

MANOR ISD SPECIAL EDUCATION

Operating Guidelines: Properly Constituted ARD

I. What's Required/Purpose

Manor ISD will ensure that every Admission, Review and Dismissal (ARD) committee meeting is conducted by a properly constituted ARD Committee that includes all required participants (general composition):

- The parents* of a child with a disability/adult student
- Not less than one regular education teacher of the child
- Not less than one special education teacher
- A representative of the local education agency (i.e. Manor ISD)
- 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. **NOTE: In Manor ISD, a CTE representative is a required participant in every ARD for a student age 14 and above.**

**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*

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 assessments and evaluations
- Establishes eligibility for special education services
- Develops and reviews the IEP which may include: ESY Services, Behavior, Graduation, Transition, and Transportation
- Provides a translator and an audio-taped copy of the student's ARD/IEP committee meeting in the parent's/adult student's native language if the parent/adult student does not speak and/or understand English
- Provide for educational placement in the least restrictive environment appropriate to meet the needs of the student
- Makes decisions regarding promotion or retention of the student receiving special education services
- Makes decisions about student participation in extracurricular activities

MANOR ISD SPECIAL EDUCATION

Operating Guidelines: Properly Constituted ARD

II. How Compliance Is Monitored

- Internal monitoring systems involving regular and frequent checks of ARD meeting notices
- Monthly internal folder reviews including ARD signature pages

III. Manor ISD Procedures:

The process in Manor ISD for ensuring that the ARD meeting includes all required participants is as follows:

Action	Person(s) Responsible	Timeline
<u>Before the ARD Meeting:</u>		
1. eSped/eStar is maintained and monitored to provide current data for ARD timelines to determine when an annual ARD (or other requested ARD meeting) is due	LSSP, Educational Diagnostician, or SLP	Annual ARDs are scheduled at the beginning of the school year (within the first 10 days of school) and ongoing after that
2. The ARD is scheduled a. Contact parent/adult student to provide notice of the Admission, Review, and Dismissal (ARD) Committee meeting early enough to ensure that parents/adult students will have the opportunity to attend and to schedule the meeting at a mutually agreed on time and place i. At least 3 different attempts must be made on 3 different days to notify parent/adult student of the ARD meeting b. Contact MISD ARD Committee members via email (receipt required) to inform of meeting date, time, & location and to confirm availability c. For students of transition age, determine if outside agencies	LSSP, Educational Diagnostician, or SLP	ARD meeting must be scheduled at least 5-6 weeks prior to due date of annual ARD Revision ARD meeting (Review, MDR, dismissal, parent-requested ARD) must be scheduled at least 2 weeks prior to revision ARD date if possible Parental/adult student consent to invite outside agency must be obtained at least 4 weeks prior to ARD meeting

MANOR ISD SPECIAL EDUCATION

Operating Guidelines: Properly Constituted ARD

Action	Person(s) Responsible	Timeline
should be invited to the ARD meeting. i. 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 ii. If yes, then obtain parental/adult student consent to invite outside agencies on the <i>Screen: Consent to Invite an Outside Agency</i> form in eSped (located in <i>Application: Notices</i>) iii. Parental/adult student consent must be obtained at least 4 weeks prior to the ARD meeting so that outside agencies can be invited		
3. The parent/adult student is provided with the <i>Screen: ARD Meeting Invitation</i> and <i>Screen: Receipt-Procedural Safeguards Distribution Log</i> (both under <i>Application: Notices</i>), the <u>Notice of Procedural Safeguards</u>, and the <u>Parent's Guide to the Admission, Review, and Dismissal Process</u> at least five school days prior to scheduled ARD a. If the parent/adult student agrees to a shorter timeframe, the 5-day waiting period between the invitation to ARD Committee meeting and ARD Committee meeting itself is	LSSP, Educational Diagnostician, or SLP	Minimum of 5 school days prior to ARD

