

MANOR ISD SPECIAL EDUCATION

Operating Guidelines: Preparing for and Conducting ARD Meetings

I. What's Required/Purpose

Manor ISD will ensure that every ARD Committee meeting held for any student with a disability in the district is conducted according to established procedures that reflect careful preparation of the draft IEP, purposeful involvement of staff and parents*/adult students in development of the IEP and participation in the ARD Committee meeting, and administrative leadership and knowledge of the ARD process.

Each phase of the ARD meeting—before the meeting, during the meeting, and after the meeting—has specific requirements to ensure that the ARD meeting runs smoothly, effectively, and in a manner that conveys respect for all participants. Campuses will be trained annually or more frequently as needed to ensure that all ARD Committee members are knowledgeable about district requirements for each of these phases, federal and state requirements for ARD meetings and IEP development, and district expectations for ARD administrators.

Manor ISD will follow these guidelines to ensure that ARD meetings are held in an effective, efficient, and respectful manner:

- ARD/IEP meetings must have a campus administrator present and participating actively for the entire ARD meeting. This individual serves as the ARD Administrator.
- ARD/IEP meetings should be conducted in a professional manner that is respectful, inclusive to all participants, and student-focused.
- ARD/IEP meetings will have a clear agenda. The Manor ISD ARD agenda and ARD/IEP Process Flowchart are in the Resources section of this Operating Guideline.
- The ARD agenda, along with a copy of the draft IEP (PLAAFP and IEP goals/short-term objectives), will be sent to parents/adult students **in advance** of the meeting so that parents/adult students can come prepared.
- All ARD meetings where a bilingual translator is present should be recorded. For any ARD meeting that will be recorded:
 - Audio equipment should be checked prior to the meeting, and placed next to the translator in order to obtain an audible recording
 - The recording should be checked at the conclusion of the meeting to ensure that it is audible
 - If it is not audible, a written translated copy of the IEP shall be provided to the parent/adult student
 - Digital recording is encouraged
- At the end of the ARD meeting, if it is determined that an additional meeting is warranted, another meeting can be scheduled at a time that is agreeable to all participants.
- All participants are expected to exhibit respectful and appropriate conduct during the meeting and to participate actively. If meeting norms are not respected or followed, a short recess may occur or the meeting may be rescheduled.

**For purposes of this Operating Guideline, “parent” is defined as: The biological or adoptive parent of a child; A foster parent of a child who meets the requirements set forth in rule; A guardian (but not the state if the child is a ward of the state); An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, An individual who is legally responsible for the child's welfare; or An individual assigned to be a surrogate parent*

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II. How Compliance Is Monitored

- o Monthly internal folder reviews
- o Regular observations of ARD meetings by Special Education administrative staff
- o Training documentation (sign-in sheets, certificates, other)

III. Manor ISD Procedures: How It's Done

The process in Manor ISD for ensuring that ARD meetings are prepped and conducted according to federal, state, and district requirements and in accordance with district expectations is as follows and is described in four segments: Training on the ARD Process; Before the ARD Meeting; During the ARD Meeting; and After the ARD Meeting.

Training on the ARD Process: Training is a critical component to ensure that all staff are familiar with requirements for preparing for and conducting ARD meetings and for implementing IEPs after the meeting. The process for training on the ARD process in Manor ISD is as follows:

Action	Person(s) Responsible	Timeline
1. Training for campuses on the ARD Process in Manor ISD is scheduled annually	Special Education Director	Training scheduled for upcoming school year by July 1 of current year
2. Training is conducted for campuses as scheduled using agreed-upon materials that include: a. Operating Guidelines b. Expectations for before, during, and after ARD meetings c. Resources to support effective ARD meetings d. eSped screens and instructions e. Other materials as appropriate	Special Education Director and designated staff	Annually or more frequently as needed
3. Documentation of participation in training is maintained in the Special Education Department	Special Education Director	Ongoing
4. Additional training sessions for new ARD members will be scheduled as needed through the Special Education Department	Special Education Director	Ongoing

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Before the ARD Meeting: Preparing for the ARD meeting requires planning that involves scheduling and calendaring the meeting, developing draft PLAAPs, goals, and short-term objectives, and involvement of campus/district staff and parents/adult students. Without careful and purposeful preparation, the likelihood of problems in the ARD meeting increases and the quality of the IEP suffers. The requirements and actions that take place before the ARD meeting are the foundation of the ARD process. The process for preparation before the ARD meeting in Manor ISD is as follows:

