

FAPE

ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING

July 7, 2022

Model operating procedures created by



Student Solutions

and

**Thompson
& Horton** LLP
ATTORNEYS | COUNSELORS

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.

CONTENTS

ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING..... 1

 What is Required 1

 Individualized Education Program (IEP).....1

 Initial ARD Meeting3

 Developing the IEP3

 Periodic Review and Revision of the IEP4

 Recessing and Reconvening a Meeting5

 Mutual Agreement.....5

 Parent Request for an ARD Committee Meeting6

 IEP Facilitation.....6

 Notice of Procedural Safeguards7

 Additional Procedures 8

 Initial ARD Meeting8

 Developing the IEP9

 Periodic Review and Revision of the IEP11

 Recessing and Reconvening a Meeting11

 Mutual Agreement.....11

 Parent Request for an ARD Committee Meeting12

 Implementation and Documentation of IEP12

 Training13

 Notice of Procedural Safeguards14

 Evidence of Implementation..... 14

 Resources..... 15

CITATIONS 16

ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING

What is Required

The District will establish an Admission, Review, and Dismissal (ARD) Committee for each eligible student with a disability and for each student for whom an evaluation is conducted. See [FAPE-ARD COMMITTEE MEMBERSHIP] and [EVALUATION]. The ARD Committee is the group of qualified professionals and the parent of the student that determines whether the student is a student with a disability and the educational needs of the student. The ARD Committee is the team that develops the Individualized Education Program (IEP) for the eligible student with a disability and determines the educational placement of the student.

Individualized Education Program (IEP)

The IEP is the written statement for each student with a disability that is developed, reviewed, and revised by the ARD Committee. The IEP must include:

- A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or for preschool students, as appropriate, how the disability affects the student's participation in appropriate activities;
- A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum; and meet each of the student's other educational needs that result from the student's disability, and, for students with disabilities who take alternate assessments aligned to alternate academic achievement standards, a description of benchmarks or short-term objectives;
- A description of how the student's progress toward meeting the annual goals described above will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;
- A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program

modifications or supports for school personnel that will be provided to enable the student to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum, and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students;

- An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class;
- A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on State and districtwide assessments;
- If the ARD Committee determines that the student must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why the student cannot participate in the regular assessment; and why the particular alternate assessment selected is appropriate for the student; and
- The projected date for the beginning of the services and modifications described above, and the anticipated frequency, location, and duration of those services and modifications.

The ARD Committee may use the TEA's model IEP form. Other than the elements listed above and what is included in TEA's model IEP form, additional information need not be included in the student's IEP. In addition, the ARD Committee need not include information under one component of the student's IEP that is already contained elsewhere in the IEP.

The District must have an IEP in effect at the beginning of each the school year for each student with a disability ages 3 through 21 enrolled in the District. For a student with a disability who transfers into the District within the same year or during the summer, from another district within Texas or a district outside of Texas, the District will comply with the transfer rules and procedures regarding evaluations and the provisions of an IEP. See [CHILD FIND - CHILDREN WHO TRANSFER]. In addition, FAPE must be available for students with visual impairments, or who are deaf or hard of hearing from birth as set out in an Individualized Family Service Plan (IFSP) for those students birth through 2 years of age and an IEP for those students age 3 or older. See [CHILD FIND – AGES 0-5] and [DISABILITIES – Visual Impairment, Deaf or Hard of Hearing, and Deaf-Blindness].

The IEP is developed and agreed upon at an initial ARD Committee meeting and revised as needed, but no less than once annually. Campus Special Education Personnel must provide the parent with written notice prior to any ARD meeting to allow the parent the opportunity to meaningfully participate in the meeting and provide Prior Written Notice of any proposed change to the student's IEP following the ARD meeting before any changes

may be implemented. See [PARENT PARTICIPATION] and [PRIOR WRITTEN NOTICE]. In addition, an ARD Committee must include certain individuals and members, including the parent. For a full discussion regarding who must attend an ARD meeting and legal excusal of required members and having an ARD meeting without a parent, see [FAPE-ARD COMMITTEE MEMBERSHIP].