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Properly Constituted ARD

Action	Person(s) Responsible	Timeline
waived on the <i>Screen: ARD Meeting Invitation</i> b. A formal invitation is sent home to parents/adult students via: - U. S. Mail - E-mail - Sent home with student - In person c. An e-mail calendar invitation is sent to all required MISD ARD participants (from Step 2b) d. An email and/or phone invitation/reminder is sent to outside agency participants		
4. Prior to the ARD meeting, if any required MISD participant is excused from attending all or part of the ARD/IEP committee meeting: a. The parent/adult student and the district must verbally agree before the ARD meeting (see Step 4c regarding documentation of agreement and input) b. The parent/adult student and district must verbally agree before the ARD meeting that the ARD participant's area of the curriculum or related services is not being changed or discussed in the meeting c. The agreement is in writing i. The ARD participant being excused submits written input prior to the meeting to the person facilitating the meeting	The person being excused from the ARD LSSP, Educational Diagnostician, or SLP	Include in 5-day notice if excused attendance is known in advance of the ARD meeting

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Properly Constituted ARD

Action	Person(s) Responsible	Timeline
<u>During the ARD Meeting:</u>		
5. The campus administrator is responsible for ensuring that all required participants attend the ARD meeting (arrive on time, be prepared, etc.) unless excused under Step 4	Campus Administrator	At the time of ARD meeting
6. If a parent/adult student who has indicated that he/she will attend does not show up for the meeting, contact the parent/adult student to ask if they would like to: a. Participate by phone, b. Give verbal permission for the ARD to hold the ARD as scheduled, or c. Reschedule ARD meeting	LSSP, Educational Diagnostician, or SLP	At the time of the ARD meeting
7. ARD meeting is held following <i>Operating Guidelines: Preparing for and Conducting ARD Meetings</i> . At the beginning of the ARD meeting: a. If any MISD ARD participant listed on the ARD notice does not show up at the time of the ARD: i. Efforts are made to locate the MISD participant and attempt to secure attendance ii. If MISD participant cannot be located or cannot attend, the ARD is adjourned and rescheduled, or iii. The parent/adult student may give verbal and written permission for the participant to be	Campus Administrator	At the beginning of the ARD meeting (7a)

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Properly Constituted ARD

Action	Person(s) Responsible	Timeline
excused following the procedures in Step 4 iv. The permission must be documented on the <i>Screen: ARD Member Not Required to Attend ARD Meeting</i> form (under <i>Application: Notices</i>) in eSped		
8. During the ARD meeting, an ARD Committee participant may be excused after presenting his/her information if the parent/adult student grants permission for the participant to leave the meeting a. The following statement must be recorded in the Deliberations: <i>After presenting his/her information for the ARD Committee, (NAME) was excused by the parent/adult student at (TIME am/pm), after all parental/adult student questions were answered/clarified by the staff member prior to the parent/adult student granting permission for the staff member to leave the meeting</i> b. Parent/adult student provides written consent on the <i>Screen: ARD Member Not Required to Attend ARD Meeting</i> form (under <i>Application: ARD Forms</i>) in eSped c. Time of excusal should be noted on ARD signature page	ARD Committee, Parents	During the ARD meeting

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Properly Constituted ARD

Action	Person(s) Responsible	Timeline
9. At the beginning of the deliberations, list all participants and their roles a. Ensure that the information is consistent with the ARD signature page	ARD Committee member charged with recording deliberations	During ARD meeting, at beginning of deliberations
10. Record ARD attendance on the signature page a. All meeting participants should have a signature line with their respective title b. ARD members who are excused during the meeting as per procedures in Step 8 should sign the signature page and note time of excusal c. A CTE teacher must be in attendance if the student is 14 years or older. The CTE teacher signs as CTE; a different teacher must serve as the General Education teacher d. A trained LPAC representative must be present if the student is LEP i. The campus administrator may also 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	LSSP, Educational Diagnostician, or SLP	Toward the end of the ARD meeting per agenda

