

# Admission, Review, and Dismissal Committee

## ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING

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and

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**CONTENTS**

ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING	1
What is Required	1
Initial ARD Meeting	1
Developing the IEP	1
Periodic Review and Revision of the IEP	2
Recessing and Reconvening a Meeting	3
Mutual Agreement	3
Parent Request for an ARD Committee Meeting	4
IEP Facilitation	4
Additional Procedures	5
Initial ARD Meeting	5
Developing the IEP	6
Periodic Review and Revision of the IEP	8
Recessing and Reconvening a Meeting	8
Mutual Agreement	9
Parent Request for an ARD Committee Meeting	9
Evidence of Implementation	10
Resources	10
CITATIONS	11

# ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING

## What is Required

The District must have an IEP in effect for each student with a disability at the beginning of each the school year. For a student with a disability who transfers into the District within the same year, the District will comply with the transfer rules and procedures. See [CHILDREN WHO TRANSFER]. The IEP is developed and agreed upon at an initial ARD Committee meeting and revised as needed, but no less than once annually. Campus Special Education Personnel must provide the parent with written notice prior to any ARD meeting to allow the parent the opportunity to meaningfully participate in the meeting and provide Prior Written Notice of any proposed change to the student's IEP following the ARD meeting before any changes may be implemented. See [PARENT PARTICIPATION] and [PRIOR WRITTEN NOTICE].

## **Initial ARD Meeting**

At the initial ARD meeting, the ARD Committee must determine if the student is eligible for special education services based on the initial FIE and, where appropriate, placement in special education and the development of an IEP, within 30 calendar days from the date of the completion of the written initial FIE report.

The ARD Committee may wait to finalize decisions until the first day of classes in the fall if the 30<sup>th</sup> day falls during the summer when school is not in session, unless the initial evaluation indicates that the student will require Extended School Year services during that summer. See [EXTENDED SCHOOL YEAR SERVICES]. If the District received written consent for the evaluation from the parent at least 35 but fewer than 45 school days before the last instructional day of the school year and the student was not absent from school three or more days between the time the District received written consent and the last instructional day of the school year, the ARD Committee is only required to meet prior to the 15<sup>th</sup> school day of the following school year, unless the initial evaluation indicates that the student will require Extended School Year services during that summer. If the Initial evaluation indicates that the student will require Extended School Year services during that summer, the ARD Committee must convene as early as possible. A school day does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent school term.

## **Developing the IEP**

The District must provide all members of the ARD Committee the opportunity to

collaboratively participate in developing the IEP. The ARD Committee must consider:

- The student's strengths;
- The parent's concerns regarding the student's education;
- The results of the initial evaluation or most recent evaluation of the student; and
- The academic, developmental, and functional needs of the student.

The ARD Committee must decide whether the student's IEP will last for the entire year or if the IEP will be for a shorter duration.

Service Providers and Campus Special Education Personnel will ensure that special education and related services are provided to the student in accordance with the student's IEP as soon as possible following the development of the IEP at the ARD meeting, and in compliance with Prior Written Notice requirements. See [PRIOR WRITTEN NOTICE].

### **Periodic Review and Revision of the IEP**

The ARD Committee must periodically review the student's IEP to assess the student's progress. At a minimum, the IEP should be reviewed annually to determine whether the student has achieved the annual goals. Where necessary, the ARD Committee must revise the IEP to address:

- Any lack of expected progress toward the annual goals and in the general education curriculum, if needed;
- The results of any reevaluation;
- Information about the student provided to, or by the parent, in a Review of Existing Evaluation Data, see [REVIEW OF EXISTING EVALUATION DATA];
- The student's anticipated needs; or
- Additional matters.

The ARD Committee must convene to address transition goals for the student if a participating agency, other than the District, fails to provide transition services outlined in the student's IEP. See [TRANSITION SERVICES].

If the student has been reevaluated, the ARD Committee and District Special Education Personnel should encourage the consolidation of any meetings related to the evaluation

with other ARD Committee meetings.

The entire ARD Committee must convene an ARD meeting to make changes to an IEP unless the ARD Committee amends the IEP through the IEP amendment process. See [AMENDMENT WITHOUT A MEETING].

### **Recessing and Reconvening a Meeting**

If possible, the ARD Committee must reach mutual agreement regarding a decision of the ARD Committee related to the required elements of the IEP. If mutual agreement is not reached, the District must offer the parent a single opportunity to recess and reconvene the ARD Committee meeting at a mutually agreed upon time and place within 10 school days of the ARD meeting, unless the parties mutually agree otherwise. However, the ARD Committee is not required to offer a recess and reconvene if the student's presence on the campus presents a danger of physical harm to the student or others or if the student has committed an expellable offense or an offense that might lead to a placement in a disciplinary alternative education program.

