



Admission, Review, and Dismissal Committee Meeting

McKinney ISD

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Legal Framework: [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING](#)

[Related Resources](#)

Broad Category: FREE APPROPRIATE PUBLIC EDUCATION

I. REQUIRED ARD/IEP

TEC §29.005. Individualized Education Program

(a) Before a child is enrolled in a special education program of a school district, the district shall establish a committee composed of the persons required under 20 U.S.C. Section 1414(d) to develop the child's individualized education program. If a committee is required to include a regular education teacher, the regular education teacher included must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's individualized education program.

TAC §89.1050. The Admission, Review, and Dismissal (ARD) Committee.

(a) Each school district must shall 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.

§300.112 Individualized education programs (IEP).

The State must ensure that an IEP, or an IFSP that meets the requirements of section 636(d) of the Act, is developed, reviewed, and revised for each child with a disability in accordance with §§300.320 through 300.324, except as provided in §300.300(b)(3)(ii). (Authority: 20 U.S.C. 1412(a)(4))

The school district will establish an admission, review, and dismissal (ARD) committee for each student who is to be considered for eligibility or already eligible for special education under current state and federal regulations. The ARD committee in Texas is the IEP team that is defined in federal regulations (CFR §300.321).

An IEP will be developed for each child with a disability in the district who meets the state and federal guidelines for special education eligibility. The IEP (or IFSP for students birth through two years of age with a visual and/or who is deaf or hard of hearing) will be in effect at the beginning of each school year and reviewed no less than on an annual basis. Each IEP will contain all the components required in state and federal regulations.

(§§300.320 Definition of IEP, .321 IEP Team, .322 Parent Participation, .323 when IEPs must be in effect, .324 Development of IEP) (300.300(b) Parent Consent).

TAC §89.1050. The Admission, Review, and Dismissal (ARD) Committee.

(b) For a student from birth through two years of age with a visual impairment or who is deaf or hard of hearing, an individualized family services plan (IFSP) meeting must be held in place of an ARD committee meeting in accordance with 34 CFR, §§300.320-300.324, and the memorandum of understanding between the Texas Education Agency and the Department of Assistive and Rehabilitative Services. For students three years of age and older, school districts must develop an IEP.



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§300.323 When IEPs must be in effect.

- (a) **General.** At the beginning of each school year, the public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in §300.320.
- (b) IEP or IFSP for children aged three through five; (c) Timeline below; (d) Teacher Accessibility and Input; (e) Transfer Instate; (f) Transfer Out of state; (g) Records

II. TIMELINE

§300.323 When IEPs must be in effect.

- (c) **Initial IEPs; provision of services.** The 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.

TAC §89.1011. Full Individual and Initial Evaluation

- (d) Except as otherwise provided in this section, a written report of an FIIE of a student must be completed as follows:

- (1) not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent, except that if a student has been absent from school during that period on three or more school days, that period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
- (2) for students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent.

- (e) Notwithstanding the timelines in subsections (d) and (g) of this section, if the school district received the written consent for the evaluation from the student's parent:

- (1) at least 35 but less than 45 school days before the last instructional day of the school year, the written report of an FIIE of a student must be provided to the student's parent not later than June 30 of that year.
- (2) at least 35 but less than 45 school days before the last instructional day of the school year but the student was absent three or more school days between the time that the school district received written consent and the last instructional day of the school year, the timeline in subsection (d)(1) of this section applies to the date the written report of the FIIE must be completed; or
- (3) Less than 35 school days before the last day of the school year, the timeline in subsection (d)(1) of this section applies to the date the written report of the FIIE must be completed.

- (f) If a student was in the process of being evaluated for special education eligibility by a school district and enrolls in another school district before the previous school district completed the FIIE, the new school district must coordinate with the previous school district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 CFR, §300.301(d)(2) and (e) and §300.304(c)(5). the timelines in subsections (d) and (g) of this section do not apply in such a situation if:

- (1) the new school district is making sufficient progress to ensure a prompt completion of the evaluation; and
- (2) the parent and the new school district agree to a specific time when the evaluation will be completed.

- (g) The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written FIIE report. If the 30th day falls during the summer and school is not in session, the ARD committee must meet not later than the 15th school day of the following



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school year to finalize decisions concerning the student's initial eligibility determination and, if appropriate, IEP and placement. If the 30th day falls during the summer and school is not in session but an FIIE report indicates that the student would need extended school year services during that summer, the ARD committee must meet as expeditiously as possible after completion of the report.

(h) A copy of the written FIIE report must be provided to the parent as soon as possible after completion of the report but no later than five school days prior to the initial ARD committee meeting, which will determine a student's initial eligibility under subsection (g) of this section, or not later than June 30 if subsection (e)(1) of this section applies.

(i) For purposes of subsections (b), (d), (e), and (g) of this section, 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 fall school term. In the case of a school that operates under a school year calendar without spring and fall terms, a school day does not include a day that falls after the last instructional day of one school year and before the first instructional day of the subsequent school year. (j) For purposes of subsections (d)(1) and (e) of this section, a student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or alternative attendance taking time as described in the Student Attendance Accounting Handbook, adopted by reference under §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook).

(The provisions of this §89.1011 amended to be effective July 30, 2024, 49 TexReg 5507)

Upon completion of a full initial individual evaluation (FIIE) the district will hold an ARD/IEP meeting to consider the student's eligibility for special education services and to develop an IEP. This must be done within 30 calendar days of the completion of the evaluation or by the 15th school day if the 30th calendar day falls in the summer. The district will comply with all timeline requirements as outlined in §89.1011. It is the responsibility of the special education evaluation and/or instructional staff assigned to the campus to schedule the ARD/IEP meeting within the required timelines.

III. WRITTEN REPORT OF ARD / IEP MEETING

§300.22 Individualized Education Program.

Individualized education program or IEP means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with §§300.320 through 300.324. (Authority: 20 U.S.C. 1401(14))

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(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 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.

(1) For purposes of this subsection, a written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

(2) For purposes of this subsection, an audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A school district is not prohibited from providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral translation into the target



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language of all of the content in the student's IEP in English.

(3) If a parent's native language is not a written language, the school district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

(4) Under 34 CFR, §300.322(f), a school district must give a parent a written copy of the student's IEP at no cost to the parent. A school district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written translation of the student's IEP in the parent's native language in accordance with paragraph (1) of this subsection.

The staff will provide a copy of the ARD/IEP document to the parent at the end of the meeting if the parent is in attendance. If the parent is not in attendance, a copy will be sent home to the parents within a reasonable amount of time.

