

How to Serve as a Surrogate Parent

For a Student With a Disability

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Surrogate Parent



Which students will have a “Surrogate” Parent?

Students with disabilities who need special education services and do not have a “parent” as defined by law.

Parent Definition

Parent is defined as the following:

- Biological, adoptive, or foster parent (unless a foster parent is prohibited by State law from acting as a parent)
- Guardian authorized to act as the child's parent or authorized to make educational decisions (but not the State if the child is a ward of the State)
- Individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or is legally responsible for the child's welfare
- Individual assigned as a surrogate parent

When is a Surrogate Parent Needed? 34 CFR §300.519

- No parent can be identified
- Parent cannot be located after reasonable efforts by the school district
- The child is a ward of the State
- The child is an unaccompanied homeless youth

Wards of the State

All children in Department of Family Protective Services' managing conservatorship (by court order or through a voluntary relinquishment under the Texas Family Code, §15.03) are considered "wards of the state." By law, they must be represented by a surrogate parent or the court's appointee in the education decision-making process.

- Children in residential care facilities (who are wards of the state) have surrogate parents appointed by the school, or an appointee assigned by the court.
- Parental rights may or may not be permanently terminated while the child is under DFPS managing conservatorship. The court's order will provide more detailed information.

Foster Parents

- If the student has **NOT** resided with the foster parent for at **least 60 days**, the foster parent can be appointed as the surrogate parent if he/she meets surrogate parent qualifications.
- After the student has resided with the foster parent for 60 days, the foster parent who was the surrogate parent can now be the parent.

Foster Parents–Texas Education Code § 29.015 cont.

- A foster parent who is denied the right to act as a surrogate parent or a parent under this section by a school district may file a complaint with the agency in accordance with federal law and regulations.

How is a Person Appointed as a Surrogate Parent?

- The public school district determines which students are in need of a surrogate.
- The public school district selects and appoints a person who can serve as a surrogate.
- A judge may appoint a surrogate parent for a child who is a ward of the State.
- The district provides “surrogate parent training.”

Surrogate Parent Assignment Timeline

- A surrogate parent must be **assigned within 30 days** after determination that the student needs one.
- **Regardless of the 30 day requirement, if a surrogate parent is needed to represent the student before that timeline, one must be assigned.**

Surrogate Parent Training

- A surrogate parent must complete an approved surrogate parent training program within 90 calendar days of his or her appointment.
- The training should consist of the following topics:
 - the identification of a student with a disability;
 - the collection of evaluation and re-evaluation data relating to a student with a disability;
 - the admission, review, and dismissal (ARD) committee process;
 - the development of an individualized education program (IEP), including the consideration of transition services for a student who is at least 14.
 - the determination of least restrictive environment;
 - the implementation of an IEP;
 - the procedural rights and safeguards

Who is not Eligible to be a Surrogate Parent?

- Employees of the district, the Department of Family and Protective Services (DFPS), the Texas Education Agency (TEA), or any other care agency may **not** serve as a surrogate parent. T.F.C. 263.0025; [HB 2619]
- Any person with personal or professional interests that conflict with the interests of the student.

Who Can Be a Surrogate Parent?

- “Preferential consideration” should be given to a foster parent of a child with a disability when appointing a surrogate parent.
- If not the foster parent, a relative, designated caregiver, or CASA who is serving as guardian ad litem should be considered.
- A foster parent who is a school district or TEA employee can be a surrogate parent for his/her foster child as long as they do not have interests that conflicts with the child’s interest.

Who Can Be a Surrogate Parent ?

- An individual who has no personal or professional interest that conflicts with the interest of the child he or she represents;
- The individual has knowledge and skills that ensure adequate representation of the child.

What are My Responsibilities as a Surrogate Parent?

The surrogate parent is to interact with the school in the *same manner* that **any parent** would. State law requires a surrogate to:

1. Agree to complete a training program.
2. Visit the child and the child's school on a regular basis.
3. Consult with persons involved in the child's education.
4. Review the child's educational records.
5. Attend Admission, Review, and Dismissal (ARD) committee meetings.