Initial ARD Meeting

At the initial ARD meeting, the ARD Committee must determine if the student is eligible for special education services based on the initial FIE and, where appropriate, placement in special education and the development of an IEP, within 30 calendar days from the date of the completion of the written initial FIE report.

The ARD Committee may wait to finalize decisions until the first day of classes in the fall if the 30th day falls during the summer when school is not in session, unless the initial evaluation indicates that the student will require Extended School Year services during that summer. See [EXTENDED SCHOOL YEAR SERVICES]. If the District received written consent for the evaluation from the parent at least 35 but fewer than 45 school days before the last instructional day of the school year and the student was not absent from school three or more days between the time the District received written consent and the last instructional day of the school year, the ARD Committee is only required to meet prior to the 15th school day of the following school year, unless the initial evaluation indicates that the student will require Extended School Year services during that summer. If the Initial evaluation indicates that the student will require Extended School Year services during that summer, the ARD Committee must convene as early as possible. A school day does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent school term.

Developing the IEP

The District must provide all members of the ARD Committee the opportunity to collaboratively participate in developing the IEP. The ARD Committee must consider:

- The student's strengths;
- The parent's concerns regarding the student's education;
- The results of the initial evaluation or most recent evaluation of the student; and
- The academic, developmental, and functional needs of the student.

The ARD Committee must decide whether the student's IEP will last for the entire year or if the IEP will be for a shorter duration.

Service Providers and Campus Special Education Personnel will ensure that special education and related services are provided to the student in accordance with the

student's IEP as soon as possible following the development of the IEP at the ARD meeting, and in compliance with Prior Written Notice requirements. See [PRIOR WRITTEN NOTICE].

Periodic Review and Revision of the IEP

The ARD Committee must periodically review the student's IEP to assess the student's progress. At a minimum, the IEP should be reviewed annually to determine whether the student has achieved the annual goals. Where necessary, the ARD Committee must revise the IEP to address:

- Any lack of expected progress toward the annual goals and in the general education curriculum, if needed;
- The results of any reevaluation;
- Information about the student provided to, or by the parent, in a Review of Existing Evaluation Data, see [REVIEW OF EXISTING EVALUATION DATA];
- The student's anticipated needs; or
- Additional matters.

The ARD Committee must convene to address transition goals for the student if a participating agency, other than the District, fails to provide transition services outlined in the student's IEP. See [TRANSITION SERVICES].

If the student has been reevaluated, the ARD Committee and District Special Education Personnel should encourage the consolidation of any meetings related to the evaluation with other ARD Committee meetings.

The entire ARD Committee must convene an ARD meeting to make changes to an IEP unless the ARD Committee amends the IEP through the IEP amendment process. See [AMENDMENT WITHOUT A MEETING].

For students with a Behavior Intervention Plan ("BIP") included in the IEP, the BIP must be reviewed by the ARD Committee annually or more frequently as appropriate. The review must consider changes in circumstances that may impact the student's behavior, the safety of the student, and the safety of others. Examples of changes in circumstances that may impact the student's behavior to be considered include:

- Changes of placement
- An increase or persistence in disciplinary actions taken for similar types of behavioral incidents
- A pattern of unexcused absences
- An unauthorized departure from an educational setting

This list is not exhaustive.

Recessing and Reconvening a Meeting

If possible, the ARD Committee must reach mutual agreement regarding a decision of the ARD Committee related to the required elements of the IEP. If mutual agreement is not reached, the District must offer the parent a single opportunity to recess and reconvene the ARD Committee meeting at a mutually agreed upon time and place within 10 school days of the ARD meeting, unless the parties mutually agree otherwise. However, the ARD Committee is not required to offer a recess and reconvene if the student's presence on the campus presents a danger of physical harm to the student or others or if the student has committed an expellable offense or an offense that might lead to a placement in a disciplinary alternative education program.

During the recess period, members of the ARD Committee should consider alternatives, gather additional data, prepare additional documentation, and/or seek additional individuals to help the ARD Committee reach a mutual agreement.

Should the ARD Committee still fail to reach a mutual agreement after it reconvenes, the District must implement the IEP that it has determined to be appropriate for the student after giving the parent Prior Written Notice and waiting the required five (5) school days. See [PRIOR WRITTEN NOTICE]

The ARD Committee may also recess an ARD meeting for reasons other than the failure to reach mutual agreement.