TAC §89.1055 Content of the Individualized Education Program.

(j) The written statement of the IEP must document the decisions of the ARD committee with respect to issues discussed at each ARD committee meeting. The written statement must also include:

- (1) the date of the meeting;
- (2) the name, position, and signature of each member participating in the meeting; and
- (3) an indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

Either the campus administrator or the campus special education staff should contact the Special Education Coordinator or Director for consultation when an ARD meeting is going to reconvene due to parental disagreement.

IV. DEFINITIONS

§300.11 Day; business day; school day.

(a) Day means calendar day unless otherwise indicated as business day or school day.

(b) Business day means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day, as in §300.148(c)(1)(ii)).

(c) (1) School day means any day, including a partial day, that children are in attendance at school for instructional purposes.

(2) School day has the same meaning for all children in school, including children with and without disabilities. (Authority: 20 U.S.C. 1221e-3)

§300.14 Equipment. Equipment means--

(a) Machinery, utilities, and built-in equipment, and any necessary enclosures or structures to house the machinery, utilities, or equipment; and

(b) All other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.

(Authority: 20 U.S.C. 1401(7))

§300.22 Individualized education program. Individualized education program or IEP means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with §§300.320 through 300.324. (Authority: 20 U.S.C. 1401(14))



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§300.23 Individualized education program team. Individualized education program team or IEP Team means a group of individuals described in §300.321 that is responsible for developing, reviewing, or revising an IEP for a child with a disability. (Authority: 20 U.S.C. 1414(d)(1)(B))

§300.38 Secretary. Secretary means the Secretary of Education. (Authority: 20 U.S.C. 1401(28))

§300.39 Special education.

(a) General.

(1) Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including--

- (i)** Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
- (ii)** Instruction in physical education.

(2) Special education includes each of the following, if the services otherwise meet the requirements of paragraph (a)(1) of this section--

- (i)** Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;
- (ii)** Travel training; and
- (iii)** Vocational education.

(b) Individual special education terms defined. The terms in this definition are defined as follows:

(1) At no cost means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to non-disabled students or their parents as a part of the regular education program.

(2) Physical education means--

- (i)** The development of--
 - (A)** Physical and motor fitness;
 - (B)** Fundamental motor skills and patterns; and
 - (C)** Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and
- (ii)** Includes special physical education, adapted physical education, movement education, and motor development.

(3) Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction--

- (i)** To address the unique needs of the child that result from the child's disability; and
- (ii)** To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

(4) Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to--

- (i)** Develop an awareness of the environment in which they live; and
- (ii)** Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

(5) Vocational education means--

Organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.

(6) Vocational and technical education means organized educational activities that--

- (i)** Offer a sequence of courses that--
 - (A)** Provides individuals with the rigorous and challenging academic and technical knowledge



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- and skills the individuals need to prepare for further education and for careers (other than careers requiring a Master's or doctoral degree) in current or emerging employment sectors;
- (B) May include the provision of skills or courses necessary to enroll in a sequence of courses that meet the requirements of this subparagraph; and
- (C) Provides, at the postsecondary level, for a 1- year certificate, an associate degree, or industry-recognized credential; and
- (ii) Include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, or an individual.

§300.44 Universal design. Universal design has the meaning given the term in section 3 of the Assistive Technology Act of 1998, as amended, 29 U.S.C. 3002.

TEC §29.002. DEFINITION. In this subchapter, "special services" means:

- (1) special education instruction, which may be provided by professional and supported by paraprofessional personnel in the regular classroom or in an instructional arrangement described by Section 42.151; and
- (2) related services, which are developmental, corrective, supportive, or evaluative services, not instructional in nature, that may be required for the student to benefit from special education instruction and for implementation of a student's individualized education program.

V. CONTENT OF THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

§300.320 Definition of individualized education program.

(a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324, and that must include--

- (1) A statement of the child's present levels of academic achievement and functional performance, including--
 - (i) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for non-disabled children); or
 - (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- (2) (i) A statement of measurable annual goals, including academic and functional goals designed to--
 - (A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
 - (B) Meet each of the child's other educational needs that result from the child's disability;
 (ii) For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;

If the ARD Committee determines an alternate state assessment is appropriate, the ARD will develop short term objectives/benchmarks in addition to the measurable annual goals required in (2)(i) above.

- (3) A description of--
 - (i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and
 - (ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of



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report cards) will be provided;

(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child--

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this section;

Copy and paste the link into your browser to review additional TEA information

<http://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/resources-to-support-student-progress-in-the-general-curriculum>

Special education, related services and supplementary aids and services based on peer reviewed research to the extent practicable means to the extent that research is possible and available. An IEP is not required to include specific instructional methodologies unless the IEP committee agrees it is necessary for the child to receive FAPE. The final decision must be made by the child's IEP team based on the individual needs of the child. If the IEP committee determines a qualified student with a disability requires related aids and services to participate in a regular education class or program (including accelerated classes) then the student must receive those related aids and services.

(5) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section;

(6) (i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments consistent with section 612(a)(16) of the Act; and

(ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or district wide assessment of student achievement, a statement of why--

(A) The child cannot participate in the regular assessment; and

(B) The particular alternate assessment selected is appropriate for the child; and

(7) The projected date for the beginning of the services and modifications described in paragraph (a)(4) of this section, and the anticipated frequency, location, and duration of those services and modifications.

Documentation for provision of services described in the IEP will be through a variety of information and sources based on the most appropriate means for the individual service and environment. Special education instructional and related services will be documented by progress on the IEP, student attendance and lesson plans. In addition, portfolios may be maintained as well as provider logs. Provider logs will be maintained by each service provider and reviewed at the IEP meeting as appropriate. Any service interruption resulting from special education staff absence will be reported to the appropriate administration following local district procedures.

The Federal Register dated August 14, 2006, provides guidance in this area within its discussion of the comments regarding the proposed 2006 IDEA regulations. A comment to the regulations asked for clarification regarding the term duration. The response in the Federal Register was:

The meaning of the term "duration" will vary, depending on such things as the needs of the child, the service being provided, the particular format used in an IEP, and how the child's day and IEP are structured.