What are My Responsibilities as a Surrogate Parent?

- Exercise independent judgment in pursuing the child's interests.
- Exercise the child's due process rights, when appropriate.
- Keep a record of all activities in accordance with the school district requirements for surrogates.

Surrogate Parent Resources

- [Surrogate Parent Training and Eligibility](#)
- [Surrogate Parent Training and What it Means to be a Surrogate Parent](#)
- See [TEA ARD FAQ](#) for more information

The Special Education Process



What is Special Education?

The purpose of the Individuals with Disabilities Education Improvement Act (IDEA 2004) is to ensure that all children with disabilities have available to them a free and appropriate public education (FAPE) **that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.**

What is Meant by “Procedural Safeguards”?

- Procedural Safeguards refers to the rights and privileges afforded to students with disabilities and their parents. The school will give you a “ ***Notice of Procedural Safeguards, Rights of Parents of Students with Disabilities***” at the time of initial referral, parental request for evaluation, the first occurrence of the filing of a complaint, and at your request.
- An online copy of the Notice of Procedural Safeguards can be viewed at Region 18 ESC’s Legal Framework.

www.esc18.net

Procedural Safeguards

The following topics are addressed in the Procedural Safeguards:

- Child Find
- Prior Written Notice
- Parental Consent
- Independent Educational Evaluation
- ARD Committee
- Discipline
- Educational Records
- Voluntary Private School Placement by Parents
- Private School Placements by Parents when FAPE is at Issue
- Transfer of Rights when a student turns 18
- Resolving Disagreements

Child Find

- Child Find ensures that all children with disabilities residing in Texas who are in need of special education and related services including children with disabilities attending private schools are identified, located, and evaluated.

Prior Written Notice

Prior written notice to parents must be given before the school proposes or refuses to initiate or change a student's:

- Identification
- Evaluation
- Educational placement
- Free appropriate public education (FAPE)

When Will I Receive Notice From the School?

- Prior written notice to parent must be given at least five school days prior to the action.
- A prior written notice must:
 - describe the actions the school proposes or refuses to take;
 - explain why the school is proposing or refusing the action;
 - describe the evaluation procedure, assessment, record, or report the school used in deciding to propose or refuse the action (s).
- A parent may select to receive notices via electronic mail (e-mail), if the school makes such an option available.

Parental Consent

- There are certain activities under the IDEA that cannot take place unless the school obtains your consent. The school must fully inform you of all the information needed to be able to make a good decision including a description of the proposed activity. The information must be in your native language or other mode of communication. If there are records to be released, the school must list the records and to whom they will be released.

When Will the School Seek my Written Consent?

When the school seeks to:

- Conduct an initial evaluation
- Conduct any re-evaluation
- Place the student in a special education placement for the first time
- Change placement
- Release educational records
- Invite other agencies to the ARD meeting

May I Revoke my Consent for Special Education Services?

- As of December 31, 2008, you now have the right to revoke your consent for the continued provision of special education and related services to your child at any time after the initial provision of special education and related services.
- A parent's revocation of consent must be in writing.
- Once the school receives your written revocation, it must honor your decision.
- Before the school discontinues services, however, it must provide you with prior written notice that services will cease. (Notice must be given at least 5 school days in advance of discontinuation of services.)

Eligibility

There is a two-part test for determining whether a child is eligible for special education services:

- (1) the child must have a disability, and
- (2) as a result of the disability, the child must need special education services to benefit from education.

Steps to Eligibility

- Step 1: “Child Find” process
- Step 2: Interventions
- Step 3: Referral for evaluation
- Step 4: Full and Individual Evaluation (FIE) is conducted.
- Step 5: ARD Committee meeting: The ARD committee (which includes a parent or surrogate parent) reviews the evaluation results and determines if the student is eligible based on educational needs.

Child Find

Educators, parents, or family members may identify a child with a possible disability and request an evaluation for special education services.

