



# STAFFORD MSD

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## SPECIAL EDUCATION

### Operational Procedures

IF YOU TRY TO BREAK YOU MAY SHATTER  
THE WALL IF YOU WILL  
AND THE SCENT OF ROSES WILL  
WIND AROUND IT STILL

TRUTH AND REASON CONSTITUTE  
THAT INTELLECTUAL GOLD  
THAT DEFIES DESTRUCTION

EACH HEART HOLDS THE SECRET  
KINDNESS IS THE WORD.

WHATSOEVER THY HAND FINDETH  
TO DO DO IT WITH THY MIGHT.

IN TEMPERANCE IS A DANGEROUS  
COMPANION.

A MAN SHOULD NEVER BE ASHAMED  
TO OWN THAT HE HAS BEEN IN THE  
WRONG.

BY ATTENTION IDEAS ARE  
REGISTERED IN THE MEMORY.



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## INTRODUCTION

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The Stafford Municipal School District is required to develop and implement policies, procedures and practices related to the provision of special education services to eligible students. Operating guidelines are the written guidelines developed locally which outline the implementation of these practices.

Furthermore, according to the requirements of IDEA (34 CFR 300.646(b) (1)), the State Education Agency must provide for review and, if appropriate, revision of the policies, procedures and practices related to serving student with disabilities. This process is conducted through the Special Education Monitoring unit of the Division of Program Monitoring and Interventions at the Texas Education Agency.

To assist in meeting the above requirement, the following Operating Guidelines document was directly aligned to the Legal Framework for the Child-Centered Special Education Process hosted at <https://framework.esc18.net>. Each section provides the legal requirements for the identified area.

Operating Procedures are reviewed on a yearly basis and updated as needed throughout the year.

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## 11. FAPE AND THE ARD COMMITTEE

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### Federal and State Requirements

Each local educational agency (LEA) must establish an admission, review and dismissal (ARD) committee for each eligible child with a disability and for each child for whom an initial Full and Individual Evaluation is conducted [19 TAC 89.1050](#). The ARD/IEP Committee is the: (1) Eligibility team defined in federal law [IDEA 2004, 34 CFR 300.306](#). (2) Individualized education program (IEP) team defined in federal law [IDEA 2004, 34 CFR 300.321](#). (3) Placement team defined in federal law [IDEA 2004, 34 CFR 300.116](#). The term IEP means a written statement for each child with a disability that is developed, reviewed and revised in accordance with the [ARD/IEP committee framework](#). The ARD committee must review the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals are being achieved. The ARD committee must determine the child's placement at least annually [34 CFR 300.116\(b\)\(1\)](#). The ARD/IEP Committee may meet more often than annually to revise the student's IEP, as appropriate, to address: (1) any lack of expected progress toward the annual goals, (2) the results of any reevaluation, (3) information about the student provided to, or by the parents, (4) anticipated needs of the student or (5) other concerns. A parent may request an ARD/IEP committee meeting (at a mutually agreeable time) at any time to discuss educational concerns such as placement, IEP goals and objectives, and the extent of services being provided to the student. The school must either grant the parent's request to have a meeting or contact the [Texas Education Agency \(TEA\)](#) to ask for assistance through mediation.

ARD/IEP Committee Membership: The [ARD/IEP committee](#) means a group of individuals composed of: [34 CFR 300.321](#); [19 TAC 89.1050](#)

- The parents of a child with a disability
- Not less than one regular education teacher of the child
- Not less than one special education teacher
- A representative of the local education agency (LEA)
- An individual who can interpret the instructional implications of the evaluation
- Other individuals who have knowledge or special expertise regarding the child
- The child with a disability, whenever appropriate
- A teacher who is certified in the education of children with auditory impairments for a child with a suspected or documented auditory impairment including suspected or documented deaf-blindness
- A member of the language proficiency assessment committee (LPAC) when determining participation in state and district wide assessments for a child with limited English proficiency, to address the child's language needs; and
- A representative from Career and Technical Education (CTE), preferably the teacher when considering initial or continued placement of a child in CTE.



#### **Federal and State Requirements cont'd**

- A member of the language proficiency assessment committee (LPAC) when determining participation in state and district wide assessments for a child with limited English proficiency, to address the child's language needs; and
- A representative from Career and Technical Education (CTE), preferably the teacher when considering initial or continued placement of a child in CTE.