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What is required is that the IEP include information about the amount of services that will be provided to the child, so that the level of the agency's commitment of resources will be clear to parents and other IEP Team members. The amount of time to be committed to each of the various services to be provided must be appropriate to the specific service, and clearly stated in the IEP in a manner that can be understood by all involved in the development and implementation of the IEP. (Federal Register, Vol 71 No 156 p. 46667)

Requirements for Documenting the Provision of Services

- **Frequency** – **how often** the child will receive the service(s) (number of times per day or week). If the service is less than daily then the conditions for the provision of the services must be clearly specified within the ARD documents using a weekly reference (ex: 1 hour per week, 30 minutes every two weeks)
- **Duration** - **how long** each "session" will last (number of minutes) and **when** services will begin and end (starting and ending dates) How long will each session be (15 minutes, 30 minutes)? If a term (1 class period) is used in the IEP to define duration of service, the term must be defined in the IEP (example: 1 class period = 50 minutes).
- **Location** - **where** services will be provided (in the general education classroom or another setting such as a special education resource room).

(b) **Transition** *see [Transition in this Section 4.](#)*

(c) **Transfer of rights at age of majority.** *See [VI. Parent Rights below.](#)*

(d) **Construction.** Nothing in this section shall be construed to require--

- (1) That additional information be included in a child's IEP beyond what is explicitly required in section 614 of the Act; or
- (2) The IEP Team to include information under one component of a child's IEP that is already contained under another component of the child's IEP. (Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6))

§300.324 Development, review, and revision of IEP.

(a) Development of IEP.

(1) **General.** In developing each child's IEP, the IEP Team must consider--

- (i) The strengths of the child;
- (ii) The concerns of the parents for enhancing the education of their child;
- (iii) The results of the initial or most recent evaluation of the child; and
- (iv) The academic, developmental, and functional needs of the child.

(2) **Consideration of special factors.** The IEP Team must...

- (i) In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

The IEP committee is required to 'consider the use of positive behavioral interventions and supports, and other strategies to address that behavior' if the child's behavior impedes his or her learning or that of others. The final decision on interventions, strategies and supports is left to the IEP committee. Additional resources include the Texas Behavior Support Initiative (TBSI) and the TEA statewide project Texas Collaborative for Emotional Development in Schools (TxCEDs).

- (ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP; <https://www.txel.org/lpac/>

Also find more information regarding English Language Learners in Section 1. and LEP in Section 4b.



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English Language Learners served by special education have needs related to a disability as well as needs related to language. The ARD committee and the LPAC will collaborate to make appropriate assessment decisions for these students in accordance with the Legal Framework and the LPAC framework. The LPAC framework serves as a guide in making decisions about the inclusion of LEP students in the Texas Student Assessment Program and helps districts meet the educational needs of English learners.

(iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

(iv) Consider whether the child needs assistive technology devices and services.

(v) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode;

(b) Review and revision of IEP. *located in this Section 4 of the document.*

TAC §89.1055. Content of the Individualized Education Program (IEP).

(a) The individualized education program (IEP) developed by the admission, review, and dismissal (ARD) committee for each student with a disability must comply with the requirements of 34 Code of Federal Regulations (CFR), §300.320 and §300.324, and include all applicable information under Texas Education Code (TEC), 29.0051.

(b) To be considered a measurable annual goal under 34 CFR, §300.320(a)(2), a goal must include the components of a timeframe, condition, behavior, and criterion. While at least one measurable annual goal is required, the number of annual goals will be determined by the ARD committee after examination of the student's present levels of academic achievement and functional performance and areas of need.

(1) Annual goals are also required in the following circumstances:

(A) when the content of a subject/course is modified, whether the content is taught in a general or special education setting, in order to address how the content is modified; and

(B) when a student is removed from the general education setting for a scheduled period of time but the content of the subject/course is not modified (e.g., a student who is progressing on enrolled grade level curriculum but requires a more restrictive environment for a period of time due to behavioral concerns).

(2) Short-term objectives/benchmarks, used as intermediary steps or milestones toward accomplishing an annual goal, may be included in a measurable annual goal. Short-term objectives/benchmarks:

(A) must be included in an annual goal if the ARD committee has determined that a student will not participate in the general state assessment; and

(B) regardless of whether the objectives/benchmarks are related to a student not participating in the general state assessment, cannot be used as the criterion to indicate mastery of the annual goal.

(c) The IEP must include a statement of any individual appropriate and allowable accommodations in the administration of assessment instruments developed in accordance with TEC, §39.023(a)-(c), or district wide assessments of student achievement (if the district administers such optional assessments) that are necessary to measure the academic achievement and functional performance of the student on the assessments.

(d) If the ARD committee determines that the student will not participate in a general statewide or



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district wide assessment of student achievement (or part of an assessment), the following requirements must be met.

- (1) The IEP must include a statement explaining:
 - (A) why the student cannot participate in the general assessment; and
 - (B) why the particular alternate assessment selected is appropriate for the student; and
- (2) The Texas Education Agency's alternate assessment participation requirements form, if one is made available to school districts, must be included in the student's IEP to document the statement required under this subsection.
- (e) If the ARD committee determines that the student is in need of extended school year (ESY) services, as described in §89.1065 of this title (relating to Extended School Year Services), then the IEP must identify which of the goals and objectives in the IEP will be addressed during ESY services.
- (f) For students with visual impairments, from birth through 21 years of age, the IEP or individualized family services plan must also meet the requirements of TEC, §30.002(e).
- (g) For students with autism eligible under §89.1040(c)(1) of this title (relating to Eligibility Criteria), the strategies described in this subsection must be considered, at least annually based on peer-reviewed, research-based educational programming practices to the extent practicable, and, when needed, addressed in the IEP:
 - (1) extended educational programming (for example: extended day and/or extended school year services that consider the duration of programs/settings based on data collected related to behavior, social skills, communication, academics, and self-help skills);
 - (2) daily schedules reflecting minimal unstructured time and active engagement in learning activities (for example: lunch, snack, and recess periods that provide flexibility within routines; adapt to individual skill levels; and assist with schedule changes, such as changes involving substitute teachers and pep rallies);
 - (3) in-home and community-based training or viable alternatives that assist the student with acquisition of social, behavioral communication and self-help skills (for example: strategies that facilitate maintenance and generalization of such skills from home to school, school to home, home to community, and school to community);
 - (4) positive behavior support strategies based on relevant information, for example:
 - (A) antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and
 - (B) a behavioral intervention plan developed from a functional behavioral assessment that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings and is implemented and reviewed in accordance with subsection (j) of this section;
 - (5) beginning at any age, consistent with subsection (l) of this section, futures planning for integrated learning and training, living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments, including self-determination and self-advocacy skills;
 - (6) parent/family training and support, provided by qualified personnel with experience in autism, that, for example:
 - (A) provides a family with skills necessary for a student to succeed in the home/community setting;
 - (B) includes information regarding resources (for example: parent support groups, workshops, videos, conferences, and materials designed to increase parent knowledge of specific



