



BIRDVILLE INDEPENDENT SCHOOL DISTRICT SPECIAL EDUCATION OPERATING PROCEDURES: PARENT PARTICIPATION

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

How does the District ensure parents or guardians are included in the IEP development process?

Each ARD committee shall endeavor to ensure that a student’s parent or guardian is included in the process of developing a student’s IEP.¹

2

Each student’s Campus Educational Diagnostician/ARD Facilitator shall—

- **Provide parents or guardians notice of all ARD committee meetings no later than 5 school days prior to each meeting** (unless the parents or guardians agree to a shorter timeframe).³ In addition to the date and time of the meeting, each meeting notice shall include a list of all meeting participants known at the time the notice is provided to the parent or guardian; a brief description of the purpose of the meeting; and the mode of participation (e.g., in-person or via tele- or video conferencing). A meeting for which

¹ *Buser v. Corpus Christi Indep. Sch. Dist.*, 51 F.3d 490 (5th Cir. 1995); *White v. Ascension Parish*, 343 F.3d 373 (5th Cir. 2013) (IDEA requirements with respect to parental input are met “[a]bsent any evidence of bad faith exclusion of the parents or refusal to listen to or consider” parental input); 19 TEX. ADMIN. CODE § 89.1050(e); 34 C.F.R. § 300.503.

² *Rockwall ISD v. M.C.*, 816 F.3d 329 (5th Cir. 2016); *Cypress-Fairbanks Indep. Sch. Dist. v. Michael F.*, 118 F.3d 245 (5th Cir.1997).

³ 19 TEX. ADMIN. CODE § 89.1050(d)

parental notice is required does not include informal or unscheduled conversations involving District 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 District personnel engage in to develop a proposal or response to a parent or guardian proposal that will be discussed at a later ARD committee meeting.⁴

- **Schedule ARD committee meetings with parents or guardians at a mutually agreed time and place.**⁵
- **Document all efforts to schedule an ARD committee meeting with parents or guardians.** If no parent or guardian can participate in an ARD committee meeting, the Campus Educational Diagnostician/ARD Facilitator shall offer a parent or guardian the opportunity to participate in the meeting by tele- or video conferencing or other virtual means. The District may convene an ARD committee meeting without the involvement of a parent or guardian if Campus Educational Diagnostician/ARD Facilitator is unable to convince the parents or guardians that they should attend. *Document and keep a record of attempts to arrange a mutually agreed upon time and place for the ARD committee meeting.*⁶ These attempts may include—
 - Detailed records of telephone calls made or attempted and the results of those calls.
 - Copies of correspondence or e-mails sent to the parents or guardians and any responses received.
 - Detailed records of visits made to the parent or guardian's home or place of employment and the results of those visits.⁷
- **Ensure and document receipt by the parent or guardian of a copy of the procedural safeguards notice** at least once a year, and also ⁸
 - Upon initial referral or parental request for evaluation.⁹
 - Upon the first occurrence of the filing of a due process hearing complaint.¹⁰

⁴ 34 C.F.R. § 300.501(b)(3)

⁵ 34 C.F.R. § 300.322(a)(2)

⁶ 34 C.F.R. § 300.501(c)

⁷ 34 C.F.R. § 300.322(d)

⁸ 89 34 C.F.R. 300.504(a)

⁹ 90 34 C.F.R. 300.504(a)(1)

¹⁰ 91 34 C.F.R. 300.504(a)(2)

- Following any disciplinary action requiring a manifestation determination review.¹¹
- At any other time on reasonable request of the student’s parent or guardian.¹²
- **Ensure that any education records, as defined by the District’s [FL\(LOCAL\)](#) policy, requested by a parent or guardian of a student with a disability may be inspected and reviewed** by a parent or guardian or the parent or guardian’s representative (with informed written consent of the parent or guardian)—
 - Before any ARD committee meeting.
 - Before any mediation session or resolution session that is part of a special education due process hearing request.
 - Without unnecessary delay but in no case more than 45 days.¹³

Copies of educational records may be provided in accordance with the District’s [FL\(LOCAL\)](#) policy. Fees may be charged for those copies so long as the fee does not effectively prevent the parent or guardian from exercising their right to inspect and review the requested records.¹⁴

15

If a parent or guardian makes a written request for an ARD committee meeting, the District shall schedule the meeting as soon as appropriate under the circumstances, or within 5 school days provide a brief written explanation of why the District refuses to schedule the requested ARD committee meeting.¹⁶ When a parent or guardian makes a written request for an ARD committee meeting, the Campus Diagnostician/ARD Facilitator will provide the written explanation above or coordinate with the student’s parents, guardians, teachers and related service providers to schedule the ARD committee meeting.

