



ARD Committee Considerations During COVID-19

During COVID-19 requirement, ARD committees are not required to meet in person while districts are engaging in social distancing and mandated closures. This document contains both statutory guidance as well as best practices for implementation in the provision of instruction and educational supports to students with disabilities. These materials were developed with input from local LEAs from across Texas.

- Districts must continue working with parents/guardians to meet timelines for ARD committee meetings “to the extent possible”.
- Districts must make reasonable effort to hold meetings, stay in compliance, and document communication with parents/guardians and any agreements for flexibility during COVID-19 response.
- Districts should offer to meet by telephone or video conferencing.
- To ensure that parents are able to participate meaningfully in meetings held remotely, districts should share with parents in advance for review any relevant district documentation.
- As with any planned ARD committee meeting, parents/guardians must be given 5-day notice unless they waive their notice.
- The parents/guardians should receive multiple modes of invitation as needed.
- Parents/guardians should have the option to request a face-to-face meeting once “*at home Learning*” ends.
- Communicate proactively with parents/guardians and seek agreement for meeting dates and times.
- All required members of the ARD committee must be present virtually (during times of social distancing) unless a parent has given written permission for an excusal in accordance with IDEA’s excusal requirements 34 CFR 300.321(e).
- Signatures of agreement or disagreement on an IEP may not be possible for all attendees because of the virtual nature of the meeting.
 - Plan to communicate with all virtual attendees how you will document agreement or disagreement on the signature page.
 - Clearly document any member agreements or disagreements in the deliberations of the ARDC.
 - If parent email is provided as an option for agreements and disagreements, parents/guardians should receive a parent a copy of the documentation used to register their signatures and agreement or disagreement.
- The Guide to the ARD Process and The Notice of Procedural Safeguards must be provided to the parent as required by federal and state law. Offer to send these documents by email or mail and/or offer a website where the parents/guardians may be able to find them. Document your efforts.

Once the school reopens and students return to the physical classroom, the ARDC will need to discuss what, if any, compensatory services the student will require. At that time, the ARD committee will review the student’s progress/regression data.



Annual ARD Committee Meetings

Annual ARD committee meetings should be held within timeline if at all possible. If there are deviations from legally established timelines, LEAs should communicate with parents/guardians and document in the student's folder all reasonable efforts made to follow timelines.

- If the timeline has passed for an annual meeting, plan to hold the meeting as soon as possible, following the above guidance.
- The ARD committee meeting can be broken into two discussion areas:
 - The first section would be reflective of which support and services provide FAPE when the student is physically at school.
 - The second section can reflect what FAPE looks like during “*at home Learning*” during the COVID-19 response. An ending date would not be required, but documentation would clearly state that the COVID-19 response plan is temporary and will cease to be in effect once students are able to return to school facilities.

Initial ARD Committee Meetings

Initial ARD committee meetings, eligibility decisions, and the development of the IEP should be completed within 30 calendar days of the FIIE report if at all possible. If there are deviations from legally established timelines, LEAs should communicate with parents/guardians and document in the student's folder all reasonable efforts made to follow timelines.

- If the timeline has passed for an initial ARD committee meeting and related decisions, plan to hold the meeting as soon as possible, following the above guidance.
- It is not recommended to hold an initial ARD committee meeting for the purposes of making eligibility determinations based on an incomplete or inconclusive initial FIE due to a lack of face-to-face testing opportunities.

Until normal school operations resume, LEAs should review the evaluations currently in process and/or initiated but not completed by having teams of qualified professionals determine the following:

- Which, if any, of the components of the evaluation have been completed and/or initiated.
- If any components of the evaluation can be completed remotely or without face-to-face interaction during COVID-19 response.
- If there are segments that the team has determined can be completed remotely, plan to discuss with the parents/guardians in order to:
 - Develop a plan with the parents/guardians if determined completion of the evaluation must be delayed until normal operation resumes. Plan should reflect completing the FIIE as soon as possible.
- Document communication to parents/guardians regarding the plan for FIIE completion when normal operations resume.



- Consider what additional general education interventions and supports may be initiated for the student based on the suspected disability(ies) or evaluation information collected thus far. Create a plan to provide intervention and ensure they are carefully documented by the evaluation team.
- Promptly notify the parent/guardian if some portions of the evaluation can be completed without face-to-face interaction if the parent/guardian consents.
- Develop a plan with the parent/guardian on how best to obtain the above-mentioned information.
- Carefully document all stages of this process, from the receipt of initial consent to what remains for completion in order to finish the FIIE as required.

IEP Amendments

- Amendments held because of the COVID-19 response do not require an end date, but the IEP should clearly document that the agreed upon temporary changes to supports and services cease when students are able to return to campus.
- An amendment made by agreement does not require an ARD committee meeting but requires communication and a written document to amend or modify the IEP that the parent and district agree to.
- If the parent and district agree to amend the IEP in this manner, the district may proceed with implementing as agreed.
- The amendment by agreement process may not be used in place of an annual ARD meeting.

ARD Committee Disagreements

- While parents/guardians may understand the situation that schools are in during this unprecedented time, they may still find disagreements. If the ARD committee finds disagreement on a required element of an IEP related to how support and services should take place during *At Home Learning*, proceed as you typically would by offering a 10-day recess and scheduling a reconvene meeting.
- Provide parent with the Notice of Procedural Safeguards and the supplemental guidance document about the dispute resolution process [Special Education Dispute Resolution Process](#).
- Most importantly, listen to what students and their parents/guardians need during this time and show flexibility in your expectations and support in an effort to come to consensus.

TEA guidance regarding ARD meetings and IEP changes can be found at: [SpEdFAQCOVID](#)