

ARD Committee Procedures

In Texas public schools, the Admission, Review, and Dismissal (ARD) Committee serves as the Individualized Education Program (IEP) team defined in federal law and IDEA regulations. At the beginning of each school year, CFISD must have an IEP in effect for each enrolled child with a disability who resides within its jurisdiction.

CFISD ARD Committees develop goals and objectives for all students receiving special education services. The ARD Committee, including parents or surrogate parents, meets at least annually to develop measurable annual goals and, in some circumstances short-term objectives for the student. These goals and objectives are designed to meet the student's educational needs that result from his/her disability and to allow him/her to make progress in the general education curriculum

For parents to enjoy meaningful participation in ARD Committee meetings, it is the expectation the case manager provide the parent a draft of the PLAAFP and goals and objectives at least 2 days prior to the scheduled ARD meeting for their review and the ARD deliberations should document this information.

The required members of the ARD Committee are determined by Texas Education Agency regulations, local guidelines, and the purpose of the meeting. The facilitator of the committee is responsible for assuring that all required members are in attendance and understand their roles for contributing to the ARD process.

The written report of the ARD Committee documents the decisions of the committee with respect to issues discussed during the meeting. The report includes deliberations of the meeting, the date, names, positions and signatures of the members participating in each meeting and indicates whether mutual agreement has been reached. Parents/adult students are provided with a copy of the ARD documents at the conclusion of the ARD Committee meeting or within a reasonable time after the meeting. The first copy of the document is provided at no cost to the parent/adult student. CFISD appraisal staff members provide the student's instructors with relevant documents immediately following the ARD Committee meeting or within a reasonable time after the meeting has occurred.

CFISD, the parent, or the adult student may audio-record the ARD Committee meeting. All participants in the meeting will be informed that audio-recording is taking place and the use of audio-recording will be documented in the meeting minutes. When a parent or adult student notifies the ARD Committee that they are audio-recording the meeting, the district will also record the meeting. Contents of the audiotape will remain confidential

Initial ARD Committee Meeting

The ARD Committee makes its decisions regarding students referred for a full and initial individual evaluation (FIIE) within 30 calendar days from the date of the completion of the written FIIE report. Special education and related services should be made available as soon as possible following the development of the IEP. The ARD will be scheduled at a mutually agreeable date and time. Services begin 5 days after the written notice is given, unless another date is agreed upon but the committee. If the parent waives the 5-day notice, services may begin the next day.

If the 30th day falls during the summer and school is not in session, the ARD Committee has

until the first day of school in the fall to finalize decisions concerning initial eligibility determination, the IEP and placement, unless the FIE indicates that the student will need Extended School Year (ESY) services during that summer.

When an initial evaluation, completed late in the school year, indicates that the student will need ESY services, ARD Committee meeting timelines should be adjusted so that services can be provided for that summer.

Annual ARD Committee Meeting

The ARD Committee reviews the student's IEP not less than annually, to determine whether the annual goals for the student are being achieved and to plan an appropriate program for the next calendar year. The definition of one year in determining whether an IEP is current is one calendar year. Please note a student's annual ARD committee meeting must be held each year on or before the prior annual ARD Meeting. Also, the student's placement is determined at least annually based on the student's IEP.

IEP Revision

The ARD Committee may meet at any time to revise the IEP, as appropriate, to address:

- Any lack of expected progress toward annual goals and in the general education curriculum
- The results of reevaluation
- Information about the child provided to, or by, the parents
- The child's anticipated needs or
- Other matters relating to the child's Individualized Educational Program (IEP)

Requests for ARD Committee Meeting

An ARD meeting may be called at any time at the request of either the parents or district staff. CFISD should inform parents of the functioning of the ARD Committee and the circumstances or types of problems for which requesting an ARD Committee meeting is appropriate. If the parent's concerns are not related to the provision of special education services, the school may request that the issue be resolved through a parent/teacher conference. If a parent still desires that an ARD Committee meeting be scheduled for his/her child, the request should be honored. Upon parental request for an ARD Committee meeting, such meeting should be scheduled within five school days whenever possible or provide written notice explaining why the district refuses to convene a meeting.