Mutual Agreement

Where mutual agreement is reached, the IEP must include:

- The date of the meeting;
- The name, position, and signature of each ARD Committee member participating in the meeting; and
- An indication of whether the student's parents, the adult student (if applicable), and the Campus Administrator agreed or disagreed with the decisions of the ARD Committee.

If mutual agreement is not reached, the IEP must include a written statement explaining the reason for the disagreement. In addition, each member, including the parent, who disagrees with the IEP is entitled to include their own statement of disagreement in the IEP.

Parent Request for an ARD Committee Meeting

A parent may request an ARD Committee meeting at any time and for any reason. Upon receipt of a written request for an ARD Committee meeting from the parent, the Campus Special Education Personnel must schedule and convene the meeting or, within 5 school days, provide the parent with Prior Written Notice explaining why the District refuses to convene the meeting. See [PARENT PARTICIPATION] and [PRIOR WRITTEN NOTICE]

IEP Facilitation

IEP facilitation refers to a method of alternative dispute resolution that involves the use of a trained facilitator to assist an ARD Committee in developing an IEP for a student with a disability. The facilitator uses facilitation techniques to help the committee members communicate and collaborate effectively. While the District is not required to offer IEP facilitation as an alternative dispute resolution method, TEA encourages the use of IEP facilitation.

The District is not prohibited from incorporating elements of IEP facilitation into ARD Committee meetings that are conducted without the assistance of a facilitator. For example, the District may provide training on communication skills, conflict management, or meeting effectiveness to individuals who participate in ARD Committee meetings to enhance collaboration and efficiency in those meetings.

If the District chooses to offer IEP facilitation, it may use independent contractors, employees, or other qualified individuals as facilitators. At a minimum, an individual who serves as a facilitator must:

- (1) have demonstrated knowledge of federal and state requirements relating to the provision of special education and related services to students with disabilities;
- (2) have demonstrated knowledge of and experience with the ARD Committee meeting process;
- (3) have completed 18 hours of training in IEP facilitation, consensus building, and/or conflict resolution; and
- (4) complete continuing education as determined by the District.

IEP facilitation must be voluntary on the part of the participants and must be provided at no cost to the parents. Additionally, the District may not use IEP facilitation to deny or delay the right to pursue a special education complaint, mediation, or due process hearing in accordance with federal law.

A facilitator is not a member of the ARD Committee and has no decision-making authority over the ARD Committee meeting. The facilitator must be impartial and cannot provide

input or an opinion into the development of a student's IEP. A facilitator assists with the overall organization and conduct of the ARD Committee meeting by:

- assisting the committee in establishing an agenda and setting the time allotted for the meeting,
- assisting the committee in establishing a set of guidelines for the meeting,
- guiding the discussion and keeping the focus on developing a mutually-agreed-upon IEP for the student,
- ensuring that each committee member has an opportunity to participate,
- helping to resolve disagreements that arise, and
- helping to keep the ARD Committee on task and within the time allotted for the meeting.

If the District at any time chooses to offer IEP facilitation, the District will develop a written Board policy in accordance with state law.

TEA has also developed information regarding TEA IEP Facilitation as an alternative dispute resolution method, and such information is available upon request from TEA and on the TEA website. TEA IEP Facilitation may be used at the request of the parent and the District when an ARD ends in disagreement. The parent and the District may request an independent facilitator from TEA to attend the reconvene ARD meeting by completing and submitting the required form within 5 days of the ARD Committee meeting that ended in disagreement.

Notice of Procedural Safeguards

The District must adopt and implement appropriate procedural safeguards regarding the identification, evaluation, or educational placement of students with disabilities or those who are suspected of having disabilities. District or Campus Special Education Administration or Personnel or District Assessment Personnel must provide the parents of a student with a disability a copy of the *Notice of Procedural Safeguards* at least one (1) time per school year and in the following circumstances:

- Upon initial referral or parent request for evaluation. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES];
- Upon receipt of the first State complaint or due process complaint in a school year. See [TEA COMPLAINT PROCEDURES] and [DUE PROCESS COMPLAINTS];
- In accordance with discipline procedures set forth under the IDEA. See [DISCIPLINE SECTIONS]; and
- Upon request by a parent.