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- teaching/management techniques related to the student's curriculum); and
- (C) facilitates parental carryover of in-home training (for example: strategies for behavior management and developing structured home environments and/or communication training so that parents are active participants in promoting the continuity of interventions across all settings);
- (7) 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 towards individual independence as determined by, for example:
- (A) adaptive behavior evaluation results;
 - (B) behavioral accommodation needs across settings; and
 - (C) transitions within the school day;
- (8) communication interventions, including language forms and functions that enhance effective communication across settings (for example: augmentative, incidental, and naturalistic teaching);
- (9) social skills supports and strategies based on social skills assessment/curriculum and provided across settings (e.g., peer-based instruction and intervention, video modeling, social narratives, and role playing);
- (10) professional educator/staff support (for example: training provided to personnel who work with the student to assure the correct implementation of techniques and strategies described in the IEP); and
- (11) teaching strategies based on peer reviewed, research-based practices for students with autism (for example: those associated with discrete-trial training, visual supports, applied behavior analysis, structured learning, augmentative communication, or social skills training).
- (h) If the ARD committee determines that services are not needed in one or more of the areas specified in subsection (g) of this section, the IEP must include a statement to that effect and the basis upon which the determination was made.
- (i) For students identified with the specific learning disability of dyslexia or a related disorder eligible under §89.1040(c)(9) of this title, the IEP must also be developed and implemented in accordance with the requirements under §74.28 of this title (relating to Students with Dyslexia and Related Disorders), including any handbook adopted in the rule.
- (j) If the ARD committee determines that a behavior improvement plan or a behavioral intervention plan is appropriate for a student, that plan must be included as part of the student's IEP and provided to each teacher with responsibility for educating the student. If a behavior improvement plan or a behavioral intervention plan is included as part of a student's IEP, the ARD committee shall review the plan at least annually, and more frequently if appropriate, to address:
- (1) changes in a student's circumstances that may impact the student's behavior, such as:
 - (A) the placement of the student in a different educational setting;
 - (B) an increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;
 - (C) a pattern of unexcused absences; or
 - (D) an unauthorized, unsupervised departure from an educational setting; or
 - (2) the safety of the student or others.
- (k) In accordance with TEC, §29.011 and §29.0111, not later than the first IEP to be in effect when the student turns 14 years of age, the ARD committee must consider, and if appropriate, address the following issues in the IEP:



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- (1) appropriate student involvement in the student's transition to life outside the public school system;
- (2) appropriate involvement in the student's transition by the student's parents and other persons invited to participate by:
 - (A) the student's parents; or
 - (B) the school district in which the student is enrolled;
- (3) appropriate postsecondary education options, including preparation for postsecondary-level coursework;
- (4) an appropriate functional vocational evaluation;
- (5) appropriate circumstances for facilitating a referral of a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student such as a waiver program established under the Social Security Act (42 U.S.C. Section 1396n(c)), §1915(c); and
- (6) the use and availability of appropriate:
 - (A) supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and
 - (B) supports and services to foster the student's independence and self-determination, including a supported decision-making agreement under Texas Estates Code, Chapter 1357.
- (l) Beginning not later than the first IEP to be in effect when the student turns 14 years of age, or younger if determined appropriate by the ARD committee, the IEP must include:
 - (1) appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
 - (2) the transition services, including courses of study, needed to assist the student in reaching the postsecondary goals.
- (i) In accordance with 34 CFR, §300.320(b), beginning not later than the first IEP to be in effect when the student turns 14 or younger if determined appropriate by the ARD committee, and updated annually thereafter, the IEP must include the following:
 - (1) appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
 - (2) the transition services, including courses of study, needed to assist the student in reaching the postsecondary goals developed under paragraph (1) of this subsection.
- (m) The goals included in a student's IEP to comply with subsection (l) of this section are intended to comply with the requirements in TEC, §29.011(a)(6) and (8).
- (n) Beginning not later than the first IEP to be in effect when the student turns 18 years of age (see §89.1049 of this title (relating to Parental Rights Regarding Adult Students) for notice requirement of transfer of rights), the ARD committee must consider and, if appropriate, address the following issues in the student's IEP:
 - (1) involvement in the student's transition and future by the student's parents and other persons, if the parent or other person:
 - (A) is invited to participate by the student or the school district in which the student is enrolled; or
 - (B) has the student's consent to participate pursuant to a supported decision-making agreement under Texas Estates Code, Chapter 1357; and
 - (2) the availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive



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integrated employment, or independent living, in coordination with the student's transition goals and objectives.

- (o) A student's ARD committee shall review at least annually the issues described in subsections (k), (l), and (n) of this section and, if necessary, update the portions of the student's IEP that address those issues.

TEC §29.0052. Individualized Education Program Supplement

- (a) Except as provided by Subsection (b), for each child who was enrolled in a school district's special education program under this subchapter during the 2019—2020 school year or the 2020-2021 school year, the district shall prepare a supplement to be included with the written statement of the individualized education program developed for the child under Section 29.005(b). The supplement must include information indicating;

- (1) if applicable, whether the written report of the child's full individual and initial evaluation under Section 29.004 was completed during the 2019-2020 school year or the 2020-2021 school year and if so, whether the report was completed by the date required under that section;
- (2) if applicable, whether the child's initial individualized education program was developed under Section 29.005(b) during the 2019-2020 school year or the 2020-2021 school year and if so, whether the program was developed by the date required under 34 C.F.R. Section 300.323(c)(1);
- (3) whether the provision of special services to the child under an individualized education program during the the 2019-2020 school year or the 2020-2021 school year was interrupted, reduced, delayed, suspended, or discontinued; and

- (4) whether compensatory educational services are appropriate for the child based on the information under Subdivisions (1)-(3) or any other factors.

- (b) Subsection (a) does not apply to a child if during the 2020-2021 school year the written statement of the child's individualized education program documents the information described under Subsections (a)(1)-(4).

- (c) Section 29.005(f) and Section 29.0051 do not apply to a supplement prepared for inclusion with a written statement of an individualized education program as required by this section.

- (d) The commissioner may adopt rules as necessary to implement this section.

- (e) This section expires September 1, 2023

TAC §89.1055 also located in next section 4b. ADDITIONAL IEP INFORMATION.

located in ESY section

TAC §89.1075. General Program Requirements and Local District Procedures – Commensurate Day

- (e) Students with disabilities must have available an instructional day commensurate with that of students without disabilities. The ARD committee must determine the appropriate instructional setting and length of day for each student, and these must be specified in the student's IEP.

