

PUBLIC COMMENTS

HB 411

HOUSE COMMITTEE ON JUDICIARY & CIVIL JURISPRUDENCE

Hearing Date: March 9, 2021 10:00 AM

Chris Masey

Autism Society of Texas

austin, TX

The Autism Society supports this bill and the intention to align the terms Admission, Review and Dismissal (ARD) committee with the more accurate "Individualized Education Plan Team or IEP Team" as used in the Individuals with Disabilities Act (IDEA). We will providing written and invited testimony to the Committee members.

Lisa Flores, Advocacy specialist

Easterseals Central Texas

Austin, TX

Easterseals Central Texas is a nonprofit serving people with disabilities and their families throughout their lifetimes. This is a comment in support of HB411. Currently Texas uses the phrase " ARD Committee" to describe the crucial committees that make educational programming decisions for students with disabilities. HB411 would align the language in Texas to align with federal law and practices.

An IEP as described in Section 300.320 of the Individuals With Disabilities in Education Act (IDEA) describes a detailed planning process in which the "IEP Team" (mentioned in the first paragraph) makes determinations regarding the planning for the student's academic success, safety, and personal growth. Even the Texas Administrative Code acknowledges that the term ARD Committee is derived from the Federal IDEA term "IEP Team" in TAC § 89.1050. "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."

In addition TEA's "Parents Guide to the Admission, Review and Dismissal Process"- July 2018 which is the guide developed by statewide educator leadership as required in the Texas Education Code (TEC) § 26.0081 acknowledges the confusion the terms have created.

"In Texas, a child's eligibility for special education services and most of the major decisions about a child's special education program are made by an admission, review, and dismissal (ARD) committee. You may also hear this group referred to as an individualized education program (IEP) team, which is the term used in federal law. If an ARD committee is formed for your child, you will be a member of that committee."

Kristin McGuire

TCASE

Austin, TX

On behalf of the Texas Council of Administrators of Special Education (TCASE), I am in favor of this bill and appreciate the alignment with federal law and regulations. I do, however, request that changes to the terminology happen gradually as the need arises for other revisions. If a wholesale change is required right away, I would be concerned about the cost involved. Thank you, Representative Johnson, for filing this bill.

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Cassandra Hulsey
Texas Association of School Psychologists
ROUND ROCK, TX

The Texas Association of School Psychologists (TASP) supports HB 411, which seeks to align state statute and TEA rules with federal law by changing the "ARD" term to "IEP." The current terminology of ARD, which stands for Admission, Review, and Dismissal does not accurately reflect the purpose of the meeting; however, the term IEP, which stands for Individualized Education Program, indicates the team is gathered to consider an individualized program for that child.

The term ARD is redundant and may be confusing for parents and students. As school psychologists, we are required to provide informed consent to parents when a child is referred for special education testing. As part of informed consent, we provide the parents with a Parent's Guide to the ARD Process, as well as an explanation about the contents of the guide. We explain to parents that an ARD meeting will be scheduled in order for the ARD committee, which includes them, to create and determine the most appropriate individualized education program (IEP) for their child. Instead of using both terms, ARD and IEP, we have the opportunity to cut down on additional terminology in order to streamline the entire process. Using IEP will also cut down on confusion regarding the pronunciation of ARD. Some school staff members refer to ARD as one word pronounced "ARD," while others spell it out as "A.R.D." This can be confusing to native English speakers, and it is also confusing to people whose native language is not English.

If the school is referring a child for special education testing, parents should already be aware that the school is suspecting their child may have a disability by the time we meet with them to go through informed consent. This can be an overwhelming process for parents. Many parents are hearing new words, phrases, and concepts for the first time. We should not unnecessarily burden parents with learning additional phrases and abbreviations when there already is a simpler way.

Additionally, the language IEP team suggests a more collaborative environment between all involved parties. Parents do not always feel welcomed at ARD committee meetings, and they may not feel they are part of the committee. The word committee disenfranchises parents and students. The word team is more commonly used in everyday language, and is accessible for a wider range of people.

Christine Broughal
Texans for Special Education Reform
Cedar Park, TX

We at Texans for Special Education Reform would like to register our support for HB 411. We concur with the written testimony of the Autism Society of Texas and the Coalition of Texans with Disabilities.