



**WINDHAM SCHOOL
DISTRICT**

NUMBER: OP-08.27
DATE: January 24, 2023
PAGE: 1 of 12
SUPERSEDES: N/A

OPERATING PROCEDURES

SUBJECT: ARD COMMITTEES AND INDIVIDUALIZED EDUCATION PROGRAMS

AUTHORITY: *Individuals with Disabilities Education Act (IDEA) of 2004, 20 U.S.C. §1400 et seq., 34 C.F.R. Part 300; Rehabilitation Act of 1973, §504, 29 U.S.C. §794, 34 C.F.R. Part 104; Tex. Educ. Code §§29.001–29.005; 19 Tex. Admin. Code §§75.1023, 89.1011-1075*

APPLICABILITY: Windham School District (WSD)

POLICY:

WSD holds admission, review, and dismissal (ARD) committee meetings and develops individualized education programs (IEPs) as required by state and federal law.

I. ARD Committees

A. Assigning an ARD Committee

1. WSD assigns an ARD committee for each eligible student with a disability and for each student who receives a full individual and initial evaluation.
2. The ARD committee is the IEP team defined at 34 CFR §300.321.

B. Responsibilities of ARD Committee

The responsibilities of the ARD committee and WSD include:

1. evaluation, reevaluation, and determination of eligibility for special education and related services;
2. placement of students with disabilities, including disciplinary changes in placement;
3. development of a student's IEP;
4. compliance with the least restrictive environment standard;

5. compliance with state requirements for reading diagnosis and state assessments;
6. development of junior high or middle school personal graduation plans;
7. development of accelerated instruction under Section 28.0211, Education Code, and intensive programs of instruction under Section 28.0213, Education Code;
8. evaluation, placement, and coordination of services for students who are deaf, hard of hearing, blind, or visually impaired; and
9. determining eligibility for extracurricular activities under Section 33.081, Education Code.

C. Committee Members

1. Required Members

Each ARD committee meeting includes:

- a. the parent(s), guardian, or person standing in parental relation to a minor student (parent) or the adult student;
- b. at least one of the student's general education teachers (if the student is participating in the regular education environment or may do so in the future);

Note: The general education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the IEP.

- c. at least one of the student's special education teachers or, if appropriate, at least one of the student's special education providers
- d. a representative of WSD who is:
 - i. qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
 - ii. knowledgeable about the general education curriculum; and
 - iii. knowledgeable about the availability of resources of WSD; and

- e. other individuals who have knowledge or special expertise regarding the student, at the discretion of WSD or a parent or adult student;
- f. an individual who can interpret the instructional implications of evaluation results, who may be a member described in items b.- e. of this section;
- g. the student, if appropriate;
- h. for a student with an auditory impairment, a teacher who is certified in the education of students with auditory impairments;
- i. for a student with a visual impairment, a teacher who is certified in the education of students with visual impairments;
- j. for a student with deaf-blindness, 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;
- k. for a student with limited English proficiency, a professional staff member of the language proficiency assessment committee (LPAC), who may also be a member as described in items b. or c. of this section;
- l. to the extent appropriate and with the consent of a parent or a student who has reached the age of majority, a representative of any participating agency likely to be responsible for providing or paying for transition services for a student; and
- m. a representative from career and technical education, preferably the teacher, when considering initial or continued placement of a student in a career and technical education program.

2. Attendance Not Required

An employee member of the ARD committee is not required to attend an IEP meeting, in whole or in part, if:

- a. the employee's area of the curriculum or related services is not being discussed or modified and a parent or adult student and WSD agree in writing that attendance is not necessary; or
- b. the employee's area of the curriculum or related services is being discussed or modified and:

- i. the employee submits, in writing, to the parent or adult student and the ARD committee, input into the development of the IEP before the meeting; and
- ii. the parent or adult student and WSD consent in writing to the excusal.

3. Parent Involvement

- a. WSD takes steps to ensure that a parent or the adult student is present at each ARD committee meeting or are afforded an opportunity to participate, including:
 - i. notifying a parent or adult student of the meeting early enough to ensure that they will have an opportunity to attend;
 - ii. scheduling the meeting at a mutually-agreed-on time and place; and
 - iii. allowing other methods of participation, such as telephone or video conferencing, if a parent or adult student cannot attend in person.
- b. The notice provided to parents must include:
 - i. the purpose, time, and location of the meeting;
 - ii. a list of who will be in attendance; and
 - iii. a statement that persons with knowledge or special expertise may be invited by either a parent or adult student or WSD.
- c. If the purpose of the meeting is to consider post-secondary goals and transition services, the notice to a parent or adult student must also:
 - i. indicate this purpose;
 - ii. indicate that WSD will invite the student; and
 - iii. identify any other agency that will be invited to send a representative.