<https://tea.texas.gov/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=51539626957>

When conducting ARD Committee meetings, special education personnel responsible for student's ARD will ensure that personnel are not mentioned by name as the sole supporter of services for future needs in any portion of the ARD forms, including IEPs and deliberations.

TAC §89.1801 Instructional Requirements for Education Services Provided in a Juvenile Residential Facility.

- (g) Length and number of school days required.

- (1) The school district in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility shall, at a minimum, provide a seven-hour school day that consists of at least five and one-half hours of required secondary curriculum to students in the facility. For each school year, each



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school district must operate so that the facility provides for at least 180 days of instruction for students.

(2) The school district in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility shall ensure that students with disabilities are provided instructional days commensurate with those provided to students without disabilities in accordance with requirements contained in §89.1075.



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VI. PARENT RIGHTS / PARTICIPATION

TEC §29.005.

(d) If the child's parent is unable to speak English, the district shall:

- (1) provide the parent with a written or audiotaped copy of the child's individualized education program translated into Spanish if Spanish is the parent's native language; or
- (2) if the parent's native language is a language other than Spanish, make a good faith effort to provide the parent with a written or audiotaped copy of the child's individualized education program translated into the parent's native language.

TAC §89.1050. The Admission, Review and Dismissal Committee.

(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:

- (1) schedule and convene a meeting in accordance with the procedures in subsection (d) of this section; or
- (2) within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting.

(f) 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) Whenever a school district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education to the student, the school district must provide prior written notice as required in 34 CFR, §300.503, including providing the notice in the parent's native language or other mode of communication. This notice must be provided to the parent at least five school days before the school district proposes or refuses the action unless the parent agrees to a shorter timeframe.

Parents are required members of the ARD/IEP committee meeting and as such, every effort should be made to encourage and ensure their participation.

3 Notice/Invitation to ARD Attempts To Ensure Parent Participation in the IEP Committee Meeting.

The MISD will make advance attempts to notify parents of ARD/IEP committee meetings and arrange a mutually agreeable time and location.

1. The first Prior Written Notice of the ARD/IEP meeting form is provided in writing at least 2 weeks (10 working days) prior to the scheduled ARD/IEP date. This early notice will allow more time to contact the parent and then proceed at the first scheduled date and time. The Notice form includes options to agree to the proposed date, change the date, hold the meeting on the phone or suggest the district proceed without the parent in attendance. A copy of the completed Notice form sent to the parent is maintained in the student eligibility file as documentation.



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2. The second attempt to notify the parents of the ARD will also be in writing (if there is no response from the parent after the first notice). The MISD will copy the first notice form and send it as the second Notice of ARD/IEP meeting.

3. The third Notice contact will be attempted to get parental participation if there is no response from the first two attempts. After 3 attempts and no response, the MISD may go forward with the ARD meeting as scheduled.

All dates of scheduling attempts and the initials of personnel attempting contact must be documented on the district Notice form and filed in the student eligibility folder by the campus special education staff member.

A. Participation

§300.322 Parent Participation.

(a) **MISD responsibility — general.** The 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) **Information provided to parents.**

(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 IEP Team 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) Identifies any other agency that will be invited to send a representative.

(c) **Other methods to ensure parent participation.** 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).

The campus staff will make every effort to accommodate the parents schedule, however, there is no requirement that an IEP meeting must be held outside of regular business hours for the school. OSEP Letter to Thomas (6-3-2008)

(d) **Conducting an IEP meeting without a parent in attendance.** 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.



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- (e) Use of interpreters or other action, as appropriate. 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) Parent copy of child's IEP. The public agency must give the parent a copy of the child's IEP at no cost to the parent. (Authority: 20 U.S.C. 1414(d)(1)(B)(i))

§300.501 Parent Participation in Meetings.

(b) Parent participation in meetings.

(1) The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to--

- (i) The identification, evaluation, and educational placement of the child; and
- (ii) The provision of FAPE to the child.

(2) The public agency must provide notice consistent with §300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (b)(1) of this section.

(3) 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 that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

(c) Parent involvement in placement decisions.

(1) The public agency must ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.

(2) In implementing the requirements of paragraph (c)(1) of this section, the public agency must use procedures consistent with the procedures described in §300.322(a) through (b)(1).

(3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.

(4) A placement decision may be made by a group without the involvement of a parent, if the public agency is unable to obtain the parent's participation in the decision. In this case, the public agency must have a record of its attempt to ensure their involvement. (Authority: 20 U.S.C. 1414(e), 1415(b)(1))

§300.327 Educational placements.

Consistent with §300.501(c), the public agency must ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

§300.328 Alternative means of meeting participation.

When conducting IEP Team meetings and placement meetings pursuant to this subpart, and Subpart E of this part, and carrying out administrative matters under section 615 of the Act (such as scheduling, exchange of witness lists, and status conferences), the parent of a child with a disability and the public agency may agree to use alternative means of meeting participation, such as video conferences and conference calls.

B. Transfer of Rights at Age of Majority

§300.320 Definition of individualized education program



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(c) **Transfer of rights at age of majority.** Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under §300.520.

§300.520 Transfer of parental rights at age of majority.

(a) **General.** A State may provide that, when a child with a disability reaches the age of majority under State law that applies to all children (except for a child with a disability who has been determined to be incompetent under State law)--

(1) (i) The public agency must provide any notice required by this part to both the individual and the parents; and

(ii) All other rights accorded to parents under Part B of the Act transfer to the child;

(2) All rights accorded to parents under Part B of the Act transfer to children who are incarcerated in an adult or juvenile, State or local correctional institution; and

(3) Whenever a State transfers rights under this part pursuant to paragraph (a)(1) or (a)(2) of this section, the public agency must notify the individual and the parents of the transfer of rights.

(b) **Special rule.** A State must establish procedures for appointing the parent of a child with a disability, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of the child's eligibility under Part B of the Act if, under State law, a child who has reached the age of majority, but has not been determined to be incompetent, can be determined not to have the ability to provide informed consent with respect to the child's educational program. (Authority: 20 U.S.C. 1415(m))

TEC §29.017. Transfer of Parental Rights at Age of Majority.

(a) A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability, except that the school district shall provide any notice required by this subchapter or 20 U.S.C. Section 1415 to both the student and the parents. All other rights accorded to parents under this subchapter or 20 U.S.C. Section 1415 transfer to the student.

(b) All rights accorded to parents under this subchapter or 20 U.S.C. Section 1415 transfer to students who are incarcerated in an adult or juvenile, state or local correctional institution.

