



# **BROWNWOOD INDEPENDENT SCHOOL DISTRICT SPECIAL EDUCATION OPERATING PROCEDURES: ADMISSION, REVIEW, & DISMISSAL COMMITTEE MEMBERSHIP**

Update October 2024

**Legal Framework: ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEMBERSHIP**

[Related Resources](#)

**Broad Category: FREE APPROPRIATE PUBLIC EDUCATION**

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BROWNWOOD ISD Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of BROWNWOOD ISD, designed to be consistent with the State policies and procedures developed pursuant to the IDEA. BROWNWOOD ISD *Special Education Operating Procedures* are not to be for the purpose of creating a requirement that is not otherwise imposed by the Individuals with Disabilities Education Improvement Act (“IDEA”), together with its implementing federal regulations, state statutes and rules, as they shall from time to time be amended, and shall not be construed to create a higher standard than that established by IDEA. These *Special Education Operating Procedures* will be posted on BROWNWOOD ISD’s website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. BROWNWOOD ISD’s *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. BROWNWOOD ISD will make timely changes to policies and procedures in response to IDEA amendments, regulatory or rule changes, changes to state policy, or new legal interpretation as are necessary to bring BROWNWOOD ISD into compliance with the requirements of IDEA. BROWNWOOD ISD maintains systems to ensure that all students with disabilities residing in the District, including students with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and provided a free appropriate public education. BROWNWOOD ISD maintains systems to ensure that students with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its implementing federal regulations, state statutes and rules) including with respect to the confidentiality of records and personally identifiable information.

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## ***Who Are the Members of the Admission, Review, and Dismissal (ARD) Committee?***

For each eligible student with a disability, the Campus Diagnostician/ SLP shall establish an ARD committee.<sup>1</sup> Each student’s ARD committee shall include the following participants:<sup>2</sup>

- a parent or adult student;<sup>3</sup>

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<sup>1</sup> 19 TEX. ADMIN. CODE § 89.1050(a)

<sup>2</sup> 34 C.F.R. § 300.321 (a); 19 TEX. ADMIN. CODE § 89.1050(c)

<sup>3</sup> 34 C.F.R. § 300.327

- a general education teacher of the student if the student is or may be participating in the general education environment.<sup>4</sup> The student's general education teacher, shall, to the extent appropriate, participate in the development of the student's IEP, including the determination of appropriate positive behavioral interventions and supports and other strategies for the child, supplementary aids and services, program modifications, and support for school personnel;
- a special education teacher of the student. The special education teacher or provider who is a member of the student's ARD committee should be the person who is responsible for implementing the IEP. For example, if the student's disability is a speech impairment, the special education teacher or special education provider could be the speech language pathologist;<sup>5</sup>
- a representative of the District who is qualified to provide, or supervise the provision of, specially designed instruction and is knowledgeable about the general education curriculum and about the availability of District resources. The District's representative may be the Director of Special Education or campus designee or a campus administrator acting on behalf of the District. The choice of the representative is at the discretion of the District, so long as the District's representative meets these criteria;<sup>6</sup>
- an individual who can interpret the instructional implications of evaluation results, such as a School Psychologist or an Educational Diagnostician;
- at the discretion of the parent, guardian or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and
- whenever appropriate, the student.

The ARD committee shall also include the following additional participants, as appropriate:

- with the consent of a parent, guardian 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. The Campus Diagnostician/ SLP, to the extent practicable under the circumstances, shall document efforts to obtain parental consent for the participation of an individual from the agency attending the ARD prior to or at the beginning of a student's ARD committee meeting wherein transition services will be discussed;
- a representative from the District's Career and Technical Education (CTE) when the student's ARD committee is considering placement of a student in CTE;
- if the student is identified as an emergent bilingual student, a professional staff member who is on the District's Language Proficiency Assessment Committee in accordance with BROWNWOOD ISD's Policy [EHBE\(Legal\)](#);
- if the student is a student with a suspected or documented visual impairment, a teacher who is certified in the education of students with visual impairments;

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<sup>4</sup> U.S. Dept. of Education, 71 Fed. Reg. 46669 (August 14, 2006) (“[i]t would be inappropriate to require that individuals with specific professional knowledge or qualifications attend all IEP Team meetings. These decisions should be made on a case-by-case basis in light of the needs of a particular child”).

<sup>5</sup> U.S. Dept. of Education, 71 Fed. Reg. 46669 (August 14, 2006)

<sup>6</sup> U.S. Dept. of Education, 71 Fed. Reg. 46670 (August 14, 2006)

- if the student is a student who is suspected to be or is documented to be deaf or hard of hearing the student's Teacher of the Deaf and Hard of Hearing
- if the student is a student with suspected or documented 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 who are deaf or hard of hearing.<sup>7</sup>
- if the student is suspected or identified to be a student with dyslexia, when determining initial or continued eligibility, the ARD committee must include a professional who meets the credential and training requirements specified in "TEA's Dyslexia Handbook."<sup>8</sup> This member's participation and involvement in an ARD committee meeting must be noted on an IEP signature page and clearly indicate that the person is fulfilling the role of this required member.<sup>9</sup>

Required members must be present for the ARD committee meeting unless properly excused by the parent or guardian and the District. IDEA requires different procedures for different types of excusals, including differentiating between circumstances in which parental consent is required and when an agreement is required to excuse a mandatory ARD committee member from attending an ARD committee meeting. Therefore, BROWNWOOD ISD has different procedures in place for the different types of excusals.<sup>10</sup> The two types of excusals triggering the excusal requirements are: (1) when a required ARD committee member's area of the curriculum or expertise is not being modified or discussed; and (2) when a required ARD committee member's area of the curriculum or expertise is being modified or discussed.