During the recess period, members of the ARD Committee should consider alternatives, gather additional data, prepare additional documentation, and/or seek additional individuals to help the ARD Committee reach a mutual agreement.

Should the ARD Committee still fail to reach a mutual agreement after it reconvenes, the District must implement the IEP that it has determined to be appropriate for the student after giving the parent Prior Written Notice and waiting the required five (5) school days. See [PRIOR WRITTEN NOTICE]

The ARD Committee may also recess an ARD meeting for reasons other than the failure to reach mutual agreement.

### **Mutual Agreement**

Where mutual agreement is reached, the IEP must include:

- The date of the meeting;
- The name, position, and signature of each ARD Committee member participating in the meeting; and
- An indication of whether the student's parents, the adult student (if applicable), and the Campus Administrator agreed or disagreed with the decisions of the ARD Committee.

If mutual agreement is not reached, the IEP must include a written statement explaining

the reason for the disagreement. In addition, each member, including the parent, who disagrees with the IEP is entitled to include their own statement of disagreement in the IEP.

### **Parent Request for an ARD Committee Meeting**

A parent may request an ARD Committee meeting at any time and for any reason. Upon receipt of a written request for an ARD Committee meeting from the parent, the Campus Special Education Personnel must schedule and convene the meeting or, within 5 school days, provide the parent with Prior Written Notice explaining why the District refuses to convene the meeting. See [PARENT PARTICIPATION] and [PRIOR WRITTEN NOTICE]

### **IEP Facilitation**

IEP facilitation refers to a method of alternative dispute resolution that involves the use of a trained facilitator to assist an ARD Committee in developing an IEP for a student with a disability. The facilitator uses facilitation techniques to help the committee members communicate and collaborate effectively. While the District is not required to offer IEP facilitation as an alternative dispute resolution method, TEA encourages the use of IEP facilitation.

The District is not prohibited from incorporating elements of IEP facilitation into ARD Committee meetings that are conducted without the assistance of a facilitator. For example, the District may provide training on communication skills, conflict management, or meeting effectiveness to individuals who participate in ARD Committee meetings to enhance collaboration and efficiency in those meetings.

If the District chooses to offer IEP facilitation, it may use independent contractors, employees, or other qualified individuals as facilitators. At a minimum, an individual who serves as a facilitator must:

- (1) have demonstrated knowledge of federal and state requirements relating to the provision of special education and related services to students with disabilities;
- (2) have demonstrated knowledge of and experience with the ARD Committee meeting process;
- (3) have completed 18 hours of training in IEP facilitation, consensus building, and/or conflict resolution; and
- (4) complete continuing education as determined by the District.

IEP facilitation must be voluntary on the part of the participants and must be provided at no cost to the parents. Additionally, the District may not use IEP facilitation to deny or delay the right to pursue a special education complaint, mediation, or due process hearing in accordance with federal law.

A facilitator is not a member of the ARD Committee and has no decision-making authority over the ARD Committee meeting. The facilitator must be impartial and cannot provide input or an opinion into the development of a student's IEP. A facilitator assists with the overall organization and conduct of the ARD Committee meeting by:

- assisting the committee in establishing an agenda and setting the time allotted for the meeting,
- assisting the committee in establishing a set of guidelines for the meeting,
- guiding the discussion and keeping the focus on developing a mutually-agreed-upon IEP for the student,
- ensuring that each committee member has an opportunity to participate,
- helping to resolve disagreements that arise, and
- helping to keep the ARD Committee on task and within the time allotted for the meeting.

If the District at any time chooses to offer IEP facilitation, the District will develop a written Board policy in accordance with state law.

TEA has also developed information regarding TEA IEP Facilitation as an alternative dispute resolution method, and such information is available upon request from TEA and on the TEA website. TEA IEP Facilitation may be used at the request of the parent and the District when an ARD ends in disagreement. The parent and the District may request an independent facilitator from TEA to attend the reconvene ARD meeting by completing and submitting the required form within 5 days of the ARD Committee meeting that ended in disagreement.

## **Additional Procedures**

### **Initial ARD Meeting**

District or Campus Assessment Personnel will notify Campus Special Education Personnel upon completion of the written initial FIE report. Campus Special Education Personnel will keep a schedule of completion dates to ensure that all initial ARD meetings are held within 30 calendar days of the completion of the initial FIE (or within the appropriate time frame for evaluations completed during the summer). District or Campus Assessment Personnel will ensure that the parent has been provided a copy of the student's initial FIE with enough time to allow the parent the opportunity to review

the report prior to the ARD meeting. District or Campus Assessment Personnel will also, upon request of the parent, schedule a time to go over the initial FIE with the parent prior to the initial ARD meeting.