(c) Not later than one year before the 18th birthday of a student with a disability, the school district at which the student is enrolled shall:

(1) provide to the student and the student's parents:

(A) written notice regarding the transfer of rights under this section; and

(B) information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Chapter 1357, Estates Code, and other supports and services that may enable the student to live independently; and

(2) ensure that the student's individualized education program includes a statement that the district provided the notice, information, and resources required under Subdivision (1).

(c-1) In accordance with 34 C.F.R. Section 300.520, the school district shall provide written notice to the student and the student's parents of the transfer of rights under this section. The notice must include the information and resources provided under Subsection (c)(1)(B).

(c-2) If a student with a disability or the student's parent requests information regarding guardianship or alternatives to guardianship from the school district at which the student is enrolled, the school district shall provide to the student or parent information and resources on supported decision-making agreements under Chapter 1357, Estates Code.



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(c-3) The commissioner shall develop and post on the agency's Internet website a model form for use by school districts in notifying students and parents as required by Subsections (c) and (c-1). The form must include the information and resources described by Subsection (c). The commissioner shall review and update the form, including the information and resources, as necessary.

(d) The commissioner shall develop and post on the agency's Internet website the information and resources described by Subsections (c), (c-1), and (c-2).

(e) Nothing in this section prohibits a student from entering into a supported decision-making agreement under Chapter 1357, Estates Code, after the transfer of rights under this section.

(f) The commissioner shall adopt rules implementing the provisions of 34 C.F.R. Section 300.520(b).
SECTION 4. This Act applies beginning with the 2018-2019 school year.

TAC §89.1049. Parental Rights Regarding Adult Students.

(a) In accordance with 34 Code of Federal Regulations (CFR), §300.320(c) and §300.520, and Texas Education Code (TEC), §29.017, beginning at least one year before a student reaches 18 years of age, the student's individualized education program (IEP) must include a statement that the student has been informed that, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, Guardianship, all rights granted to the parent under the Individuals with Disabilities Education Act (IDEA), Part B, other than the right to receive any notice required under IDEA, Part B, will transfer to the student upon reaching age 18. Beginning with the 2018-2019 school year, the IEP must also state that the student has been provided information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Texas Estates Code, Chapter 1357, and other supports and services that may enable the student to live independently. After the student reaches the age of 18, except as provided by subsection (b) of this section, the MISD shall provide any notice required under IDEA, Part B, to both the adult student and the parent.

(b) In accordance with 34 CFR, §300.520(a)(2), and TEC, §29.017(a), all rights accorded to a parent under IDEA, Part B, including the right to receive any notice required by IDEA, Part B, will transfer to an 18-year-old student who is incarcerated in an adult or juvenile, state or local correctional institution, unless the student's parent or other individual has been granted guardianship of the student under Texas Estates Code, Title 3.

(c) In accordance with 34 CFR, §300.520(a)(3), a school district must notify in writing the adult student and parent of the transfer of parental rights, as described in subsections (a) and (b) of this section, at the time the student reaches the age of 18. This notification is separate and distinct from the requirement that the student's IEP include a statement relating to the transfer of parental rights beginning at least one year before the student reaches the age of 18. This notification is not required to contain the elements of notice referenced in 34 CFR, §300.503, but must include a statement that parental rights have transferred to the adult student. Beginning with the 2018-2019 school year, the notice must also include information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Texas Estates Code, Chapter 1357, and other supports and services that may enable the student to live independently, and must provide contact information for the parties to use in obtaining additional information.

(d) A notice under IDEA, Part B, which is required to be given to an adult student and parent does not create a right for the parent to consent to or participate in the proposal or refusal to which the notice relates. For example, a notice of an admission, review, and dismissal (ARD) committee meeting does not constitute invitation to, or create a right for, the parent to attend the meeting. However, in accordance with 34 CFR, §300.321(a)(6), the adult student or the school district may invite individuals who have knowledge or special expertise regarding the student, including the parent.

(e) Nothing in this section prohibits a supported decision-making agreement or a valid power of attorney from being executed by an individual who holds rights under IDEA, Part B.



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For "Alternatives to Guardianship," see Section 4b. under Y. Transition Planning.

VI. ARD / IEP MEETINGS (Development of the IEP)

At each ARD/IEP committee meeting appropriate district forms will be used to document the meeting and decisions. The special education staff will provide relevant evaluation and educational data to the ARD/IEP committee as appropriate.

Once the student is determined eligible for special education services, the parent or district staff may request an ARD/IEP committee meeting as needed to discuss or review the student's IEP. An ARD/IEP committee meeting may be requested by contacting the student's special education teacher or case manager. The district special education staff will be responsible for the following tasks related to the meeting.

1. Collaborating with campus and district staff to develop the ARD/IEP committee meeting schedule using periodic printout of annual ARD due dates;
2. Completing the ARD meeting Invitation and sending the first written notice approximately two weeks prior to the due date for the annual meeting or contacting the parent to schedule the committee meeting at a mutually agreeable time and date when the meeting is being requested by the parent or the school;
3. Notifying all required members of the ARD/IEP committee meeting and providing required notices (see Procedural Safeguards); and
4. Providing a copy of the completed IEP to the parent at the close of the meeting.

A. Initial

TEC §29.005. Individualized Education Program.

(a) Before a child is enrolled in a special education program of a school district, the district shall establish a committee composed of the persons required under 20 U.S.C. Section 1401(11) to develop the child's individualized education program.

The assigned district special education staff will plan with the staff and parent an agreeable time for the Initial ARD meeting. Initial ARDs are held within 30 calendar days from the date of the completion of the evaluation report, or by the 15th school day if the 30th calendar day falls in the summer. Initial ARD timelines are calculated with the District's online platform. This platform provides weekly reports for evaluation staff that include when initial ARDs are due within 30 days. A compliance system is also in place, which includes weekly and monthly reviews of evaluation logs, archived documents, and information documented within the online platform.

B. Annual Review

Annual ARD/IEP Committee Meeting

In the MISD, Annual ARD/IEP committee meetings are typically scheduled at least two weeks prior to the 12 month anniversary date. If the anniversary date falls before the spring semester for a 5th grader entering 6th grade or an 8th grader entering 9th grade, the MISD, on an individual basis may decide to conduct a spring end of year review to prepare the student's IEP for the next campus. The MISD will follow federal and state requirements regarding annual ARD/IEP committee meetings.

§300.324 Development, review, and revision of IEP

(b) Review and revision of IEPs.