With the first type of excusal, parent or guardian and BROWNWOOD ISD agreement is required; however, BROWNWOOD ISD is given wide latitude about the content of the agreement to excuse a required ARD committee member from the meeting.<sup>11</sup> With the second type of excusal, parent or guardian consent is also required, and the member must submit in writing, to the parent or guardian and the ARD committee, input into the development of the IEP prior to the meeting. When consent is required, Campus Diagnostician/ SLP will ensure that all of the IDEA consent requirements are satisfied, including by providing the parent or guardian with appropriate and sufficient information to ensure that the parent or guardian fully understands that the parent or guardian is consenting to excuse an ARD committee member from attending an ARD meeting in which the member's area of the curriculum or expertise is being changed or discussed. The parent or guardian must also be informed that if the parent does not consent, the ARD committee meeting must be held with that ARD committee member in attendance.<sup>12</sup> The Campus Diagnostician/ SLP shall document all ARD committee meeting

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> TEX. ED. CODE § 29.0031(c); TEA's "FAQs: Dyslexia Evaluation, Identification and Instruction—House Bill 3928"

<sup>10</sup> US Department of Education, 71 Fed. Reg. 46673 (August 14, 2006)

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

participants, including any member who is excused prior to or during the meeting, and shall verify that the excusal procedures have been followed.

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**LEA Specific Information:**

- The individual facilitating the ARD meeting shall ensure that all required ARD committee members are in attendance and fully participate during the decision-making process. This individual shall ensure that parents are notified of the ARD meeting and coordinate the scheduling of the meeting to ensure that parents have the opportunity to participate. The ARD facilitator shall ensure that all attempts are documented to ensure parent participation and shall ensure that parents receive a copy of the IEP upon completion when parents are not in attendance.
- Consent for Disclosure of Confidential Information is required from the parent or adult student prior to inviting an outside agency to participate in the ARD meeting. The decision to invite agencies to an ARD meeting will be based on the needs of the student.
- Brownwood ISD's individual facilitating the ARD will make a good faith effort to obtain consent and invite a representative from any outside agency that will be providing or paying for transition services. Individuals with special knowledge or expertise with whom the district contracts for services do not require parental or adult student consent in order to be invited to the ARD meeting. The Notice of ARD meeting will indicate any individuals or agencies that have been invited.
- The student's case manager at the campus will work with the student to ensure that they have the understanding and opportunity to participate in decision making process through the IEP.
- For student ages 3-5, the Early Childhood Diagnostician reviews all individuals/ stakeholders are invited to the ARD meeting after completion of the FIIE including the ECI Coordinator and any potential outside participants who have an interest in the students' educational progress. Potential may be contacted via email or phone if attendance in the ARD committee meeting is required/ requested. A BISD pre-K teacher may represent as the general education teacher for preschool aged children.
- When the parent or adult student brings an individual who does not meet the definition of "parent" to the meeting, the evaluation staff member will obtain Consent for Disclosure for Confidential Information prior to the start of the meeting and document in the ARD deliberations.
- If the parent brings an advocate to the meeting, district staff will determine if additional district staff need to be present at the ARD meeting. If the parent brings an attorney to the ARD meeting, Brownwood ISD will have the attorney for the district present at the ARD along with the special programs coordinator or director. If the parent does not provide notice at least 5 school days prior to the ARD of his/her intent to bring an

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<sup>13</sup> OSEP's [\*Letter to Andel\*](#) (February 17, 2016)( "[i]t would be permissible for the public agency to reschedule the meeting to another date and time if the parent agrees so long as the postponement does not result in a delay or denial of a free appropriate public education to the child").

attorney, then the meeting may be rescheduled for a mutually agreed upon date and time in which the special education director and attorney for the LEA is able to attend.

- Training for ARD committee members is provided through the BISD mandatory training module annually.

#### **STAFF RESPONSIBLE:**

**District Level:** Special Populations Director  
Assessment Coordinator

**Campus Level:** Campus Administrator  
Campus Diagnostician  
ARD Facilitator  
Campus Speech and Language Pathologist  
Related Service Staff  
General Education Teacher  
Campus Special Education Teacher

#### **TIMELINES:**

- Notice of Meeting
- Calendar Invites
- Excusal Document
- Training of ARD committee members

#### **EVIDENCE OF PRACTICE:**

- Training Documents
- Training Sign In Sheets
- Calendar
- Student IEP Documents
- Notices and/or Invitations to ARD committee meetings
- Check-lists
- Telephone logs of calls made and attempted in an effort to convince parents to participate in ARD committee meetings
- Records of written correspondence sent in an effort to convince parents to participate in ARD committee meetings
- Records of visits to the parent's home or place of employment in an effort to convince parents to participate in ARD committee meetings
- Written notifications of restraint