Note: The notice must include these items beginning with the first IEP that will be in effect when the student turns 16 (or younger if determined appropriate by the ARD committee).

- d. An ARD meeting may be conducted without a parent or adult student in attendance if WSD is unable to convince a parent or adult student that they should attend. WSD keeps detailed records of its attempts to arrange mutually agreed-on times and places, such as telephone calls, correspondence, or visits made or attempted and the results of any of those actions.

D. Frequency of ARD Committee Meetings

1. WSD initiates and conducts ARD committee meetings to develop, review, and revise the IEP of a student with a disability. The committee reviews each student's IEP at least once a year, and, if appropriate, revises the IEP. The ARD committee must also determine the student's placement at least once a year.
2. A meeting does not include informal or unscheduled conversations involving WSD staff or conversations on issues such as teaching methodology, lesson plans, or coordination of services. A meeting also does not include preparatory activities of WSD staff in developing a proposal or response to a parent or adult student proposal that will be discussed at a later meeting.
3. Upon receipt of a written request for an ARD committee meeting from a parent or adult student, WSD:
 - a. schedules and convenes a meeting; or
 - b. within five school days, sends written notice to the parent or adult student explaining why WSD is unable to convene a meeting.

E. Written Notice

If a parent or adult student is unable to speak English, WSD provides the notices mentioned above (i.e., a notice of an upcoming meeting or the reason why a meeting cannot be held) in the parent or adult student's native language, unless it is clearly not feasible to do so. If a parent or adult student's native language is not a written language, WSD takes steps to ensure that the notice is translated orally or by other means to the parent or adult student in his or her native language or other modes of communication so that the parent or adult student understands the content of the notice.

II. Transfer Students

A. IEP Determination

This section applies to students who were receiving special education services before transferring to a WSD school. A parent, adult student, or the previous school district may verify that the student was receiving special education services.

1. In-State Transfers

If the student transfers to a WSD school from another school in Texas, WSD provides a free appropriate public education, including services comparable to those described in the previous IEP, until WSD:

- i. adopts the student's previous IEP; or
- ii. develops, adopts, and implements a new IEP.

2. Transfers from Another State

If the student transfers to a WSD school from out of state within the same school year, WSD provides the student with a free appropriate public education, including services comparable to those described in the student's IEP from the previous school, until WSD:

- i. conducts an evaluation, if necessary; and
- ii. develops, adopts, and implements a new IEP, if appropriate.

B. Transfer of Records

1. When a student transfers to a WSD school, WSD takes reasonable steps to promptly obtain the student's records from the previous district, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student.
2. When WSD receives a request for a student's records from a new school district, WSD provides the records, including special education records, not later than the tenth working day after the request is received.

III. Individualized Education Program

A. IEP General Requirements

WSD develops and annually reviews and/or revises an IEP for each student with a disability.

B. IEP Contents

1. The term "IEP" means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:
 - a. a statement of the student's present levels of academic achievement and functional performance;

- b. a statement of measurable annual goals, including academic and functional goals;
- c. a description of how the student's progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
- d. a statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
- e. a statement of the program modifications or supports for school staff that will be provided for the student;
- f. an explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities;
- g. the projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
- h. a statement of any individual appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the student on state assessments;
- i. if the ARD committee determines that the student must take an alternate assessment instead of a general state assessment of achievement, a statement of why the student cannot participate in the general assessment and why the selected alternate assessment is appropriate for the student;
- j. if the ARD committee determines that a student is in need of extended-school-year services, identification of the goals and objectives that will be addressed during extended-school-year services;
- k. the ARD committee's consideration and decisions regarding the transition issues listed at 19 TAC §89.1055(j);

Note: This requirement begins no later than when a student turns 14 and the information is updated annually thereafter.

- l. a statement of appropriate, measurable post-secondary goals and transition services needed to assist the student in reaching those goals;

Note: This requirement begins with the first IEP to be in effect when the student turns 16 (or earlier if determined appropriate by the ARD committee) and the information is updated annually thereafter.

- m. beginning not later than when the student turns 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching age 18;
 - n. the date of the meeting;
 - o. the name, position, and signature of each member participating in the meeting; and
 - p. an indication of whether a parent, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.
2. The written statement of a student's IEP may be required to include only information included in the model form developed by TEA under Section 29.0051(a), Education Code, and posted on the TEA website. WSD may use the model form to comply with the requirements for an IEP under 20 USC §1414(d).

