved by the appropriate agency in the state in which the facility is located.

Residential Approval and Application Process

Residential facilities which provide educational services must have their educational programs approved for contracting purposes by the Commissioner of Education. Approval may be for one, two, or three years, as determined by the TEA. The Commissioner will renew approvals and issue new approvals only for those facilities which have students already placed or which have a pending request for approval from the District.

If a residential facility which has not been approved by the Commissioner of Education is being considered by the ARD Committee, the District Special Education Administration will notify TEA in writing of its intent to place the student at the facility. TEA will begin the approval procedures and conduct an on-site visit within 30 calendar days after notification.

However, prior approval is not required where a residential facility is only to provide related services or where District or Campus Special Education Personnel are to provide the education services within the residential facility.

District Special Education Administration must submit an application to TEA to receive approval from the Texas Commissioner of Education prior to placing a student in a residential facility where the facility will provide educational services listed in the student's IEP. A residential application may *only* be submitted for educational purposes.

Reporting and Responsibility

The residential facility must periodically report to District Special Education Administration regarding the services the student has received or will receive in accordance with the contract, as well as any diagnostic or other evaluative information that is required to fulfill the District's obligations under the IDEA. If a student residentially placed by the ARD Committee changes residence to another Texas school district during the school year but remains in the residential facility, the District that placed the student remains responsible for the residential contract for the remainder of the school year.

Additional Procedures

The ARD Committee will consider several different factors related to the student's individual needs when determining if residential placement is needed, including, but not limited to:

- The District's efforts to provide special education services in a placement within the District, including the curriculum offered and the supplemental services provided;

- The educational benefits of receiving services on a traditional campus versus the educational benefits of receiving services in a residential facility;
- Any possible consequences, both for the individual student and for other students, of having the student educated in a placement within the District;
- Any physical or mental conditions or behavioral challenges prohibiting the student from receiving FAPE in a placement within the District;
- Any recommendations by evaluators or medical professionals in previous assessments related to residential placement; and
- Whether the demand for residential placement is primarily to provide educational benefit.

District or Campus Special Education Personnel must communicate any potential placement at a residential facility to the District Special Education Administration prior to any final decision regarding the placement.

If the ARD Committee determines that placement at a residential facility is necessary for the student to receive FAPE, the District will offer the program at no cost to the parents of the student. This may include transportation costs associated with travel to and from the residential facility for the student and/or the parents, as determined necessary and appropriate by the ARD Committee.

The ARD Committee will ensure that any in-state facility in which the ARD Committee seeks to place the student maintains current and valid licensure and has been approved or is in the process of being approved by the Texas Commissioner of Education prior to recommending placement. The ARD Committee will also ensure that any out-of-state facility in which the ARD Committee seeks to place the student maintains current and valid licensure and has been approved by the appropriate state agency in the state in which the facility is located.

Residential Application Process

District Special Education Administration will notify the TEA of its desire to contract with a residential facility through the residential application process for each individual student the District seeks to place in a residential facility. District Special Education Administration will also submit any request for approval of state and federal funding for residential placement through the residential application process.

District Special Education Administration will indicate the following in its request for approval:

- Placement is not due primarily to the student's medical problems;

- Placement is not due primarily to problems in the student's home;
- The ARD Committee has established criteria and timelines for the student to return to District;
- The ARD Committee has attempted to implement lesser restrictive placements prior to determining that this placement is necessary and appropriate, except in emergency situations as documented by the ARD Committee;
- Placement in the residential facility is more cost effective than alternative placements considered; and
- The residential facility does not provide unfundable/unapprovable services.

Reporting and Responsibility

District Special Education Administration will communicate with the residential facility at least once per District grading period to ensure that the student has received or will receive the services outlined in the contract and to discuss any diagnostic or other evaluative information where necessary.

District Special Education Administration will report all students placed in residential facilities to TEA through the Residential Facility Tracker by the end of the school year annually.

Evidence of Implementation

- ARD/IEP
- Continuum of Alternative Placements Considered
- Documentation of Communication with Residential Facility
- Documentation of Site Visits Prior to Placement
- Residential Application
- Approval of Residential Facility
- Residential Facility Tracker

Resources

[The Legal Framework for the Child-Centered Special Education Process: Placement in a Residential Facility - Region 18](#)

[Student Attendance Accounting Handbook \(TEA\)](#)

[Nonpublic Day and Residential Placement Notification and Application – \(TEA\)](#)

[Residential Facility Tracker - Texas Education Agency](#)

[Special Education in Residential Facilities - Texas Education Agency](#)

[OSEP Letter to Covall - U.S. Department of Education](#)

[Texas School for the Blind and Visually Impaired](#)

[Texas School for the Deaf](#)

CITATIONS

Board Policy EHBAC; Texas Education Code 29.008(d); 19 TAC 89.61(a)-(c), 89.1085(c)