Campus Special Education Personnel will invite the parent to the initial ARD meeting and provide written notice to the parent at least 5 school days before the meeting—unless the parent has agreed to a shorter time frame. If a parent is non-responsive to communication, after several attempts at communicating with the parent, Campus Special Education Personnel will send the parent notice of the scheduled ARD meeting, and the ARD Committee will convene without the parent within the required timeframe. See [PARENT PARTICIPATION].

For evaluations completed when school is not in session, the ARD Committee will document efforts to determine if the student needs ESY services and the final decision of the ARD Committee. If the ARD Committee determines that ESY services are not needed, Campus Special Education Personnel will communicate with the parent to schedule the initial ARD meeting once school resumes. If ESY is needed, the initial ARD meeting will be scheduled as soon as possible before ESY begins.

After the initial ARD meeting is complete, Campus Special Education Personnel must provide the parent Prior Written Notice and obtain informed consent for the provision of special education and related services from the parent. See [CONSENT FOR SERVICES]. Following receipt of consent, Campus Special Education Personnel must wait five (5) school days before special education and related services may be provided to the student, unless the 5-days notice is waived by the parent. See [PRIOR WRITTEN NOTICE].

### **Developing the IEP**

The Campus Special Education Personnel will follow and share the ARD Agenda for the ARD Committee meeting. The ARD Agenda provides a specific order in which information is presented and discussed during the ARD Committee meeting. This order should be followed by the ARD Committee to ensure that assessment leads to the development of accommodations, goals and objectives, and that accommodations, goals and objectives lead to a determination of services to be provided, and services lead to placement. Following the ARD Agenda ensures that a student's placement and services are determined by the student's needs. The ARD Agenda should include the following topics, if applicable, in this order:

- (1) Introductions
- (2) Purpose of ARD

- (3) Statement of Confidentiality and Norms for the Meeting
- (4) Review of Evaluation Data and Other Information
- (5) Determination of Eligibility
- (6) Consideration of Special Factors
- (7) Present Levels of Academic Achievement and Functional Performance
- (8) Accommodations
- (9) Goals and Objectives
- (10) Assistive Technology
- (11) Graduation Plan (if applicable for student's age)
- (12) Transition (if applicable for student's age or AU eligible)
- (13) Determination of Participation in State and District Assessments
- (14) Behavior Intervention Plan (if applicable)
- (15) Determination of Special Education and Related Services
  - a. Instructional Services
  - b. Related Services
  - c. Supplementary Aids & Services
  - d. Accelerated Instruction/Intensive Program of Instruction
  - e. Compensatory Services
  - f. Least Restrictive Environment Considerations
- (16) Extended School Year Services
- (17) Placement Determination
- (18) Review of Deliberations/Minutes
- (19) Assurances

## (20) Signatures of Committee Members

All members of the ARD Committee must work together in a collaborative manner to develop the IEP. At the beginning of the ARD meeting, the Special Education Administrator will ensure that all required members are in attendance and set ground rules for participation and collaboration, including setting reasonable time limitations, if necessary. The following statement may be read: *“In order to facilitate a collaborative environment, participants will conduct themselves in a courteous manner. This expectation must be followed in order to work together to develop an appropriate educational plan for the student. All participants will conduct themselves professionally at all times during this ARD meeting. Unnecessary outbursts, rude or unprofessional behavior will result in the administrator requesting the removal of the party from the committee meeting. This action could result in a recess of the meeting and rescheduling for another date and time.”*

District Special Education Personnel will provide opportunities for training on communication skills, conflict management, or meeting effectiveness to individuals who participate in ARD Committee meetings to enhance collaboration and efficiency in those meetings.

### **Periodic Review and Revision of the IEP**

Campus Special Education Personnel will keep a schedule to ensure that all IEPs are reviewed, at a minimum, annually. Aside from annual ARD meetings, an ARD meeting may be called for a variety of reasons, including, but not limited to, the following:

- Upon request by a member of the ARD Committee to discuss concerns related to the student;
- The student has already mastered or is not likely to master the annual goals in the IEP;
- Additional academic or behavioral goals or objectives need to be added or modified;
- Issues with student placement;
- Accommodations or modifications need to be addressed prior to State Assessments;
- Attendance or disciplinary issues;
- Possible dismissal from special education services;
- Receipt of new information, diagnoses or evaluations;
- Hospitalization; and/or
- At the request of a parent.