Action	Person(s) Responsible	Timeline
5. The ARD is scheduled a. Contact parent/adult student to schedule the ARD Committee meeting early enough to ensure that parent/adult student will have the opportunity to attend and to schedule the meeting at a mutually agreed upon time and place b. Confirm agreed-upon date with campus administrator to ensure his/her availability for the ARD meeting c. Contact required MISD ARD Committee members, including campus administrator, via email (receipt required) to inform of meeting date, time, & location and to confirm availability d. For students of transition age (ages 14 and above), determine if outside agencies should be invited to the ARD meeting (see Step 6). If not applicable to the student, go to Step 7.	LSSP, Educational Diagnostician, or SLP (5a-d) SpEd Coordinator assigned to Transition (5d)	ARD meeting must be scheduled at least 5-6 weeks prior to due date of annual ARD
6. For students ages 14 and above, determine if an outside agency is to be invited: a. Complete the <i>Inviting Agencies to ARD Meetings</i> form to identify agencies that should be invited or to justify why no outside agency is needed at the ARD meeting if applicable	LSSP, Educational Diagnostician, or SLP in collaboration with SpEd Coordinator assigned to Transition	At least 4 weeks prior to the ARD

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Action	Person(s) Responsible	Timeline
b. Obtain parental/adult student consent to invite outside agencies on the <i>Screen: Consent to Invite an Outside Agency</i> form in eSped c. Parental/adult student consent must be obtained at least 4 weeks prior to the ARD meeting so that outside agencies can be invited		
7. The ARD Notice is prepared and includes all required members of the ARD Committee a. District/campus staff are listed by position [Including but not limited to Administrator(s); Special Education Teacher(s); General Education Teacher(s)] b. Related Service personnel must be specified by position [Including but not limited to Occupational Therapist; Occupational Therapist Assistant; Physical Therapist; Physical Therapist Assistant; Speech Language Pathologist; Speech Language Pathologist Assistant] c. If the school needs to invite another person who was not designated on the original ARD Notice: i. The notice should be revised and sent to the parent/adult student with the explanation that additional person(s) have been invited	LSSP, Educational Diagnostician, or SLP	At least 10 school days prior to the ARD

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8. A minimum of 3 separate ARD notices must be sent. The notices must be on 3 different days and must be archived together with signatures on <i>Screen: ARD Meeting Invitation 1-3</i> in eSped. Include record of contact attempts a. If parent responds to first notice with confirmation of attendance, an additional contact and a final reminder should be made to confirm participation b. If parent/adult student requests a different date than the initial agreed-upon date, DO NOT create a new <i>ARD Meeting Invitation</i>. Revise the date of meeting to the new agreed-upon date/time and explain the reason for the date/time change in the Documentation/Comments box c. Students of transition age (14 and above) should always be invited d. If outside agencies will attend, an email and/or phone invitation/reminder is sent to outside agency participants i. If the outside agency cannot attend the ARD meeting, the district should ensure that input from the outside agency is secured and is documented in the IEP	LSSP, Educational Diagnostician, or SLP (8a-di) LSSP, Educational Diagnostician, or SLP in collaboration with SpEd Coordinator assigned to Transition (8di)	At least 5 school days prior to ARD meeting
9. Prior to preparing any ARD, verify if the student is LEP and/or receiving dyslexia services:	LSSP, Educational Diagnostician, or SLP	Prior to ARD meeting

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a. On Skyward Student, click on Student Profile b. A yellow box with an “L” in the top right corner by the school entity indicates that the student is LEP c. If the student is a LEP student, a trained LPAC Representative MUST be invited to the ARD meeting i. The campus administrator may serve as the LPAC representative if necessary only if the administrator is fully aware and familiar with the student’s needs and academic development and has received annual LPAC training through the MISD Bilingual Department d. Contact the dyslexia teacher on the campus to verify if the student is receiving dyslexia supports i. If student is receiving dyslexia services, the dyslexia teacher assigned to the campus MUST be invited to the ARD meeting		
10. Any evaluations needed before the ARD meeting are completed by appropriate personnel within established timelines: a. Evaluation data must be shared electronically with teachers as soon as evaluations are completed so that teachers can	Assessment staff	Evaluations must be shared with teachers as soon as evaluations are completed (10a)