(1) General. The public agency must ensure that, subject to paragraph (b)(2) and (b)(3) of this



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section, the IEP Team—

- (i) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
- (ii) Revises the IEP, as appropriate, to address—
 - (A) Any lack of expected progress toward the annual goals described in §300.320(a)(2), and in the general education curriculum, if appropriate;
 - (B) The results of any reevaluation conducted under §300.303;
 - (C) Information about the child provided to, or by, the parents, as described under §300.305(a)(2);
 - (D) The child's anticipated needs; or
 - (E) Other matters.
- (2) Consideration of special factors. The IEP Team must...
 - (i) In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
 - (ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
 - (iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;
 - (v) Consider whether the child needs assistive technology devices and services.
 - (vi) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode;
- (3) Requirement with respect to regular education teacher. A regular education teacher of the child, as a member of the IEP Team, must, consistent with paragraph (a)(3) of this section, participate in the review and revision of the IEP of the child.

§300.116 Placements. For placement in its entirety, please see LRE

In determining the educational placement of a child with a disability, including a preschool child with a disability, the public agency must ensure that—

- (b) The child's placement—



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- (1) Is determined at least annually;
- (2) Is based on the child's IEP; and
- (3) Is as close as possible to the child's home, unless the parent agrees otherwise;

C. Reevaluation Planning ARD

§300.324 Development, review, and revision of IEP

- (a) (5) **Consolidation of IEP Team meetings.** To the extent possible, the public agency must encourage the consolidation of reevaluation meetings for the child and other IEP Team

REED

The MISD will conduct a Review of Existing Evaluation Data prior to additional evaluation taking place. If the student is a special education student and the 3 year reevaluation is due within the next 12 months, the Annual ARD/IEP Committee may conduct the Review of Existing Evaluation Data and plan the evaluation during that Annual ARD Meeting.

The Case Manager or Evaluator will contact all other service providers prior to the ARD to gather input and to work toward consolidating all other required evaluations into one comprehensive Full and Individual Evaluation for the student, including Speech, OT/PT, etc.

D. Brief / Revision ARD (New Provisions: Agreements, Amendments)

§300.324 Development, review, and revision of IEP

(a) (4) Agreement.

(i) In making changes to a child's IEP after the annual IEP meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.

(ii) If changes are made to the child's IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child's IEP Team is informed of those Changes.

(5) **Consolidation of IEP Team meetings.** To the extent possible, the public agency must encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.

(6) **Amendments.** Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting or, as provided in paragraph (a)(4) of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.

Any agreement or amendment to the ARD/IEP Meeting will follow exact guidelines in §300.324 (a) (4 and 6) as listed below. The agreement in §300.324 (a) (4) must be documented in writing on the MISD form provided to you.

- The campus administrator must approve the decision to complete a proposed amendment to the IEP.
- Discuss the proposed amendment with appropriate IEP team members including discussion with the parents in person, via email, or by phone.
- Complete the district form provided and obtain parent signature of agreement to amend the IEP.
- The campus special education staff will file the original amendment with the parent signature in the student's eligibility form with the Annual ARD/IEP document that is being amended.

Changes that require an ARD/IEP meeting. The amendment procedure MAY NOT be used for the following changes:

- A Change in the student's placement that results in additional time within a special education setting
- A Manifestation Determination Review



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- A Change in special education services, amount of service time, or to add/drop services
- A review of assessment information that would lead to an eligibility determination or change
- A Review of a student's lack of progress

Changes that DO NOT require an ARD/IEP meeting. The amendment procedure MAY be used for the following changes (not an exhaustive list):

- State and district testing grade level or expected achievement level, including accelerated instruction
- Accommodations or revision of existing modifications
- Updates to IEP Goals/Objectives
- Minor clerical errors
- FBA and/or BIP

E. Dismissal / Change of Placement / Summary of Performance (SOP)

§300.305 Additional requirements for evaluations and reevaluations.

(e) Evaluations before change in placement.

- (1) Except as provided in paragraph (e)(2) of this section, the public agency must evaluate a child with a disability in accordance with §§300.304 through 300.311 before determining that the child is no longer a child with a disability.
- (2) The evaluation described in paragraph (e)(1) of this section is not required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law.
- (3) For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of this section, the public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals

TRANSFERS / NEW TO DISTRICT

§300.304 Evaluation procedures.

(c) Other evaluation procedures.

- (5) Assessments of children with disabilities who transfer from one public agency to another public agency in the same academic year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with §300.301 (d)(2) and (e), to ensure prompt completion of full evaluations.

§300.323 When IEPs must be in effect.

- General.** At the beginning of each school year, the public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in §300.320.
 - IEP or IFSP for children aged three through five;**
 - Timeline;** (d) **Teacher Accessibility and Input;**
 - IEPs for children who transfer public agencies in the same state.**
- 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.



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(f) IEPs for children who transfer from another State. 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) Transmittal of records. 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. For all of 34 CFR 99.31 FERPA see: <http://www2.ed.gov/policy/gen/reg/ferpa/index.html>

TEC §25.007. Transferring Students (records)

(b) In recognition of the challenges faced by students in substitute care, the agency shall assist the transition of substitute students from one school to another by:

(1) ensuring that school records for a student in substitute care are transferred to the student's new school not later than the 10th working day after the date the student begins enrollment at the school;

(2) developing systems to ease transition of a student in substitute care during the first two weeks of enrollment at a new school;

(3)(see Section 7. Procedural Safeguards for additional information)

TAC §89.1050 The Admission, Review, and Dismissal (ARD) Committee.

(s) A school district must comply with the following for a student who is new to the school district.

(1) When a student transfers to a new school district within the state in the same school year and the parents or previous school district verifies that the student had an IEP that was in effect in the previous district, the new school district must meet the requirements of 34 CFR, §300.323(e), by either adopting the student's IEP from the previous school district or developing, adopting, and implementing a new IEP. The timeline for adopting the previous IEP or developing, adopting, and implementing a new IEP is 20 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 or previous school district verifies that the student had an IEP that was in effect in the previous district, the new school district must, if determined necessary, conduct a full individual and initial evaluation and make an eligibility determination and, if appropriate, develop, adopt, and implement a new IEP, within the timelines established in §89.1011 of this title (relating to Full and Individual Initial Evaluation). If the school district determines that an evaluation is not necessary, the timeline for the new district to develop, adopt, and implement a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services.

(3) Students who register in a new school district in the state during the summer when students are not in



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attendance for instructional purposes, the provisions of paragraphs (1) and (2) of this subsection apply based on whether the students are coming from an in-state or out-of-state school district. All other provisions in this subsection apply to these students.