MANOR ISD SPECIAL EDUCATION

Operating Guidelines: Properly Constituted ARD

Action	Person(s) Responsible	Timeline
e. Students must be invited to attend if they are 14 years of age or older or if transition services will be discussed f. The parent/adult student and district representative must sign and must check agreement or disagreement		

IV. Resources and Attachments, Legal Requirements

A. Resources

- *Inviting Agencies to ARD Meetings* form
- *Screen: Consent to Invite an Outside Agency* form in eSped
- *Screen: ARD Member Not Required to Attend ARD Meeting* form in eSped

B. Legal Requirements

Federal Regulations	Texas Administrative Code (TAC)
§ 300.321 IEP Team. (a) General. The public agency must ensure that the IEP Team for each child with a disability includes— (1) The parents of the child; (2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); (3) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child; (4) A representative of the public agency who— (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (ii) Is knowledgeable about the general education curriculum; and (iii) Is knowledgeable about the availability of resources of the public agency. (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section; (6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and (7) Whenever appropriate, the child with a disability.	§ 89.1050. The Admission, Review, and Dismissal (ARD) Committee [Excerpt] (a) Each school district must establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted pursuant to §89.1011 of this title (relating to Full Individual and Initial Evaluation). The ARD committee is the individualized education program (IEP) team defined in federal law and regulations, including, specifically, 34 Code of Federal Regulations (CFR), §300.321. The school district is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the following: (1) 34 CFR, §§300.320-300.325, and Texas Education Code (TEC), §29.005 (individualized education programs); (2) 34 CFR, §§300.145-300.147 (relating to placement of eligible students in private schools by a school district); (3) 34 CFR, §§300.132, 300.138, and 300.139 (relating to the development and implementation of service plans for eligible students placed by parents in private school who have been designated to receive special education and related services); (4) 34 CFR, §300.530 and §300.531, and TEC, §37.004 (disciplinary placement of students with disabilities); (5) 34 CFR, §§300.302-300.306 (relating to evaluations, re-evaluations, and determination of eligibility); (6) 34 CFR, §§300.114-300.117 (relating to least restrictive

MANOR ISD SPECIAL EDUCATION

Operating Guidelines: Properly Constituted ARD

Federal Regulations	Texas Administrative Code (TAC)
(b) Transition services participants. (1) In accordance with paragraph (a)(7) of this section, the public agency must invite a child with a disability to attend the child's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under §300.320(b). (2) If the child does not attend the IEP Team meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered. (3) To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, in implementing the requirements of paragraph (b)(1) of this section, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. (c) Determination of knowledge and special expertise. The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section must be made by the party (parents or public agency) who invited the individual to be a member of the IEP Team. (d) Designating a public agency representative. A public agency may designate a public agency member of the IEP Team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied. (e) IEP Team attendance. (1) A member of the IEP Team described in paragraphs (a)(2) through (a)(5) of this section is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting. (2) A member of the IEP Team described in paragraph (e)(1) of this section may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if— (i) The parent, in writing, and the public agency consent to the excusal; and (ii) The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting. (f) Initial IEP Team meeting for child under Part C. In the case of a child who was previously served under Part C of the Act, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services. (Authority: 20 U.S.C. 1414(d)(1)(B)–(d)(1)(D))	environment); (7) TEC, §28.006 (Reading Diagnosis); (8) TEC, §28.0211 (Satisfactory Performance on Assessment Instruments Required; Accelerated Instruction); (9) TEC, §28.0212 (Junior High or Middle School Personal Graduation Plan); (10) TEC, §28.0213 (Intensive Program of Instruction); (11) TEC, Chapter 29, Subchapter I (Programs for Students Who Are Deaf or Hard of Hearing); (12) TEC, §30.002 (Education for Children with Visual Impairments); (13) TEC, §30.003 (Support of Students Enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf); (14) TEC, §33.081 (Extracurricular Activities); (15) TEC, Chapter 39, Subchapter B (Assessment of Academic Skills); and (16) TEC, §42.151 (Special Education). (c) ARD committee membership. (1) ARD committees must include the following: (A) The parents of the student; (B) not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment); (C) not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student; (D) a representative of the school district who: (i) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities; (ii) is knowledgeable about the general education curriculum; and (iii) is knowledgeable about the availability of resources of the school district; (E) an individual who can interpret the instructional implications of evaluation results, who may be a member of the committee described in subparagraphs (B)-(D) and (F) of this paragraph; (F) at the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate; (G) whenever appropriate, the student with a disability; (H) to the extent appropriate, with the consent of the parents or a student who has reached the age of majority, a representative of any participating agency that is likely to be responsible for providing or paying for transition services; (I) a representative from career and technical education (CTE), preferably the teacher, when considering initial or continued placement of a student in CTE; and (J) a professional staff member who is on the language proficiency assessment committee who