A parent may elect to receive the copy of the *Notice of Procedural Safeguards* via e-mail if the District makes that option available.

The *Notice of Procedural Safeguards* must be written in a language understandable to

the general public and provided in the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District must take steps to ensure that the notice is translated orally or by other means to the parent in the native language or other mode of communication. The District must also ensure that the parent understands the content of the notice.

Additional Procedures

Campus Special Education Personnel will be responsible for compiling and processing the student's ARD paperwork in accordance with the ARD forms utilized by the District. District Special Education Personnel may periodically review a random sampling of ARD documents within the District to ensure that all required components of the IEP are addressed by the ARD Committee for each student with a disability.

District Special Education Personnel will provide training regarding the role and duties of the ARD Committee and the components of the ARD document for all Campus Personnel.

Initial ARD Meeting

District or Campus Assessment Personnel will notify Campus Special Education Personnel upon completion of the written initial FIE report. Campus Special Education Personnel will keep a schedule of completion dates to ensure that all initial ARD meetings are held within 30 calendar days of the completion of the initial FIE (or within the appropriate time frame for evaluations completed during the summer). District or Campus Assessment Personnel will ensure that the parent has been provided a copy of the student's initial FIE with enough time to allow the parent the opportunity to review the report prior to the ARD meeting. District or Campus Assessment Personnel will also, upon request of the parent, schedule a time to go over the initial FIE with the parent prior to the initial ARD meeting.

Campus Special Education Personnel will invite the parent to the initial ARD meeting and provide written notice to the parent at least 5 school days before the meeting—unless the parent has agreed to a shorter time frame. If a parent is non-responsive to communication, after several attempts at communicating with the parent, Campus Special Education Personnel will send the parent notice of the scheduled ARD meeting, and the ARD Committee will convene without the parent within the required timeframe. See [PARENT PARTICIPATION].

For evaluations completed when school is not in session, the ARD Committee will document efforts to determine if the student needs ESY services and the final decision of the ARD Committee. If the ARD Committee determines that ESY services are not needed, Campus Special Education Personnel will communicate with the parent to schedule the initial ARD meeting once school resumes. If ESY is needed, the initial ARD meeting will

be scheduled as soon as possible before ESY begins.

After the initial ARD meeting is complete, Campus Special Education Personnel must provide the parent Prior Written Notice and obtain informed consent for the provision of special education and related services from the parent. See [CONSENT FOR SERVICES]. Following receipt of consent, Campus Special Education Personnel must wait five (5) school days before special education and related services may be provided to the student, unless the 5-days notice is waived by the parent. See [PRIOR WRITTEN NOTICE].

Developing the IEP

The Campus Special Education Personnel will follow and share the ARD Agenda for the ARD Committee meeting. The ARD Agenda provides a specific order in which information is presented and discussed during the ARD Committee meeting. This order should be followed by the ARD Committee to ensure that assessment leads to the development of accommodations, goals and objectives, and that accommodations, goals and objectives lead to a determination of services to be provided, and services lead to placement. Following the ARD Agenda ensures that a student's placement and services are determined by the student's needs. The ARD Agenda should include the following topics, if applicable, in this order:

- (1) Introductions
- (2) Purpose of ARD
- (3) Statement of Confidentiality and Norms for the Meeting
- (4) Review of Evaluation Data and Other Information
- (5) Determination of Eligibility
- (6) Consideration of Special Factors
- (7) Present Levels of Academic Achievement and Functional Performance
- (8) Accommodations
- (9) Goals and Objectives
- (10) Assistive Technology
- (11) Graduation Plan (if applicable for student's age)
- (12) Transition (if applicable for student's age or AU eligible)

- (13) Determination of Participation in State and District Assessments
- (14) Behavior Intervention Plan (if applicable)
- (15) Determination of Special Education and Related Services
 - a. Instructional Services
 - b. Related Services
 - c. Supplementary Aids & Services
 - d. Accelerated Instruction/Intensive Program of Instruction
 - e. Compensatory Services
 - f. Least Restrictive Environment Considerations
- (16) Extended School Year Services
- (17) Placement Determination
- (18) Review of Deliberations/Minutes
- (19) Assurances
- (20) Signatures of Committee Members