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use results to inform development of draft PLAAFP, goals and short-term objectives, and IPI statements (if applicable) b. Initial evaluations must be reviewed in a face-to-face meeting with the parent/adult student (if possible) prior to the ARD meeting, and a hard copy must be provided to the parent/adult student c. For re-evaluations, a hard copy of the evaluation must be provided to the parent/adult student prior to the ARD meeting. Staff must inform parents/adult students that they are available to answer questions about the re-evaluation and should provide contact information		Evaluations must be reviewed with/provided to parent/adult student at least 5 school days prior to ARD meeting (10b and c)
11. Draft PLAAFP, IEP goals/short-term objectives, and IPI statement (if applicable) portions of the IEP are prepared and entered for review at least 10 school days prior to the ARD a. The LSSP, Educational Diagnostician, or SLP: i. Notifies the campus administrator and all appropriate staff (such as teachers, SLPs, related services personnel, LSSPs, and others) of the date of the ARD meeting ii. Informs SpEd teachers to begin writing draft PLAAFP, IEP goals/short-term objectives,	LSSP, Educational Diagnostician, or SLP (11a)	At least 10 school days prior to ARD meeting (Step 11) As soon as ARD meeting is scheduled (11a)

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and IPI statements (if applicable) iii. Notifies SpEd teachers of the timeline and due date for drafts to be completed and uploaded b. General Ed and SpEd teachers complete the appropriate tab on the <i>Teacher IEP Input Form</i> (elementary/ middle school/ high school) spreadsheet i. SpEd teacher distributes and collects the <i>Teacher Input Forms</i> from student's teachers c. SpEd teachers use <i>Teacher Input Forms</i> to complete draft PLAAFP, IEP goals/short-term objectives, and IPI statements (if applicable) i. PLAAFPs should include a description of the student's strengths aligned to grade-level expectations, areas of need as a result of the student's disability (including recommendations for goals/short-term objectives aligned to the need), and recommendations for accommodations and/or modifications if applicable ii. PLAAFPs must also include core academic areas, functional, vocational, behavior,	General Ed and SpEd teachers (11b) SpEd teachers (11ci, 11cii, 11ciii, and 11civ)	Upon notification of ARD meeting date (11b) Upon notification of ARD meeting date and receipt of evaluation results from Step 10 (11c)

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and other (grades, attendance) and contain measurable data from a variety of sources for each area iii. Goals and short-term objectives must be written in Standards-Based IEP format containing the four components of timeframe, condition, behavior, and criteria iv. Any IPI statements should follow the exemplar model (see Resources section of this OG) d. The Campus Administrator and LSSP, Educational Diagnostician, or SLP review the draft PLAAFP and IEP goals/short-term objectives and any IPI statements to ensure that all applicable areas are addressed and that there is alignment between PLAAFP and the goals/short-term objectives i. Ensures that any revisions to drafts are completed prior to dissemination to parent/adult student	Campus Administrator LSSP, Educational Diagnostician, or SLP (11d)	At least 10 school days prior to ARD meeting (11d)
12. Drafts of the PLAAFP, IEP goals/ short-term objectives, and IPI statements are sent to parents/adult students at least 5 school days prior to the ARD through mail, email or other system a. If the parent/adult student has questions or concerns about the drafts of PLAAFP, IEP	SpEd teacher (12) Campus Administrator (12a)	At least 5 school days prior to ARD meeting

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goals/short-term objectives and/or IPI statements, the campus administrator will ensure that the applicable staff member addresses the parent/adult student's questions or concerns prior to the meeting		
13. The draft ARD is prepped (all sections of draft ARD and applicable supplements are completed by the applicable ARD members) a. Draft is checked by SpEd assessment staff to ensure that the ARD is ready for the meeting b. Hard copy of the draft ARD documents is printed for distribution to parent/adult student during the ARD meeting c. Progress monitoring of old IEP goals/objectives is completed and archived by SpEd teacher/SLP/LSSP/other related services staff in the "active" records prior to annual ARD	All appropriate members of the ARD Committee (13) SpEd assessment staff (13a) SpEd teacher (13b) SpEd teacher, SLP, LSSP, and other related services staff (13c)	At least 3 school days prior to ARD meeting
14. The Campus Administrator double checks with all required ARD participants listed on the ARD Notice to confirm their participation in the meeting, as specified in <i>Operating Guidelines: Properly Constituted ARD</i>	Campus Administrator SpEd assessment staff	At least 2 school days prior to ARD meeting