(4) In accordance with 34 CFR, §300.323(g), the new school district must take reasonable steps to promptly obtain the student's records from the previous school district, and, in accordance with TEC, §25.002, and 34 CFR, §300.323(g), the previous school district 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.

(5)) If a parent hasn't already provided verification of eligibility and the new school district has been unable to obtain the necessary verification records from the previous district by the 15th working day after the date a request for the records was submitted by the new district to the previous district, the new school district must seek verification from the student's parent. If the parent provides verification, the new school district must comply with all paragraphs of this subsection. The new school district is encouraged to ask the parent to provide verification of eligibility before the 15th working day after the date a request for the records was submitted by the new district to the previous district. If the parent is unwilling or unable to provide such verification, the new district must continue to take reasonable steps to obtain the student's records from the previous district and provide any services comparable to what the student received at the previous district if they communicate those to the new district.

(6) For the purposes of this subsection, "verify" means that the new school district has received a copy of the student's IEP that was in effect in the previous district. The first school day after the new district receives a copy of the student's IEP that was in effect in the previous district begins the timelines associated with paragraphs (1) and (2) of this subsection.

(7) While the new school district waits for verification, the new school district must take reasonable steps to provide, in consultation with the student's parents, services comparable to those the student received from the previous district if the new school district has been informed by the previous school district of the student's special education and related services and placement.

(8) Once the new school district receives verification that the student had an IEP in effect at the previous district, comparable services must be provided to a student during the timelines established under paragraphs (1) and (2) of this subsection. Comparable services include provision of ESY services if those services are identified in the previous IEP or if the new district has reason to believe that the student would be eligible for ESY services.

For all of 34 CFR 99.31 FERPA see: <http://www2.ed.gov/policy/gen/reg/ferpa/index.html>

TEC §25.002 requires the previous LEA to transmit the student's current IEP through the Texas Records Exchange (TREx) system within 10 working days from receiving the request. The 30-day timeline referenced above in 19 TAC §89.1050(f)(4), applies to the rest of a student's eligibility record requested by a new LEA.

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., §1232g, does not require the student's current and previous school districts to obtain parental consent before requesting or sending the student's special education records if the disclosure is conducted in accordance with 34 CFR, §99.31(a)(2) and §99.34.

(FERPA)

For more information on TEC §25.002 Requirements for Enrollment in a Public School see: www.statutes.state.tx.us/Docs/ED/htm/ED.25.htm#25.002

Transfers/New to the District

When a student enrolls on a campus and a school employee (clerk, teacher, administrator, etc.) is informed the student is receiving special education services in the previous district.



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- The individual receiving the information notifies the special education staff on the campus
- Special education staff will verify the student received services by:
 - a) phone call with previous district;
 - b) IEP provided by parent;
 - c) Review of current FIE

The special education staff will also:

- Attempt to obtain a Consent for Disclosure of Confidential Information.
- Request from the district special education department for the electronic record to be copied over from the sending district, if applicable.
- Request that the campus registrar submit a TREX request
- Mail or email signed consent to the previous district as soon as possible. Parent consent when requesting records from another Texas school district is not required but may be attempted.
- When special education status has not been verified in writing by the previous district within 10 school days of enrollment and attendance, the District will initiate a MTSS/504/Special Education referral as appropriate.
- Schedule the transfer by agreement meeting, if needed, the day of verification that the student is currently in special education (if at all possible). Services will be provided which are as close as possible to the services documented in the previous district's IEP until such time as the district can gather more data/information.
- In determining comparable services consider the following: amount of special education service minutes, amount of time in general education, IEP goals and any other factors in the IEP which will support this decision.
- Contact the campus evaluation staff for any questions regarding evaluation. If the student has ADHD, ED, AU, and/or Psych Services, consult with an LSSP to determine if the evaluation meets federal and state legal requirements.
- Depending upon the date of the last evaluation, the transfer by agreement meeting may discuss conducting a REED.
- For in-state transfer students, hold a permanent placement ARD meeting within 20 school days of verification of special education.
- For out of state transfer students that do not need evaluation, follow in-state procedures.
- For out of state transfer students that do require evaluation, hold an ARD after the FIE has been completed.

For in-state transfers needing evaluation, the evaluation will be completed within 20 school days from the date of verification that the student is in Special Education. If an evaluation is pending in the previous district, coordination will occur to ensure timely completion. For out-of-state transfers needing evaluation, the evaluation will be completed within 45 school days from the date of received consent. During the evaluation timeline, FAPE will be provided to the student. An ARD will be held 30 calendar days from the date of the FIE (for out of state transfers only) to review the results of the evaluation.

If the transfer by agreement meeting Committee determines that the IEP objectives of the student cannot be met on the home campus and the student will need placement on a different campus, the student will temporarily continue to receive services on the home campus. The campus special education staff will contact the appropriate special education coordinator. An ARD will be scheduled to include appropriate staff from the possible receiving campus to discuss appropriate placement options for the least restrictive environment.

Compliance Procedures

District procedures require all IEP paperwork to be submitted to District evaluation staff to monitor and ensure compliance. Regular trainings are provided every year to special education staff regarding IEP completion and



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procedures. ARD checklists and guidance documents are provided to special education teachers, and procedures include an expectation that each annual ARD, Revision ARD, and IEP amendment be completed with use of the Before ARD, During ARD, and After ARD Checklists that are submitted, along with IEP paperwork, to campus evaluation staff. Internal monitoring systems include weekly reports provided to evaluators, team leads and special education administrators regarding ARD timelines. Additionally, random audits of IEPs take place when appropriate.

The special education teachers / case managers are expected to provide the necessary paperwork to the appropriate staff following each ARD / IEP Amendment. This is included in the After ARD Checklist and is verified by campus special education team leaders. The online platform for IEPs creates reports that are to be provided to staff that include the required paperwork (accommodations, BIPs, etc.) and tracks when staff members verify when they received this paperwork.

Documentation, including inclusion logs, scatterplots, progress reports, etc., is maintained to ensure the delivery of special education and related services. Special education teachers, special education team leaders, campus administration, and special education itinerant staff monitor students' services within IEPs as ARDs occur and adjust student schedules accordingly to ensure these are in alignment with each other.

STAFF RESPONSIBLE:

District Level: Special Populations Department

Campus Level: Campus Administrators and staff

TIMELINES FOR ARD COMMITTEE MEETING ACTIVITIES:

Documentation of ARD Meeting

EVIDENCE OF PRACTICE:

ARD agendas

Documentation of ARD and IFSP meetings

Training artifacts (presentation handouts, sign-in sheets, etc.)

Forms used in IEP implementation (including software)