

GAINESVILLE INDEPENDENT SCHOOL DISTRICT SPECIAL EDUCATION OPERATING PROCEDURES: ORTHOPEDIC IMPAIRMENT

The Gainesville ISD has entered into an Interlocal Agreement to cooperatively operate its special education programs under the authority of Tex. Ed. Code § 11.157. The Denton County Special Education Services Cooperative may provide for the efficient delivery of legally required special education and related services to the Gainesville’s eligible students with disabilities as set forth in the Interlocal Agreement, including the implementation of these Special Education Operating Procedures.

Gainesville ISD Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of Gainesville ISD, designed to be consistent with the State policies and procedures developed pursuant to the IDEA. Gainesville ISD *Special Education Operating Procedures* are not to be for the purpose of creating a requirement that is not otherwise imposed by the Individuals with Disabilities Education Improvement Act (“IDEA”), together with its implementing federal regulations, state statutes and rules, as they shall from time to time be amended, and shall not be construed to create a higher standard than that established by IDEA. These *Special Education Operating Procedures* will be posted on Gainesville ISD’s website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. Gainesville ISD’s *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. Gainesville ISD will make timely changes to policies and procedures in response to IDEA amendments, regulatory or rule changes, changes to state policy, or new legal interpretation as are necessary to bring Gainesville ISD into compliance with the requirements of IDEA. Gainesville ISD maintains systems to ensure that all students with disabilities residing in the District, including students with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and provided a free appropriate public education. Gainesville ISD maintains systems to ensure that students with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its implementing federal regulations, state statutes and rules) including with respect to the confidentiality of records and personally identifiable information.

ORTHOPEDIC IMPAIRMENT

A student with a severe orthopedic impairment adversely affecting her or his educational performance may be eligible for special education and related services. The phrase *orthopedic impairment* includes impairments caused by disease, like poliomyelitis or bone tuberculosis, as well as impairments from other causes, such as cerebral palsy, amputations, and fractures or burns that cause contractures.¹

The group of qualified professionals that collects or reviews evaluation data in connection with the determination of a student's eligibility based on an orthopedic impairment must include a licensed physician.² “Medical services” under IDEA are defined as services provided by a licensed physician to determine whether a child has a medically related disabling condition, which results in the child's need for special education and related services.³ The District will ensure that such services are at no cost to the parent.⁴

¹ 34 C.F.R. § 300.8(c)(8)

² 19 TEX. ADMIN. CODE §89.1040(c)(7)

³ 34 C.F.R. § 300.34(c)(5)

⁴ *Letter to Anonymous* (OSEP 6/3/2020)

The group of qualified professionals conducting an evaluation of a student suspected of having an orthopedic impairment will conduct assessments and observations, and collect data, as necessary for the ARD Committee to make an eligibility determination.

PRACTICE GUIDE— When evaluating a student suspected of having an orthopedic impairment, the group of qualified professionals conducting the evaluation may consider components such as a motor skills assessment. The group may want to consider additional components such as an assistive technology assessment and reports prepared by private providers. If appropriate to understand private evaluation reports, their recommendations or conclusions, the District may seek the parent’s or guardian’s consent to release and exchange confidential information with the private provider. The District may consider seeking consent for medical evaluation at District expense by professionals selected by the District, if necessary, to understand a student’s eligibility for special education and unique disability-related needs. Recommendations in the evaluation report should be based upon the student’s unique needs rather than the area of eligibility.

FOR MORE INFORMATION

In Texas, eligibility is determined by the student’s Admission, Review and Dismissal (ARD) committee.⁵ The phrase *multidisciplinary team* refers to the group of District staff tasked with using a variety of assessment tools and strategies to gather relevant functional, academic and developmental information about the student, including information provided by the parent, as part of the special education evaluation process.⁶ For more information, please contact the Director of Special Education.

Demonstrations of this procedure’s implementation may include, but are not limited to, examples such as:

- Multi-Tiered Systems of Support or Response to Intervention Data
- Student specific data collection and monitoring
- Observation data
- Evaluation reports
- Collection of information from parents and independent service providers
- ARD committee reports

⁵ 19 TEX. ADMIN. CODE § 89.1040(b); 19 TEX. ADMIN. CODE § 89.1050(a)(5)

⁶ 34 C.F.R. § 300.306