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During the ARD Meeting: Ensuring that all participants in the ARD meeting are prepared, present, and actively involved in the meeting results in a productive meeting with a quality outcome. Meetings that start on time, flow smoothly, and actively engage campus staff and parents/adult students in the process are indications that the district is focused on the student. The process for conducting the ARD meeting in Manor ISD is as follows:

Action	Person(s) Responsible	Timeline
15. The Campus Administrator is in charge of the meeting and ensures that: a. All participants are introduced by name and position b. Confidentiality statement is read and agreed to c. Parents/adult students are provided with their rights (<u>Notice of Procedural Safeguards</u> document, <u>Parent's Guide to the Admission, Review, and Dismissal Process</u>) and a hard copy of the draft ARD documents d. All required members are in attendance according to <i>Operating Guidelines: Properly Constituted ARD</i>	Campus Administrator	At the beginning of the meeting
16. The Campus Administrator in conjunction with the LSSP/Educational Diagnostician/or SLP conducts the meeting following the Manor ISD ARD Agenda and flow chart a. For projected ARDs, the Campus Administrator ensures that all participants can see the screen and that ARD/IEP documents are easily viewable and readable b. eSped screens are updated as the meeting progresses and changes from the draft IEP are made	Campus Administrator LSSP, Educational Diagnostician, or SLP	During the meeting
17. As the IEP is developed, the ARD Committee will ensure that:	ARD Committee	During ARD meeting

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a. Previous annual IEP goals are reviewed and draft PLAAFP, new IEP goals, and short-term objectives are reviewed, contain required elements described in Step 11ci, 11cii, and 11ciii, are revised as needed, and are finalized and accepted by the members of the committee b. Recommended accommodations and modifications (if needed) are appropriate and align with instructional needs c. State assessment recommendations are appropriate for the student and are allowable, testing accommodations align to instructional accommodations, and appropriate participation forms are completed if necessary d. IPI statements are included if needed and describe services to be provided based on state assessment and/or course/subject failure e. Schedule of services includes SpEd services/supports and related services to be provided to the student based on needs arising from the disability, including frequency, duration, and location of services i. Decisions regarding the student's schedule are documented on the appropriate screens in eSped:		

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• <i>Screen: Course/ Curriculum Area</i> lists only those services provided directly by special education (such as Resource, Functional Academics, etc.) • <i>Screen: IEP Services/ Supports</i> lists those services and supports necessary to implement the IEP (usually in-class supports to be provided by the general education teacher and/ or inclusion supports to be provided by special education staff members in the general education setting) f. All applicable sections of IEP, including supplements, are completed g. LRE deliberations are comprehensive and include appropriate justification for any removal from general education h. Deliberations are comprehensive and explicit, and record decisions made by the ARD Committee (see Step 18) i. Signature page contains all required signatures (see Step 18)		
18. At the conclusion of the meeting, the IEP is reviewed for accuracy and clarity, including a review of the deliberations a. At the beginning of the deliberations, list all participants and their roles	ARD Committee	At the conclusion of the meeting

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i. Ensure that the information is consistent with the ARD signature page b. Deliberations must include IPI/API statements, current grades and progress, attendance information, and plans to address any classes the student is failing. If transition services are applicable for the student, deliberations must also include: i. A description of what efforts the district took to ensure outside agency participation and the frequency of those efforts ii. Input from parents/ adult students who did not attend the ARD meeting c. Any changes or clarifications are reviewed and agreed to by all members of the ARD Committee d. Ensure that deliberations show solicitation of parental/adult student input and agreement throughout the meeting. Record any concerns or changes (especially on PLAAFP) and denote consensus e. Medicaid Consent form is completed annually f. Participants listed in deliberations and on Notice must match signature page		

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After the ARD Meeting: Extensive preparation prior to the ARD meeting is meaningless if the IEP is not implemented in a quality way following a successful ARD meeting. What happens after the ARD meeting is critical in ensuring that teachers understand their role in implementing the IEP, that the student makes progress and is successful in the curriculum, and that parents/adult students are kept apprised of the student's progress. The process for implementing and monitoring the IEP after the ARD meeting in Manor ISD is as follows:

Action	Person(s) Responsible	Timeline
19. Archive the meeting within 24 hours, in the following order: a. ARD paperwork with all supporting documents and signatures b. <i>ARD Meeting Invitation and Receipt-Procedural Safeguards</i> with applicable signatures c. REED as planning supplement, <i>Notice of Proposal to Evaluate, Evaluation Consent</i>, and <i>Receipt-Procedural Safeguards</i> with applicable signatures d. Any FIEs and any REEDs that will be considered as an FIE should be archived separately	LSSP, Educational Diagnostician, or SLP	Within 24 hours of the ARD meeting
20. Provide parent/adult student with a copy of the final IEP and other ARD documents in one of the following ways, based on parental/adult student preference: a. Hard copy is given at the end of the ARD meeting or mailed, or b. Email copy is sent	LSSP, Educational Diagnostician, or SLP	Within 1 school day of the ARD meeting
21. Provide copy of student's schedule of services to campus counselor to ensure alignment of schedule of services with course schedule a. LSSP/Educational Diagnostician/SLP and/or SpEd Teacher maintains communication with Campus Counselor to ensure that any campus course	LSSP, Educational Diagnostician, or SLP SpEd Teacher Campus Administrator Campus Counselor	Within 1 school day of the ARD meeting (21) Ongoing throughout the school year (21a)

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Action	Person(s) Responsible	Timeline
schedule changes or student schedule changes are aligned and are reflected in the student's IEP		
<u>Involvement of General Education Staff in Implementation of IEPs</u> 22. Following the ARD meeting for any SpEd student on the campus, the general and special education teachers and staff involved in implementation of the IEP will be provided with relevant portions of the IEP. The Special Ed teacher or SLP (for speech-only students): a. Prints class schedule from Skyward b. Provides relevant portions of the IEP (including but not limited to goals and short-term objectives, accommodations, BIP, etc.) for the Campus Administrator and for each Gen Ed teacher, SpEd teacher, related service provider, and applicable paraprofessionals for courses listed on the student's Skyward class schedule and SpEd services in the IEP paperwork (such as behavior supports) c. Explains any portions not clear to the recipients d. Obtains the signatures of general education teacher on the <i>Receipt of Accommodations and/or BIP</i> form e. Uploads <i>Receipt of Accommodations and/or BIP</i> form and class schedule as one document in eSpEd in Archive Manager	SpEd Teacher (22a-e)	Within 1 school day of the ARD meeting

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f. Forwards the original ARD to the Special Education PEIMS Clerk, retains a copy in the campus student folder, and archives the ARD into eSped	LSSP, Educational Diagnostician, or SLP (22f)	
23. The Special Ed teacher checks the course schedule in Skyward and the IEP of each SpEd student on the campus to ensure that the courses listed on the IEP are reflected in the Skyward course schedule a. The student's complete Skyward course schedule must be reflected on the eSped <i>Screen: Course Curriculum Area</i> as part of the ARD documents b. LSSP/Educational Diagnostician/SLP and/or SpEd Teacher maintains communication with Campus Counselor to ensure that any campus course schedule changes or student schedule changes are aligned and are reflected in the student's IEP	Special Ed Teacher (23a and b) LSSP, Educational Diagnostician, or SLP Campus Counselor (23b)	Upon notification that student's schedule has changed, or any time an ARD meeting is held to consider changes to a student's schedule of services
24. The IEP is implemented as developed and approved by the ARD Committee, following <i>Operating Guidelines: IEP Implementation</i>	SpEd teachers, general education teachers, SLPs, related service providers, and other applicable school personnel Campus Administrator	Throughout the school year
25. Monitor and document student progress on IEP goals/ short-term objectives a. Provide progress reports to parents/adult students on the same schedule as for all other students b. If the student is not making progress on IEP goals/short-term objectives and/or has failed the same subject two	SpEd teachers, general education teachers, SLPs, related service providers, and other applicable school personnel (25a and b) Campus Administrator (25)	Throughout the school year

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consecutive six weeks, the SpEd teacher should inform the SpEd assessment personnel that a failure ARD should be conducted		