### **Recessing and Reconvening a Meeting**

Campus Special Education Personnel will consult with the parent at the end of the disagreed or recessed ARD meeting to determine the time and place for the reconvened ARD meeting. If the parties mutually agree to hold the reconvene after 10 school days have passed, Campus Special Education Personnel will obtain a written statement from the parent agreeing to the delay.

In addition to considering alternatives, gathering data, preparing further documentation, and/or obtaining additional resources to assist in enabling the ARD Committee to reach mutual agreement, Campus Special Education Personnel should consult with the Campus Principal to determine if a staffing should be held prior to the reconvene ARD meeting to discuss alternative options and proposals and review additional information collected by the Campus.

In particularly challenging ARDs where it looks like mutual agreement may not be possible even following the recess, Campus Special Education Personnel will consult with the Campus Principal to determine whether it would be beneficial to request an IEP facilitator through TEA. If the Campus determines that an IEP facilitator would be helpful, Campus Special Education Personnel will contact the parent to seek consent for the request.

### **Mutual Agreement**

The ARD Committee will make every effort to ensure that mutual agreement regarding the IEP can be reached. However, the ARD Committee will not reach decisions based upon a majority vote. If mutual agreement cannot be reached, the ARD Committee will offer the parent a single opportunity to recess for up to 10 school days or another mutually agreeable time. Additionally, the ARD Committee will document all recommendations by the ARD Committee in which the parent disagrees, as well as the parent's position of disagreement, in the ARD minutes.

The ARD Committee will provide the parent a copy of their procedural safeguards and explain the process for resolving the disagreement if the ARD Committee is unable to reach mutual agreement after the recess. The ARD Committee will also notify the parent that the IEP will be implemented in 5 school days from receipt of the Prior Written Notice. The ARD Committee and all Campus Personnel will act professionally towards the student's parent should the parent exercise their right to disagree with the decisions of the ARD Committee.

### **Parent Request for an ARD Committee Meeting**

Campus Special Education Personnel will provide the parent a copy of the *Parent's Guide to the Admission, Review, and Dismissal Process*, informing the parent of the right to request an ARD meeting to discuss educational concerns about their student.

See [PARENT PARTICIPATION].

All written requests from a parent for an ARD meeting should immediately be provided to Campus Special Education Personnel. Upon receipt of a written request for an ARD meeting from the parent, Campus Special Education Personnel will contact the parent to schedule the ARD meeting on a mutually agreeable date and time. Campus Special Education Personnel will then notify the ARD Committee members of the scheduled ARD meeting.

Campus Special Education Personnel will maintain all documentation related to written requests for an ARD meeting from the parent and the District's efforts to schedule and convene the meeting within a reasonable time.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

**[ADD ADDITIONAL DISTRICT PROCEDURES AS APPROPRIATE]**

### **Evidence of Implementation**

- Receipt of *Parent's Guide to the Admission, Review, and Dismissal Process*
- *Parent's Guide to the Admission, Review, and Dismissal Process*
- Receipt of *Notice of Procedural Safeguards*
- *Notice of Procedural Safeguards*
- FIE (to document date completed)
- ESY Documentation
- Notice(s) of ARD meeting
- Written Requests for ARD Meetings
- Schedule of Deadlines for ARD Meetings
- Attempts to Contact the Parent or Guardian to Ensure Parental Participation in ARD Meeting
- Draft IEP
- ARD/IEP
- Signature Page of ARD/IEP
- Notice(s) of ARD Meetings
- Prior Written Notice(s) of Decisions in ARD Meetings
- Documentation of Recess Activities
- Statement(s) of Disagreement
- Parent Requests for ARD Meeting and Response
- Documentation for the state in TSDS, PEIMS, and SPP

- **[DISTRICT FORMS]**

## **Resources**

[The Legal Framework for the Child Centered Special Education Process: Admission, Review, and Dismissal Committee Meeting Framework - Region 18](#)

[Parent's Guide to the Admission, Review, and Dismissal Process - Texas Education Agency](#)

[Guidance on ARD Guide Production and Required Dissemination - Texas Education Agency](#)

[Individualized Education Program Facilitation - Texas Education Agency](#)

[OSEP Letter to Morris \(Aug. 15, 2007\) - U.S. Department of Education](#)

[OSEP Letter to Richards \(Jan. 7, 2010\) - U.S. Department of Education](#)

**[ADDITIONAL DISTRICT RESOURCES]**

## **CITATIONS**

Board Policy EHBAB; 34 CFR 300.305(a)(2), 300.323, 300.324; Texas Education Code 29.005, 29.019, 29.020; 19 TAC 89.1011(d),(e),(g), 89.1050(e),(g), 89.1055, 89.1196, 89.1197