All members of the ARD Committee must work together in a collaborative manner to develop the IEP. At the beginning of the ARD meeting, the Special Education Administrator will ensure that all required members are in attendance and set ground rules for participation and collaboration, including setting reasonable time limitations, if necessary. The following statement may be read: *“In order to facilitate a collaborative environment, participants will conduct themselves in a courteous manner. This expectation must be followed in order to work together to develop an appropriate educational plan for the student. All participants will conduct themselves professionally at all times during this ARD meeting. Unnecessary outbursts, rude or unprofessional behavior will result in the administrator requesting the removal of the party from the committee meeting. This action could result in a recess of the meeting and rescheduling for another date and time.”*

District Special Education Personnel will provide opportunities for training on communication skills, conflict management, or meeting effectiveness to individuals who participate in ARD Committee meetings to enhance collaboration and efficiency in those meetings.

Periodic Review and Revision of the IEP

Campus Special Education Personnel will keep a schedule to ensure that all IEPs are reviewed, at a minimum, annually. Aside from annual ARD meetings, an ARD meeting may be called for a variety of reasons, including, but not limited to, the following:

- Upon request by a member of the ARD Committee to discuss concerns related to the student;
- The student has already mastered or is not likely to master the annual goals in the IEP;
- Additional academic or behavioral goals or objectives need to be added or modified;
- Issues with student placement;
- Accommodations or modifications need to be addressed prior to State Assessments;
- Attendance or disciplinary issues;
- Possible dismissal from special education services;
- Receipt of new information, diagnoses, or evaluations;
- Hospitalization; and/or
- At the request of a parent.

Recessing and Reconvening a Meeting

Campus Special Education Personnel will consult with the parent at the end of the disagreed or recessed ARD meeting to determine the time and place for the reconvened ARD meeting. If the parties mutually agree to hold the reconvene after 10 school days have passed, Campus Special Education Personnel will obtain a written statement from the parent agreeing to the delay.

In addition to considering alternatives, gathering data, preparing further documentation, and/or obtaining additional resources to assist in enabling the ARD Committee to reach mutual agreement, Campus Special Education Personnel should consult with the Campus Principal to determine if a staffing should be held prior to the reconvene ARD meeting to discuss alternative options and proposals and review additional information collected by the Campus.

In particularly challenging ARDs where it looks like mutual agreement may not be possible even following the recess, Campus Special Education Personnel will consult with the Campus Principal to determine whether it would be beneficial to request an IEP facilitator through TEA. If the Campus determines that an IEP facilitator would be helpful, Campus Special Education Personnel will contact the parent to seek consent for the request.

Mutual Agreement

The ARD Committee will make every effort to ensure that mutual agreement regarding

the IEP can be reached. However, the ARD Committee will not reach decisions based upon a majority vote. If mutual agreement cannot be reached, the ARD Committee will offer the parent a single opportunity to recess for up to 10 school days or another mutually agreeable time. Additionally, the ARD Committee will document all recommendations by the ARD Committee in which the parent disagrees, as well as the parent's position of disagreement, in the ARD minutes.

The ARD Committee will provide the parent a copy of their procedural safeguards and explain the process for resolving the disagreement if the ARD Committee is unable to reach mutual agreement after the recess. The ARD Committee will also notify the parent that the IEP will be implemented in 5 school days from receipt of the Prior Written Notice. The ARD Committee and all Campus Personnel will act professionally towards the student's parent should the parent exercise their right to disagree with the decisions of the ARD Committee.

Parent Request for an ARD Committee Meeting

Campus Special Education Personnel will provide the parent a copy of the *Parent's Guide to the Admission, Review, and Dismissal Process*, informing the parent of the right to request an ARD meeting to discuss educational concerns about their student. See [PARENT PARTICIPATION].