IV. Resources and Attachments, Legal Requirements

A. Resources

- *Teacher IEP Input Form* (elementary/ middle school/high school) spreadsheet
- Manor ISD ARD Agenda
- ARD/IEP Process Flowchart
- *Receipt of Accommodations and/or BIP* form in eStar Docs
- *Exemplar IPI*
- *Inviting Agencies to ARD Meetings* form
- *Before, During, and After ARD Meeting Responsibilities by Position* chart

B. Legal Requirements

Federal Regulations	Texas Administrative Code (TAC)
§ 300.322 Parent participation. (a) <i>Public agency responsibility— general.</i> Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including— (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and (2) Scheduling the meeting at a mutually agreed on time and place. (b) <i>Information provided to parents.</i> (1) The notice required under paragraph (a)(1) of this section must— (i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and (ii) Inform the parents of the provisions in §300.321(a)(6) and (c) (relating to the participation of other individuals on the ARD	§ 89.1050 The Admission, Review, and Dismissal Committee. [Excerpt] (d) The school district must take steps to ensure that one or both parents are present at each ARD committee meeting or are afforded the opportunity to participate, including notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. Additionally, a school district must allow parents who cannot attend an ARD committee meeting to participate in the meeting through other methods such as through telephone calls or video conferencing. The school district must provide the parents with written notice of the ARD committee meeting that meets the requirements in 34 CFR, §300.322, at least five school days before the meeting unless the parents agree to a shorter timeframe. (e) Upon receipt of a written request for an ARD committee meeting from a parent, the school district must:

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Federal Regulations	Texas Administrative Code (TAC)
Committee who have knowledge or special expertise about the child), and § 300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act). (2) For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice also must— (i) Indicate— (A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with § 300.320(b); and (B) That the agency will invite the student; and (ii) Identify any other agency that will be invited to send a representative. (c) <i>Other methods to ensure parent participation.</i> If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with §300.328 (related to alternative means of meeting participation). (d) <i>Conducting an IEP Team meeting without a parent in attendance.</i> A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must keep a record of its attempts to arrange a mutually agreed on time and place, such as— (1) Detailed records of telephone calls made or attempted and the results of those calls; (2) Copies of correspondence sent to the parents and any responses received; and (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits. (e) <i>Use of interpreters or other action, as appropriate.</i> The public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. (f) <i>Parent copy of child's IEP.</i> The public agency must give the parent a copy of the child's IEP at no cost to the parent. § 300.501 Opportunity to examine records; parent participation in meetings. [Excerpt] (b) <i>Parent participation in meetings.</i> (1) A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities	(1) Schedule and convene a meeting in accordance with the procedures in subsection (d) of this section; or within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. (f) If the parent is unable to speak English, the school district must provide the parent with a written notice required under subsection (d) or (e)(2) of this section in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. (g) All members of the ARD committee must have the opportunity to participate in a collaborative manner in developing the IEP. A decision of the <u>ARD</u> committee concerning required elements of the IEP must be made by mutual agreement if possible. The <u>ARD</u> committee may agree to an annual IEP or an IEP of shorter duration. (1) When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is 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 that may lead to a placement in a disciplinary alternative education program. The requirements of this subsection do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP. (2) During the recess, the <u>ARD</u> committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement. (3) If a recess is implemented as provided in paragraph (1) of this subsection and the ARD committee still cannot reach mutual agreement, the school district must implement the IEP that it has determined to be appropriate for the student. (4) When mutual agreement is not reached, a written statement of the basis for the disagreement must be included in the IEP. The parent who disagrees must be offered the opportunity to write his or her own statement of disagreement. (i) If the student's parent is unable to speak English and the parent's native language is Spanish, the school district must provide a