A teacher who instructs a student with a disability in a regular classroom setting may request a review of the student's individual education program. CFISD will respond to the teacher's request in a timely manner and will notify the student's parent or legal guardian of its response. The teacher can also request a staffing to discuss concerns or give input or propose changes to the student's program.

Transfer ARD Committee Meetings

The ARD Committee must meet when the student enrolls and the campus is unable to verify in writing, or by telephone, that the student was receiving services in the previous district. If the data and other information from the previous District are unavailable or insufficient to develop a

complete IEP, the ARD Committee may authorize the provision of temporary special education services.

Temporary Special Education Services

Whenever an ARD Committee determines that valid evaluation data and other information from a previous school (including any out-of-state local education agencies) are unavailable or insufficient to develop a complete IEP, CFISD will conduct any evaluations necessary to obtain information for developing a complete IEP. Information from these evaluations must be shared at an ARD Committee meeting, to be held within 30 school days from the date of the transfer ARD Committee meeting to finalize an IEP. This meeting should then constitute the annual ARD Committee meeting for that student.

If the student transfers from another state, CFISD must provide FAPE to the student including services comparable to those described in the student's IEP until the district has an opportunity to conduct an evaluation, if necessary, and develop an appropriate IEP. If the district chooses to conduct an evaluation, that evaluation is considered to be an initial evaluation. The evaluation and new IEP must be completed within 30 school days.

Records Transfer

When a student moves from one district to another within the state, the student's previous district is expected to transfer the student's most current ARD Committee documents, including the current IEP, to a requesting district within 10 working days using the Texas Records Exchange (TREx) system. The remainder of the student's special education records must be transferred within 30 days after the sending district receives the request for records.

Transfer Students with Complete Documentation

For transfer students with complete documentation including current annual ARD report, goals/objectives, behavior intervention plan, if appropriate, and current evaluation that meets the CFISD's evaluation guidelines, the district must:

- Document information regarding previous programming and placement.
- Develop an interim IEP or, if the IEP from the previous district is current and appropriate, obtain parental consent to implement the IEP from the previous district.
- Schedule a second ARD Committee meeting at the end of 30 school days.
- During the 30-day period, gather information about the student and review records received from the previous school district. If the records received from the previous district are current and eligibility can be established, the 30-day ARD Committee meeting becomes the student's annual ARD Committee meeting.

Transfer Students with Limited or No Documentation Available

For transfer students with records that are inadequate, not current or unavailable, every effort should be made to schedule an ARD Committee meeting earlier than 30 school days following the student's enrollment. During the meeting, CFISD will develop a reevaluation plan for the student. An ARD Committee meeting will be scheduled to review the assessment and determine continued eligibility for special education services.

Transfer Students from Other States

A transfer ARD Committee meeting is held for students new to the district from outside the state. Information regarding previous programming and placement is documented during the transfer ARD Committee meeting. If evaluation information is not adequate and/or does not meet state

requirements/regulations, CFISD will

- Document information regarding previous programming and placement.
- Develop an interim IEP or, if the IEP from the previous district is current and appropriate, obtain parental consent to implement the IEP from the previous district.
- Schedule a second ARD Committee meeting at the end of 30 school days.
- During the 30-day period, gather information about the students and review records received from the previous school district. If the records received from the previous district are current and eligibility can be established, the 30-day ARD Committee meeting becomes the student's annual ARD Committee meeting.

Reevaluation ARD Committee Meetings

Review of all existing evaluation data (REED) reports should take place at the annual ARD Committee meeting held during the calendar year prior to the date of the 3rd anniversary of the last Full and Individual Evaluation (FIE). Some specific circumstances may arise that require an ARD Committee to request additional evaluation, such as for related services and/or psychological evaluation.