All written requests from a parent for an ARD meeting should immediately be provided to Campus Special Education Personnel. Upon receipt of a written request for an ARD meeting from the parent, Campus Special Education Personnel will contact the parent to schedule the ARD meeting on a mutually agreeable date and time. Campus Special Education Personnel will then notify the ARD Committee members of the scheduled ARD meeting.

Campus Special Education Personnel will maintain all documentation related to written requests for an ARD meeting from the parent and the District's efforts to schedule and convene the meeting within a reasonable time.

Implementation and Documentation of IEP

Following the completion of the ARD meeting and prior to the beginning date of implementation of the IEP, the student's Special Education Case Manager will provide a copy of the IEP to all Campus and District Personnel—including general education teachers, support staff, service providers, etc.—who work with the student. Campus and District Personnel shall receive an entire copy of IEP, including but not limited to the Present Levels of Academic Achievement and Functional Performance, Accommodations, Annual Goals, Schedule of Services, Transition Plan (if applicable), Graduation Plan (if applicable), and Behavior Intervention Plan (if applicable). Campus and District Personnel shall also receive a copy of the minutes/deliberations from the ARD meeting to ensure full understanding of the decisions made by the ARD Committee. The Special Education Case Manager will review the information in the IEP, including any

changes from the previous IEP, and ensure the Campus and District Personnel understand the content of the IEP. The Special Education Case Manager will obtain a signature from each Campus and District Personnel, confirming receipt and understanding of the IEP.

Following the ARD meeting, District and Campus Special Education Administration will ensure the student's schedule aligns with the services described in the IEP by comparing the Schedule of Services section of the IEP with the student's calendar. This includes communicating with service providers regarding the provision of related services. Campus Special Education Administration shall adjust the student's schedule as needed to ensure the student's schedule aligns with the services described in the IEP.

Once an IEP is written and placement is determined, the District is obligated to provide the special education and related services listed in the IEP. Documentation is essential to demonstrate implementation of special education and related services set forth in the IEP. Campus and District Personnel, including but not limited to special education teachers, general education teachers, and service providers are responsible for documenting the delivery of special education and related services.

Implementation of the entire IEP must be documented, including: Accommodations, Special Education Minutes, Related Service Minutes, Participation with General Education Peers, Progress towards IEP Goals and Objectives, Interventions Used and Effectiveness of Same, Transition Services (where applicable), Assistive Technology (where applicable), Behavior Intervention Plan (where applicable), Compensatory Services (where applicable), and Accelerated Instruction (where applicable). Methods and forms used for documenting special education and related services may vary. Examples of documentation of special education and related services include, but are not limited to, service logs, notes in a grade book or spreadsheet, checklists, tally marks, copy of assessments/teacher notes/study guides, formal assessments, point sheets, rubrics, skills trials, observations, classwork and assignments, report cards, District-wide documentation logs, etc. Documentation must be consistent and easy to understand. Campus and District Personnel working with students with disabilities will be regularly trained on methods for documenting special education and related services, as well as the legal and instructional importance of documentation.

The District will also maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

Training

All Campus and District Personnel who work with students with disabilities will receive, at a minimum, annual training regarding the ARD/IEP process.

Notice of Procedural Safeguards

The District will provide parents the most current version of the *Notice of Procedural Safeguards* published by the Texas Education Agency's ("TEA") Department of Special Education. This version complies with the legal requirements under the IDEA regarding the content of the notice. The District must provide this version as written—including the wording and formatting—by the TEA, with the exception of adding local contact information in the designated space. In addition to providing the parent a printed copy, the District shall also place an electronic copy of the *Notice of Procedural Safeguards* on its website.

The most recent printable, electronic version of the *Notice of Procedural Safeguards* is available in both English and Spanish on the Region 18 Education Service Center's Legal Framework for the Child-Centered Special Education Process website [here](#). Moreover, the Special Education Information Center (SPEDTex) has translated the *Notice of Procedural Safeguards* into several languages, which are available for download from their website [here](#), including: English, Spanish, Arabic, Bengali, Burmese, Chinese, Farsi, French, German, Gujarati, Hindi, Japanese, Khmer, Korean, Kurdish, Laotian, Nepali, Portuguese, Russian, Swahili, Somali, Tagalog, Urdu, and Vietnamese.