MANOR ISD SPECIAL EDUCATION

Operating Guidelines: Properly Constituted ARD

Federal Regulations	Texas Administrative Code (TAC)
	may be a member of the committee described in subparagraphs (B) and (C) of this paragraph, if the student is identified as an English language learner. (2) The special education teacher or special education provider that participates in the ARD committee meeting must be appropriately certified or licensed as required by 34 CFR, §300.18 and §300.156. (3) If the student is: (A) a student with a suspected or documented visual impairment, the ARD committee must include a teacher who is certified in the education of students with visual impairments; (B) a student with a suspected or documented auditory impairment, the ARD committee must include a teacher who is certified in the education of students with auditory impairments; or (C) a student with suspected or documented deaf-blindness, the ARD committee must include a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students with auditory impairments. (4) An ARD committee member is not required to attend an ARD committee meeting if the conditions of either 34 CFR, §300.321(e)(1), regarding attendance, or 34 CFR, §300.321(e)(2), regarding excusal, have been met. § 89.1131. Qualifications of Special Education, Related Service, and Paraprofessional Personnel. [Excerpt] (b) A teacher who holds a special education certificate or an endorsement may be assigned to any level of a basic special education instructional program serving eligible students 3-21 years of age, as defined in §89.1035(a) of this title (relating to Age Ranges for Student Eligibility), in accordance with the limitation of their certification, except for the following. (1) Persons assigned to provide speech therapy instructional services must hold a valid Texas Education Agency certificate in speech and hearing therapy or speech and language therapy, or a valid state license as a speech/language pathologist. (2) Teachers holding only a special education endorsement for early childhood education with disabilities must be assigned only to programs serving infants through Grade 6. (3) Teachers certified in the education of students with visual impairments must be available to students with visual impairments, including deaf-blindness, through one of the school district's instructional options, a shared services arrangement with other school districts, or an education service center. (4) Teachers certified in the education of students with auditory impairments must be available to students with auditory impairments, including deaf-blindness, through one of the school district's instructional options, a regional day school program for the deaf, or a shared