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that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting. § 300.323 When IEPs must be in effect. (a) <i>General.</i> At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in § 300.320. (b) <i>IEP or IFSP for children aged three through five.</i> (1) In the case of a child with a disability aged three through five (or, at the discretion of the SEA, a two- year-old child with a disability who will turn age three during the school year), the ARD Committee must consider an IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementing regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures under this part. The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is— (i) Consistent with State policy; and (ii) Agreed to by the agency and the child’s parents. (2) In implementing the requirements of paragraph (b)(1) of this section, the public agency must— (i) Provide to the child’s parents a detailed explanation of the differences between an IFSP and an IEP; and (ii) If the parents choose an IFSP, obtain written informed consent from the parents. (c) <i>Initial IEPs; provision of services.</i> Each public agency must ensure that— (1) A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and (2) As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child’s IEP. (d) <i>Accessibility of child’s IEP to teachers and others.</i> Each public agency must ensure that— (1) The child’s IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and (2) Each teacher and provider described in paragraph (d)(1) of this section is informed of— (i) His or her specific responsibilities related to implementing the child’s IEP; and (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.	written copy or audio recording of the student’s IEP translated into Spanish. If the student’s parent is unable to speak English and the parent’s native language is a language other than Spanish, the school district must make a good faith effort to provide a written copy or audio recording of the student’s IEP translated into the parent’s native language. (j) A school district must comply with the following for a student who is newly enrolled in the school district. (1) When a student transfers to a new school district within the state in the same school year and the parents verify that the student was receiving special education services in the previous school district or the previous school district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 CFR, §300.323(e), regarding the provision of special education services. The timeline for completing the requirements outlined in 34 CFR, §300.323(e)(1) or (2), is 30 school days from the date the student is verified as being a student eligible for special education services. (2) When a student transfers from a school district in another state in the same school year and the parents verify that the student was receiving special education services in the previous school district or the previous school district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 CFR, §300.323(f), regarding the provision of special education services. If the new school district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the timelines established by §89.1011(c) and (e) of this title..... §89.1197. State Individualized Education Program Facilitation. (a) In accordance with the Texas Education Code, §29.020, the Texas Education Agency (TEA) will establish a program that provides independent individualized education program (IEP) facilitators beginning with the 2014-2015 school year. (b) For the purpose of this section, IEP facilitation has the same general meaning as described in §89.1196(a) of this title (relating to Individualized Education Program Facilitation), except that state IEP facilitation is used when the admission, review, and dismissal (ARD) committee is in dispute about decisions relating to the provision of a free and appropriate public education to a student with a disability and the facilitator is an independent facilitator provided by the TEA. (c) A request for IEP facilitation under this section must be filed by completing a form developed by the TEA that is available upon request from the TEA and on the TEA website. The form must be filed with the TEA by one of the parties by mail, hand-delivery, or facsimile. (d) IEP facilitation under this section must be voluntary on the part

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(e) <i>IEPs for children who transfer public agencies in the same State.</i> If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either— (1) Adopts the child's IEP from the previous public agency; or (2) Develops, adopts, and implements a new IEP that meets the applicable requirements in §§ 300.320 through 300.324. (f) <i>IEPs for children who transfer from another State.</i> If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency— (1) Conducts an evaluation pursuant to §§ 300.304 through 300.306 (if determined to be necessary by the new public agency); and (2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in §§ 300.320 through 300.324. (g) <i>Transmittal of records.</i> To facilitate the transition for a child described in paragraphs (e) and (f) of this section— (1) The new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled, pursuant to 34 CFR 99.31(a)(2); and (2) The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency.	of the parties and provided at no cost to the parties. (e) In order for the TEA to provide an independent facilitator, the following conditions must be met. (1) <u>The required form must be completed and signed by both parties.</u> (2) The dispute must relate to an ARD committee meeting in which mutual agreement about one or more of the required elements of the IEP was not reached and the parties have agreed to recess and reconvene the meeting in accordance with §89.1050(f) of this title (relating to The Admission, Review, and Dismissal Committee). (3) The request for IEP facilitation must have been filed within five calendar days of the ARD committee meeting that ended in disagreement, and a facilitator must be available on the date set for reconvening the meeting. (4) The dispute must not relate to a manifestation determination or determination of interim alternative educational setting under 34 Code of Federal Regulations (CFR), §300.530 or §300.531. (5) The same parties must not be concurrently involved in special education mediation under §89.1193 of this title (relating to Special Education Mediation). (6) The issues in dispute must not be the subject of a special education complaint under §89.1195 of this title (relating to Special Education Complaint Resolution) or a special education due process hearing under §89.1151 of this title (relating to Special Education Due Process Hearings) and §89.1165 of this title (relating to Request for Special Education Due Process Hearing). (7) The same parties must not have participated in IEP facilitation concerning the same student under this section within the same school year of the filing of the current request for IEP facilitation. (f) Within five business days of receipt of a request for an IEP facilitation under this section, the TEA will determine whether the conditions in subsections (c)-(e) of this section have been met and will notify the parties of its determination and the assignment of the independent facilitator, if applicable. (g) Notwithstanding subsections (b)-(e) of this section, if a special education due process hearing or complaint decision requires a public education agency to provide an independent facilitator to assist with an ARD committee meeting, the public education agency may request that the TEA assign an independent facilitator. Within five business days of receipt of a written request for IEP facilitation under this subsection, the TEA will notify the parties of its decision to assign or not assign an independent facilitator. If TEA declines the request to assign an independent facilitator, the public education agency must provide an independent facilitator at its own expense. (h) The TEA's decision not to provide an independent facilitator is final and not subject to review or appeal. (i) The independent facilitator assignment may be made based on a