If the parent declines a copy of the *Notice of Procedural Safeguards* following an offer from Campus Special Education Personnel, the District is not required to provide the parent an electronic or paper copy but should document when it offered the parent a copy and that such offer was declined.

The Campus Special Education Personnel shall document in writing that the parent has received a copy of the *Notice of Procedural Safeguards* translated in the parent's native language or other mode of communication. This will help demonstrate that the parent received the notice in a timely manner and was aware of the safeguards provided to them under the IDEA.

The District must maintain the documentation in the student's special education folder. Such documentation may be subject to compliance review through the State's monitoring system. Where appropriate, the District may document receipt in the ARD document itself. However, if the parent is not present in the ARD meeting and/or does not sign the ARD document, the District shall document receipt in an additional location and maintain the documentation in the student's special education folder.

Evidence of Implementation

- *Receipt of Parent's Guide to the Admission, Review, and Dismissal Process*
- *Parent's Guide to the Admission, Review, and Dismissal Process*

- Receipt of *Notice of Procedural Safeguards*
- *Notice of Procedural Safeguards*
- FIE (to document date completed)
- ESY Documentation
- Notice(s) of ARD meeting
- Written Requests for ARD Meetings
- Schedule of Deadlines for ARD Meetings
- Attempts to Contact the Parent or Guardian to Ensure Parental Participation in ARD Meeting
- Draft IEP
- ARD/IEP
- ARD Attendees Sheet
- Signature Page of ARD/IEP
- Notice(s) of ARD Meetings
- Prior Written Notice(s) of Decisions in ARD Meetings
- Documentation of Recess Activities
- Statement(s) of Disagreement
- Parent Requests for ARD Meeting and Response
- ARD Committee Training
- ARD/IEP Training
- Receipt of IEP By Service Providers
- Documentation of Implementation of IEP
- Related Services Service Logs
- Documentation for the State in TSDS, PEIMS, and SPP
- Notice of Procedural Safeguards
- Posting of Notice of Procedural Safeguards on District Website
- Provision of Notice of Procedural Safeguards in Parent's Native Language or Other Mode of Communication
- Notice of Receipt of Procedural Safeguards

Resources

[The Legal Framework for the Child-Centered Special Education Process: Rule of Construction Framework – Region 18](#)

[IEP Model Form – Texas Education Agency](#)

[Admissions Review Dismissal \(ARD\) Committee - SPEDTEX](#)

[The Legal Framework for the Child Centered Special Education Process: Admission, Review, and Dismissal Committee Meeting Framework - Region 18](#)

[Parent's Guide to the Admission, Review, and Dismissal Process - Texas Education Agency](#)

[Guidance on Procedural Safeguards Production and Required Dissemination - Texas Education Agency](#)

[Notice of Procedural Safeguards - SPEDTex \(Last Updated Feb. 2021\)](#)

[Notice of Rights - Texas Project FIRST](#)

[Know Your Rights Video - SPEDTex \(2019\)](#)

[Parent's Guide to the ARD Process - SPEDTex \(Last Updated Feb. 2021\)](#)

[IDEA Part B Procedural Safeguards Q&A - U.S. Department of Education \(June 30, 2020\)](#)

[Letter to Clayton - U.S. Department of Education \(Nov. 30, 2007\)](#)

[Guidance on ARD Guide Production and Required Dissemination - Texas Education Agency](#)

[Individualized Education Program Facilitation - Texas Education Agency](#)

[OSEP Letter to Richards \(Jan. 7, 2010\) - U.S. Department of Education](#)

[House Bill \(HB\) 785: Frequently Asked Questions - Texas Education Agency](#)

CITATIONS

Board Policies EHB, EHBA, EHBAB, EHBAE, FOF; 20 USC 1415; 34 CFR 300.503-300.504, 300.305(a)(2), 300.306(a)(1), 300.320(a), 300.320(d), 300.321(a), 300.323, 300.324, 300.530(h); 71 Fed. Reg. 46,692 (2006); Texas Education Code 29.004, 29.005, 29.0051(c), 29.019, 29.020; 19 TAC 89.1011, 89.1040(b), 89.1050(a), (e),(g), 89.1055, 89.1196, 89.1197