Response to Intervention

- The federal *No Child Left Behind Act of 2001 (NCLB)* and the *IDEA* direct schools to focus more on helping all children learn by addressing problems early on. Both laws stress the importance of providing high quality, scientifically-based instruction and interventions, and holding schools accountable for the progress of all students in terms of meeting grade level standards. This approach is called Response to Intervention (RtI), and the goal of the process is to identify children who are at-risk for not meeting grade-level standards and to intervene early.
- The student's performance and progress are monitored to determine if the student needs to be referred for evaluation.

Referral for Evaluation

- The school or parent may request an evaluation of the student when a disability is suspected.
- The school must obtain prior written consent from the parent before conducting the initial evaluation to determine if the student has a disability and needs special education services.
- The initial FIE is to be done within 45 school days of receiving the signed written consent for evaluation.
 - If the student is absent three or more days, the timeline is extended day-for-day.
 - For those not enrolled in school, private school, home school and preschoolers, it is 45 school days.

Referral for Evaluation

- If the consent is obtained more than 35 but less than 45 school days left in the year, then the FIE must be completed and delivered to the parent by June 30th, and the ARD meeting held within the first 15 schools days of the next school year.
- If the parent makes a written request for an FIE to the director of special education, or any other administrative employee, then the district must respond to the request with 15 school days by seeking consent, or giving written notice of refusal along with procedural safeguards.

Evaluation

- The evaluation must be conducted by a team of qualified professionals and include parent input.
- The student will not be determined to be a child with a disability if he/she has not received appropriate instruction in reading, math, limited English proficient, or cultural or lifestyle factors.
- After the evaluation is complete the ARD committee will meet within 30 calendar days to determine if the child has a disability and educational needs for special education services.

Disabilities Categories

Students are eligible when they are evaluated and found to have one or more of the following disabilities and an educational need (§89.1040):

- Auditory Impairment
- Autism
- Deaf-Blind
- Emotional Disturbance
- Intellectual Disability (Mental Retardation)
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impaired
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual Impairment and Blindness
- Non-categorical early childhood ages 3-5

Evaluation Data and How it is Used

The school will use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining

- whether the child is a child with a disability; and
- the content of the child's IEP (Individual Education Program), including information related to enabling the child to be involved and progress in the general education curriculum.

Evaluation Data May Include

- Tests of intelligence
- Tests of achievement level
- Psychological tests
- Tests of the child's speech/language abilities
- Medical evaluations
- Grades
- Conduct reports
- Information from teachers
- Information from parents

What is My Role in Connection with Evaluation Data?

- Upon completion of the evaluation, and if the child is found to be a child with a disability, you will be asked to give consent for special education services and placement.
- If you refuse to consent to services, the local education agency shall not provide special education and related services to the child.

Review the Completed Evaluation Carefully

- Ask questions.
- Understand what the conclusions and recommendations are.
- Understand why those conclusions and recommendations are being made.
- If you disagree with the school's evaluation, you have the right to obtain an "Independent Educational Evaluation" (IEE).

How Often is a Student Evaluated?

A re-evaluation shall not occur more than once a year unless you and the school agree otherwise; and will be conducted every three years.

As part of any re-evaluation, a group that includes the ARD committee members, and other qualified professionals, as appropriate, shall conduct a review of existing evaluation data (REED). They may agree to continue eligibility without additional testing.

Parents have the right to request an evaluation be conducted. (§CFR300.305)

Re-evaluation

Review of existing evaluation data should include, but not be limited, to:

- Previous Evaluation (e.g. Full and Individual Evaluation-FIE and Review of Existing Evaluation Data-REED) information provided by you.
- Current classroom-based assessments and observations.
- State testing results
- Discipline and attendance data
- Updated sociological information which should include information from you.

The results of the re-evaluation will be used to determine:

- Whether the student continues to have a disability
- Present levels of educational performance
- Special education and related services
- Specific services needed to meet the IEP and participate in the general education curriculum.

What is an ARD Meeting?

- ARD stands for “Admission, Review and Dismissal.”
- The ARD Committee determines a student’s eligibility to receive special education services and develops the individualized education program (IEP) of the student.
- ARD committees make most of the key decisions about special education services and general education placement.
- Each student has his or her own ARD committee.

