

Notice of Procedural Safeguards

Rights of Parents of Children with Disabilities

The Individuals with Disabilities Education Act (IDEA), as amended in 2004, requires schools to provide parents of a child with a disability with a notice containing a full explanation of the procedural safeguards available under IDEA and its implementing regulations. This document, produced by the Texas Education Agency (TEA), is intended to meet this notice requirement and help parents of children with disabilities understand their rights under IDEA.

Procedural Safeguards in Special Education

Under IDEA, the term parent means a biological parent, an adoptive parent, a foster parent who meets state requirements, a guardian, an individual acting in the place of a biological or adoptive parent including a grandparent, stepparent, or other relative with whom the child lives, an individual who is legally responsible for the child, or a surrogate parent.

The term native language when used with someone who has limited English proficiency means the language normally used by that person.

For more information, visit [Children and Youth Experiencing Homelessness](https://www.childrenandadolescentservices.org/children-and-youth-experiencing-homelessness) (link: bit.ly/39v6KzG)

To be eligible to serve as a surrogate parent, you must not be an employee of the LEA, the school, or any agency that is involved in the education or care of the child, and you must not have any interest that conflicts with the interest of the child. A person appointed as a surrogate parent must have adequate knowledge and skills, be willing to serve, exercise due diligence, and act in the best interests of the child. A person appointed as a surrogate parent must complete a training program. The person appointed by a school to act as a surrogate parent must complete the training program before the 90th day after the date of initial appointment as a surrogate parent. Once you have completed an approved training program, you do not have to retake a training program to act as a parent for the same child or to serve as a parent or as a surrogate parent for another child.

For additional requirements regarding surrogate parents, please see [19 TAC §89.1047](#) (a)(1) and [19 TAC §89.1047](#) (a)(2).

Child Find

need of special education and related services, including children with disabilities who are homeless children or who are wards of the state and children with disabilities attending private schools regardless of the severity of their disability, must be identified, located, and evaluated. This process is called Child Find.

As part of its Child Find activities, an LEA must publish or announce notice in newspapers or other media, or both, with circulation adequate to notify parents of the activity to locate, identify, and evaluate children in need of special education and related services.

Not

IEE Ordered by a Hearing Officer

If a hearing officer orders an IEE as part of a due process hearing, the school must pay for it.

Procedures When Disciplining Children with Disabilities

Authority of School Personnel

Case-by-Case Determination

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

General

To the extent that they also take such action for children without disabilities, school personnel may, for not more than 10 school days in a

officer, or until the expiration of the time period of removals provided for and described under the reading Authority of School Personnel, whichever occurs first.

Protections for Children Not Yet Eligible for Special Education and Related Services

General

If your child has not yet been determined eligible for special education and related services and violates a code of student conduct, but the school had

Special Education Information

If you need information about special education issues, you may call the Special Education Information Center at 855-SPEDTEX (855-773-3839). If you call this number and leave a message, someone will return your call during normal business hours. Individuals who are deaf or hard of hearing may call the SPEDTEX number using Relay Texas at 711.

Resolving Disagreements

There may be times when you disagree with the actions taken

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statement that the public agency has violated a special education requirement, the facts upon which the statement is based, and your signature and contact information. If the complaint concerns a specific child, the complaint must

Nothing in IDEA limits the rights, procedures, and remedies available

However, the court may not reduce fees if it finds that the school or the state unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguards provisions of IDEA Part B.

State rule related to the special education due process hearing program begins at [19 TAC §89.116](#) ([link: bit.ly/3nQcmtG](https://bit.ly/3nQcmtG))

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