- If the child is due for a reevaluation in any area during the calendar year following the annual ARD Committee meeting, the following procedures will be followed:
- If the child qualifies for special education services as a student with a specific learning disability (LD), intellectual disability (ID), other health impairment (OHI) - medical condition, orthopedic impairment (OI), traumatic brain injury (TBI), or multiply impaired (MD) prior to the annual ARD Committee meeting, the special education evaluator will review prior testing and current educational records to determine if additional testing is needed to establish continued eligibility for special education services.
- If the student is due for a reevaluation for OHI-attention deficit disorder (ADD or ADHD), emotional disturbance (ED), and/or autism (AU), the diagnostician will notify the LSSP to review records and make recommendations for necessary reevaluation for continued eligibility for special education services. LSSPs will also make recommendations for any further testing needed to establish continued need for counseling as a related service.
- If the student is due for a reevaluation for a visual impairment (VI) or an auditory impairment (AI), the special education evaluator will notify the VI and/or AI teacher to review records and make recommendations for necessary reevaluation for continued eligibility for special education services.
- If the student is due for a reevaluation for speech and language impairment (SI), the speech language pathologist will review records and make recommendations for necessary reevaluation for continued eligibility for special education services.
- If a student is due for a reevaluation for any related services (OT, PT, IHT, AT) the special education evaluator will notify the appropriate service provider to obtain recommendations for any further testing needed to establish continued need for such services.
- Once all recommendations are gathered, the special education evaluator will draft the REED.
- If, after reviewing the data, the ARD Committee determines that no additional data are needed to establish continued eligibility for special education services, no further

assessment is conducted unless requested by the parent, who is a member of the ARD Committee. If the parent is not present for the meeting, he/she is notified of his/her right to request an assessment and that the student continues to meet eligibility requirements as a student with a disability.

ARD Committee Excusals

CFISD does not allow for excusal of required ARD Committee members. Consensus members are required to be in attendance for the entire ARD Committee meeting. A required member may not be excused prior to the conclusion of the meeting. General Education representatives are not required for an 18+ ARD where the student has completed his/her 22 credits.

Non-Consensus ARD Committee Meetings

Decisions made by the ARD Committee are made by consensus and not by a majority vote. If there are disagreements between school staff members on recommendations for a student, the school-based members of the ARD Committee should meet prior to the ARD Committee meeting to establish solid recommendations on behalf of the student. If school district staff members continue to be in disagreement, the administrator present at the meeting and acting as the 'agency representative' defines the district's position.

If the parent(s) are not in agreement with the programming proposed by the school, they should be offered a 10 school-day recess. The date and time for reconvening the meeting should be finalized before the meeting is adjourned and parents should be provided with written notice of the next meeting at this time. In addition, the ARD Committee must document in the deliberations a statement for the basis of the disagreement. If parent(s) or other members of the ARD committee disagree they should be given opportunity to write their own statements of their disagreement that will be attached the IEP document. The Director of Special Education should be notified whenever there is an ARD Committee meeting that has not met consensus.

NOTE: Parents have the right to file a complaint, request mediation, or request a due process hearing at any point in time when they disagree with the decisions of the ARD Committee.

During the recess, ARD Committee members should consider alternatives, gather additional data, prepare further documentation and/or locate additional resource persons that may assist them in reaching mutual agreement.

When the ARD Committee reconvenes, all relevant information and any new information should be reviewed. The committee deliberations should reflect areas of discussion and the decisions made. If consensus still cannot be reached, the parent should sign, and check 'disagree' and the recommendation of the school-based members of the ARD Committee should be implemented. Parents/adult students will be provided with a copy of *Request for Special Education Due Process Hearing and Required Notice and Notice of Procedural Safeguards* at this time. If the parent does not sign the ARD document and indicate that he/she is in agreement or disagreement, the ARD will be treated as a disagree ARD.

The district will provide the parent or adult student with *Notice of Decision* within five school days from the reconvened meeting date. No change should be implemented until the parent/adult

student receives the written notice unless the parent/adult student agrees otherwise. The agreement should be documented in the ARD Committee minutes.

NOTE: This recess if not required when the student's presence on the campus presents a danger of physical harm to the student or others or when the student has committed an expellable offense or an offense which may lead to a placement in an alternative education program (AEP).

Consent for Disclosure of Confidential Information

Parental consent must be obtained before personally identifiable information is:

- Disclosed verbally or in written form to anyone other than officials of participating agencies collecting or using the information under IDEA-Part B OR
- Used for any purpose other than meeting a requirement of IDEA-Part B
- When public benefit or private insurance is accessed
- When special education records are transmitted to or from a private school