See Legal Framework References to Attendance and Excusal: [ARD Committee Membership](#) and Legal Framework References to the: [ARD/IEP Committee](#)

## Stafford's System

### **ARD Committee Membership**

The ARD/IEP must be in effect at the beginning of each school year for every child with a disability. The ARD/IEP Committee includes the following participants (rule of construction):

- A representative from the school district who is qualified to supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, who is knowledgeable about the general education curriculum, and who is knowledgeable about the availability of resources in the school district. In Stafford MSD, this representative is typically the principal or assistant principal.
- The student's current special education teacher or special education provider who must be appropriately certified or licensed
- The appropriate general education teacher(s) who is responsible for implementing a portion of the student's IEP for those students who are receiving, or who are expected to receive, instruction in general education
- The student, the student's parent(s), and/or a designated representative participates as follows:
  - A student 18 years of age or older who has not been judged by a court of law to be incompetent to manage personal affairs or who has not relinquished rights to parents in writing will participate in his/her ARD/IEP meeting.
  - A parent participates if the student is younger than 18 years of age, if the student is 18 years of age or older and has been judged by an appropriate court of law to be incompetent to manage personal affairs, or if an adult student has relinquished rights to his/her parent(s) in writing.
  - The district must be notified of a designated representative.
- Other professional certified specialists as required:
  - Speech therapist when students with speech impairments are being considered
- An individual who can interpret the instructional implications of evaluation results



- A professional certified in the education of students with auditory impairments when students with auditory impairments are being considered
- A professional certified in the education of the visually impaired when students with visual impairments are being considered
- The Career and Technical Education (CTE) teacher who will instruct the student is a member when the committee is considering placement in a CTE program
- The Life Skills or Work Based Learning teacher if work-based learning is being proposed or discussed
- The appropriate related services personnel (occupational and physical therapists, in-home trainer, etc.) when necessary
- A professional representing the Language Proficiency Advisory Committee (LPAC) when a student with disabilities and limited English proficiency is being considered

### **Duties of the ARD/IEP Committee**

The ARD/IEP Committee makes decisions concerning the educational program for students who are eligible to receive special education services. Among other responsibilities, the ARD/IEP Committee performs the following functions:

- Reviews data from the student's assessment
- Establishes eligibility for special education services
- Develops and reviews the IEP and the Functional Behavior Assessment/Behavior Intervention Plan (FBA/BIP), completes the transition information section of the ARD/IEP Committee Report document, and incorporates information in the ARD/IEP Supplement: Personal Graduation Plan Addressing Needed Transition Services
- Provides an audio-taped copy of the student's ARD/IEP committee meeting in the parent's native language if the parent does not speak and understand English. Provides an interpreter in the parent's native language
- Provide for educational placement in the least restrictive environment appropriate to meet the needs of the student
- Makes decisions regarding promotion or retention of students with disabilities receiving special education services
- Makes decisions about student participation in local and state assessments

### **Duties of the Diagnostic Specialist**

- Coordinate scheduling of ARD/IEP committee meetings at a time mutually acceptable to the parent/adult student and other members
- Provide the parent/adult student with written notice of ARD/IEP committee meetings at least 5 school days prior to the meeting
- Ensure the Notice of Procedural Safeguards Booklet is provided to parent/adult student or guardian with the Notice of ARD/IEP committee meeting for an initial or evaluation ARD/IEP committee meeting and at least annually thereafter
- Monitor the input of information in an ARD/IEP data management system (SEAS)



- Ensure that proceedings of the ARD/IEP committee meetings are recorded

### **Duties of the Administrator**

- An administrator will facilitate the ARD/IEP committee meeting
- Facilitate resolution of problematic ARD/IEP committee meetings
- Ensure all issues are followed up

### **Duties of the Case Manager**

- A case manager will take minutes
- Provide ARD/IEP documents including but not limited to PLAAFPS, IEPs, Accommodations and Modifications

### **ARD/IEP Committee Training**

A representative of the assessment team will provide training for case managers in how to take effective deliberations at ARD/IEP Committee meetings and administrators in facilitating an ARD/IEP meeting.

### **Guidelines for ARD/IEP Meetings**

- ARD/IEP meetings should be conducted efficiently
- ARD/IEP meetings will have a clear agenda. A sample agenda can be found in the Appendix.
- A copy of the draft IEP will be sent to parents, particularly the PLAAF and goals.
- The Diagnostic Specialist will need to determine if there is a need for a staffing prior to the ARD. The purpose of the staffing is to review any new assessments, the PLAAF, proposed goals and objectives and discuss proposals for schedule of services, state assessment, transition, appropriate ARD supplements and any other items relevant to the student.
- Parents have a right to bring advocates to ARD/IEP meetings. All participants are expected to exhibit professional conduct during the meeting. Rudeness and abusive language cannot be tolerated, and such behavior can be cause for discontinuing the meeting. When the parent notifies the staff that they are bringing an advocate to the meetings, please contact the Director of Federal and State Programs immediately.