How does the District ensure that parents or guardians with emergent bilingual abilities are included in the IEP development process?

¹¹ 92 34 C.F.R. 300.504(a)(3)

¹² 93 34 C.F.R. 300.504(a)(4)

¹³ 34 C.F.R. § 300.613

¹⁴ 34 C.F.R. § 300.617 (The District may not charge a fee to search for or to retrieve the educational records.)

¹⁵ “IDEA does not address the use of audio or video recording devices at IEP meetings, and no other Federal statute either authorizes or prohibits the recording of an IEP meeting by either a parent or a school official. Therefore, [the District] has the option to require, prohibit, limit or otherwise regulate the use of recording devices at IEP meetings.” [OSEP 2003](#).

¹⁶ 19 TEX. ADMIN. CODE § 89.1050(e); Tex. Ed. Code § 29.005(c)

If the parent or guardian is one with emergent bilingual abilities and the parent or guardian's native language is Spanish, the District will provide notices to the parent or guardian in Spanish. If the parent or guardian's native language is other than English or Spanish, the District will make a good faith effort to provide notices to the parent or guardians in the parent or guardian's native language unless it is clearly not feasible to do so. The term "native language" means the language normally used by the parent or guardian.¹⁷ *Emergent Bilingual* is equivalent to *English Learner* (EL) in the special education context.¹⁸

If the parent or guardian is one with emergent bilingual abilities and the parent or guardian's native language is Spanish, the District will provide at any ARD committee meeting a person who is able to interpret for the parent or guardian. If a parent or guardian's native language is other than Spanish, the District will make a good faith effort to obtain an interpreter or translator to assist the parent or guardian.¹⁹ The Campus Educational Diagnostician/ARD Facilitator shall coordinate with the student's Case Manager to ensure that the parents or guardians of students with a disability whose native language is other than English are able to participate in the ARD committee meeting with the assistance of translators and interpreters, as appropriate. The Campus Educational Diagnostician/ARD Facilitator shall document these efforts in ARD committee documents and preserve in the student's special education file all written correspondence or communications logs with parents or guardians and other individuals regarding the District's efforts.

If the student's parent or guardian is unable to speak English and the parent or guardian's native language is Spanish, the District shall provide a written copy or audio recording of the student's IEP translated into Spanish.²⁰ If the parent or guardian's native language is a language other than Spanish, the District shall make a good faith effort to provide the parent with a written copy or audio recording of the student's IEP translated into the parent or guardian's native language. When translating a student's IEP, all of the text in the student's IEP shall be accurately translated, resulting in a comparable rendition of the IEP in English and not a partial translation or summary.²¹

Demonstrations of this procedure's implementation may include, but are not limited to, examples such as:

- Training materials
- ARD committee reports
- ARD committee meeting invitations and notices
- Check-lists
- Telephone logs of calls made and attempted in an effort to convince parents to participate in ARD committee meetings

¹⁷ 20 U.S.C. § 1401(20)

¹⁸ 34 C.F.R. § 300.27

¹⁹ 34 C.F.R. § 300.322(e)

²⁰ 19 TEX. ADMIN. CODE § 89.1050(i); Tex. Ed. Code § 29.005(d)

²¹ 19 TEX. ADMIN. CODE § 89.1050(i)(1)

- Records of written correspondence sent in an effort to convince parents to participate in ARD committee meetings
- Records of visits to the parent's home or place of employment in an effort to convince parents to participate in ARD committee meetings
- Privately obtained assessments provided by the student's parent or guardian
- Forms demonstrating the District's request for consent for disclosure between the campus and private service providers
- Formal and/or informal evaluations provided by the District or the student's parents or guardians in connection with consideration of Extended School Year eligibility