C. Translation of IEP into Native Language

- 1. If a parent or adult student is unable to speak English and the parent's native language is Spanish, WSD provides a written copy or audio recording of the student's IEP translated into Spanish.
- 2. If a parent or adult student is unable to speak English and the parent's native language is other than Spanish, WSD makes a good faith effort to provide a written copy or audio recording of the student's IEP translated into the parent's native language.
- 3. A translated written copy must include an accurate translation of all the English text into the target language. The translated IEP must be a comparable rendition of the IEP in English and not a partial translation or summary.
- 4. A translated audio recording must include an oral translation of all the content in the student's IEP in English. WSD may provide a parent or adult student with an audio recording of an ARD committee meeting at which the parent or adult student was assisted by an interpreter if the audio recording contains an oral translation into the target language of all the content in the student's IEP in English.
- 5. If a parent's native language is not a written language, WSD takes steps to ensure that the student's IEP is translated orally or by other means to a

parent or adult student in his or her native language or other mode of communication.

6. Written copies, either in English or another language, are provided to a parent or adult student at no cost to the parent or adult student.

D. Autism/Pervasive Developmental Disorder

1. For students with autism or pervasive developmental disorders, the following strategies are considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:
 - a. extended educational programming;
 - b. daily schedules reflecting the minimal unstructured time and active engagement in learning activities;
 - c. positive behavior support strategies based on relevant information;
 - d. beginning at any age, futures planning for integrated living, work, community, and educational environments that consider skills necessary to function in current and post-secondary environments;
 - e. parent/family training and support, provided by qualified personnel with experience in autism spectrum disorders;
 - f. suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work toward individual independence;
 - g. communication interventions, including language forms and functions that enhance effective communication across settings;
 - h. social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
 - i. professional educator/staff support; and
 - j. teaching strategies based on peer-reviewed, research-based practices for students with autism spectrum disorders.
2. If the ARD committee determines that services are not needed in one or more of the areas listed in section III.D.1., the IEP must include a statement reflecting that decision, including the basis for the decision.

E. Visual Impairment

WSD must develop written procedures as required in Section 30.002(c)(10), Education Code, if WSD provides special education services to students with visual impairments

F. Deaf and Hard of Hearing

WSD ensures materials used for the assessment and placement of a student who is deaf or hard of hearing are in the student's preferred mode of communication.

G. Decision-Making Process for the IEP

1. Collaborative Process

WSD ensures that all members of the ARD committee have the opportunity to develop the IEP in a collaborative manner. Decisions about required elements of the IEP are made by mutual agreement, if possible.

2. Ten-Day Recess

- a. When mutual agreement about all required elements of the IEP is not achieved, a parent or adult student who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting unless the exception in item (c) of this section applies.

Note: This section does not prevent the ARD committee from recessing a meeting for reasons other than failure to reach a mutual agreement.

- b. 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.
- c. The opportunity to recess and reconvene is not required when the student's presence presents a danger of physical harm to the student or others.
- d. During the recess, the ARD 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. Failure to Reach Agreement

- a. If a recess is implemented and the ARD committee still cannot reach mutual agreement, WSD implements the IEP it has determined to be appropriate for the student.
 - b. Each member of the ARD committee who disagrees with the IEP developed by the ARD committee may include a statement of disagreement in the IEP.
 - c. If the IEP is not developed by agreement, the IEP must include a statement describing the basis for the disagreement.
4. Modification of Existing IEP
- a. To make changes to the IEP after the annual IEP meeting for a school year, a parent or adult student and WSD may agree not to convene an ARD committee meeting and instead may develop a written document to amend or modify the student's current IEP.
 - b. Changes to the IEP may be made either by the entire ARD committee or, as noted in item a of this section, by amending the IEP rather than by redrafting the entire IEP.
 - c. Upon request, a parent or adult student is provided with a revised copy of the IEP with amendments incorporated.
 - d. To the extent possible, WSD encourages the consolidation of reevaluation meetings for the student and other ARD committee meetings for the student.

H. Teacher Access to IEP

WSD ensures that each teacher who provides instruction to a student with a disability:

1. has access to relevant sections of the student's current IEP;
2. is informed of the teacher's specific responsibilities related to implementation of the IEP; and
3. has an opportunity to request assistance with implementing the student's IEP.

I. Teacher Request to Review IEP

1. WSD procedures allow teachers who instruct a student with a disability in a regular classroom setting to:
 - a. request a review of the student's IEP and;

- b. provide input in the development of the student's IEP.
- 2. The procedures also provide for:
 - a. a timely district response to the teacher's request; and
 - b. notification to a parent or adult student or legal guardian of that response.



Kristina J. Hartman, Ed.S.
Superintendent
Windham School District