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	combination of factors, including, but not limited to, geographic location and availability. Once assigned, the independent facilitator must promptly contact the parties to clarify the issues, gather necessary information, and explain the IEP facilitation process. (j) The TEA will use a competitive solicitation method to seek independent facilitation services, and the contracts with independent facilitators will be developed and managed in accordance with the TEA's contracting practices and procedures. (k) At a minimum, an individual who serves as an independent facilitator under this section: (1) must have demonstrated knowledge of federal and state requirements relating to the provision of special education and related services to students with disabilities; (2) must have demonstrated knowledge of and experience with the ARD committee meeting process; (3) must have completed 18 hours or more of training in IEP facilitation, consensus building, and/or conflict resolution as specified in the TEA's competitive solicitation; (4) must complete continuing education as determined by the TEA; (5) may not be an employee of the TEA or the public education agency that the student attends; and (6) may not have a personal or professional interest that conflicts with his or her impartiality. (l) An individual is not an employee of the TEA solely because the individual is paid by the TEA to serve as an independent facilitator. (m) An independent facilitator must not be a member of the student's ARD committee, must not have any decision-making authority, and must remain impartial to the topics under discussion. The independent facilitator must assist with the overall organization and conduct of the ARD committee meeting by: (1) assisting the committee in establishing an agenda and setting the time allotted for the meeting; (2) assisting the committee in establishing a set of guidelines for the meeting; (3) guiding the discussion and keeping the focus on developing a mutually agreed upon IEP for the student; (4) ensuring that each committee member has an opportunity to participate; (5) helping to resolve disagreements that arise; and (6) helping to keep the ARD committee on task within the time allotted for the meeting. (n) An independent facilitator must protect the confidentiality of personally identifiable information about the student and comply with the requirements in the Family Educational Rights and Privacy Act regulations, 34 CFR, Part 99, relating to the disclosure and redisclosure of personally identifiable information from a student's education record.

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	(o) The TEA will develop surveys to evaluate the IEP facilitation program and the independent facilitators and will request that parties who participate in the program complete the surveys. § 89.1075 General Program Requirements and Local District Procedures. [Excerpt] (d) Each school district must develop a process to be used by a teacher who instructs a student with a disability: (1) to request a review of the student's IEP; (2) that provides for a timely district response to the teacher's request; and (3) that provides for notification to the student's parent or legal guardian of that response. § 89.1050 The Admission, Review, and Dismissal Committee. [Excerpt] (i) A school district must comply with the following for a student who is newly enrolled in the school district. (1) When a student transfers to a new school district within the state in the same school year and the parents verify that the student was receiving special education services in the previous school district or the previous school district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 CFR, §300.323(e), regarding the provision of special education services. The timeline for completing the requirements outlined in 34 CFR, §300.323(e)(1) or (2), is 30 school days from the date the student is verified as being a student eligible for special education services. (2) When a student transfers from a school district in another state in the same school year and the parents verify that the student was receiving special education services in the previous school district or the previous school district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 CFR, §300.323(f), regarding the provision of special education services. If the new school district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the timelines established by §89.1011(c) and (e) of this title. The timeline for completing the requirements in 34 CFR, §300.323(f)(2), if appropriate, is 30 calendar days from the date of the completion of the evaluation report. If the school district determines that an evaluation is not necessary, the timeline for completing the requirements outlined in 34 CFR, §300.323(f)(2), is 30 school days from the date the student is verified as being a student eligible for special education services. (3) In accordance with TEC, §25.002, and 34 CFR, §300.323(g), the school district in which the student was

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	previously enrolled must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the 10th working day after the date a request for the information is received by the previous school district.