MANOR ISD SPECIAL EDUCATION

Operating Guidelines: Properly Constituted ARD

Federal Regulations	Texas Administrative Code (TAC)
	services arrangement with other school districts. (5) The following provisions apply to physical education. (A) When the admission, review, and dismissal committee has made the determination and the arrangements are specified in the student's individualized education program physical education may be provided by the following personnel: (i) special education instructional or related service personnel who have the necessary skills and knowledge; (ii) physical education teachers; (iii) occupational therapists; (iv) physical therapists; or (v) occupational therapy assistants or physical therapy assistants working under supervision in accordance with the standards of their profession. (B) When these services are provided by special education personnel, the district must document that they have the necessary skills and knowledge. Documentation may include, but need not be limited to, in-service records, evidence of attendance at seminars or workshops, or transcripts of college courses. (6) Teachers assigned full-time or part-time to instruction of students from birth through age two with visual impairments, including deaf-blindness, must be certified in the education of students with visual impairments. Teachers assigned full-time or part-time to instruction of students from birth through age two who are deaf, including deaf-blindness, must be certified in education for students who are deaf and severely hard of hearing. (7) Teachers with secondary certification with the generic delivery system may be assigned to teach Grades 6-12 only. § 75.1023. Provisions for Individuals Who Are Members of Special Populations. (a) An individual who is a member of a special population as defined in 23 United States Code, §2302(23), shall be provided career and technology services in accordance with all applicable federal law and regulations, state statutes, and rules of the State Board of Education (SBOE) and commissioner of education. (b) A student with a disability shall be provided career and technology services in accordance with the provisions of the Individuals with Disabilities Education Act (IDEA), Public Law 105-17, as amended through the 1997 Amendments, and implementing regulations, state statutes, and rules of the SBOE and commissioner of education relating to services to students with disabilities. (c) A student with a disability shall be instructed in accordance with the student's individualized education program (IEP) in the least restrictive environment, as determined by the admission, review, and dismissal (ARD) committee. If a student is unable to receive a free appropriate public education (educational benefit) in a

MANOR ISD SPECIAL EDUCATION

Operating Guidelines: Properly Constituted ARD

Federal Regulations	Texas Administrative Code (TAC)
	regular career and technology education program, using supplementary aids and services, the student may be served in separate programs designed to address the student's occupational/training needs, such as career and technology education for students with disabilities (CTED) programs. (d) A student with a disability identified in accordance with provisions of Public Law 105-302 and the IDEA Amendments of 1997, Public Law 105-17, is an eligible participant in career and technology education when the requirements of this subsection are met. (1) The ARD committee shall include a representative from career and technology education, preferably the teacher, when considering initial or continued placement of a student in career and technology education. (2) Planning for students with disabilities shall be coordinated among career and technology education, special education, and state rehabilitation agencies and should include a coherent sequence of courses. (3) A school district shall monitor to determine if the instruction being provided students with disabilities in career and technology education classes is consistent with the IEPs developed for the students. (4) A school district shall provide supplementary services that each student with a disability needs to successfully complete career and technology education, such as curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aides and devices. (5) A school district shall help fulfill the transitional service requirements of the IDEA Amendments of 1997, Public Law 105-17, and implementing regulations, state statutes, and rules of the commissioner of education for each student with a disability who is completing a coherent sequence of career and technology education courses. (6) When determining placement in a career and technology classroom, the ARD committee shall consider a student's graduation plan, the content of the individual transition plan and the IEP, and classroom supports. Enrollment numbers should not create a harmful effect on student learning for a student with or without disabilities in accordance with the provisions in the IDEA Amendments of 1997, Public Law 105-17, and its implementing regulations. § 89.1230. Eligible Students with Disabilities. (a) Districts shall implement assessment procedures which differentiate between language proficiency and handicapping conditions in accordance with Subchapter AA of this chapter (relating to Special Education Services), and shall establish placement procedures which ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability. (b) A professional member of the language proficiency assessment committee shall serve on the admission, review, and dismissal (ARD) committee of each limited English proficient student who qualifies for services in the special education program.

MANOR ISD SPECIAL EDUCATION
Operating Guidelines: Properly Constituted ARD

Federal Regulations	Texas Administrative Code (TAC)
	§ 89.1225. Testing and Classification of Students. [Excerpt] (k) The ARD committee in conjunction with the language proficiency assessment committee shall determine an appropriate assessment instrument and performance standard requirement for exit under subsection (h) of this section for students for whom those tests would be inappropriate as part of the IEP. The decision to exit a student who receives both special education and special language services from the bilingual education or English as a second language program is determined by the ARD committee in conjunction with the language proficiency assessment committee in accordance with applicable provisions of subsection (h) of this section.