The ARD Committee Consists of :

- Teachers (general and special education)
- Person knowledgeable about evaluation data
- Administration representative
- Other persons who may be helpful to the committee
- You, as the surrogate parent
- The student should be invited to attend
- Adult student
 - The adult student may invite his/her former surrogate parent or anyone else to attend the ARD meeting to assist him/her.

ARD Committee Members

- An ARD committee member's attendance may not be necessary if the member's area of curriculum or related services is not being modified or discussed in the meeting.
- An excusal can only take place if you agree in writing to allow the member not to attend part or all of the ARD meeting.

ARD Committee Members

- A member may not be excused from attending part or all of the meeting when the meeting involves a modification or discussion of the member's area of related services.
- If you and the IEP team consent to excusal, the member must submit in writing recommendations to you and other members of the ARD committee, and provide input into the development of the IEP prior to the meeting.
- You must give written consent for excusal.

The ARD Committee

- Develops, reviews, revises the student's Individualized Education Program (IEP).
- Develops annual goals and objectives for the student.
- Selects appropriate accommodations or curriculum modifications for the student.
- Determines the student's placement.
- Determines the appropriate state assessment for the student.

The ARD Committee

- Determines the specific services the student needs.
- Changes to a student's IEP, after the annual ARD meeting for a school year, may be made without convening an ARD if you agree. The school will amend the current IEP and provided you a copy of the amended IEP.
- The ARD committee must meet to consider any proposed "change of placement."

When You Go To the ARD Meeting

- Have a good idea of what the purpose of the meeting is.
- Be clear who is in attendance.
- You have the right to bring other people who you believe have knowledge or expertise about your child. Let the school know in advance.
- Take an active part
 - Provide input
 - Ask questions
- Make sure you have copies of documents you need to fully participate.

What is My Role in the ARD Process?

- Attend and look after the student's interest at the meeting.
- You can ask for an ARD meeting whenever you believe it is needed. Remember, that many problems or concerns can be handled outside of the ARD process (e.g. in a parent conference.)
- The meeting is to be held at a time and place mutually agreeable to you and school officials.
- The school must give you notice of an ARD meeting at least five school days before the meeting.

What Does “Least Restrictive Environment (LRE)” Mean?

- Least Restrictive Environment refers to the “placement” or “instructional arrangement” in which the student is served. Students with disabilities have a right to be educated in the least restrictive environment and have access to the general education curriculum.
- The ARD committee decides on the student’s placement.
- More restrictive means less contact with non-disabled students.

Requirements of the Individualized Education Program (IEP)

- The student's present levels of academic and functional performance (PLAAFP)
- Annual goals, both academic and functional goals
- Special education and related services to be provided
- Supplementary aids and services to be provided
- Program modifications and supports

Requirements of the Individualized Education Program (IEP)

- Extent of participation with non-disabled students
- How the child's progress toward meeting the annual goals will be measured
- When periodic progress reports will be provided to the parents
- Extended School Year services (ESY)
- Discipline
- Transition services
- Frequency, duration, and location for all educational and related services

Requirements of the Individualized Education Program (IEP)

- Select appropriate statewide assessments
 - TAKS, TAKS-Accommodated, STAAR, STAAR Accommodated
 - STAAR-ALTERNATE 2
- Short term objectives or benchmarks for children who take alternate assessments.
- A statement must indicate why the ARD committee selected a particular alternate assessment, and why it is appropriate for the child.

What is My Role in Developing and Reviewing an IEP?

- Take an active interest
- Make recommendations that will benefit the student.
- Ask questions
- If you disagree, “speak up,” letting the school know why, and what you would like done to remedy the problem.

Development, Review and Revision of IEP 34CFR §300.324

- However, eligibility and placement decisions cannot be changed without an ARD meeting. Once the annual ARD meeting has been held, and an annual IEP is developed, the parent of a child with a disability and the school may agree not to convene an ARD meeting for the purpose of making any changes, and instead may develop a written document to amend or modify the child's current IEP. The IEP can be changed without an ARD meeting.
- You and the school must agree to change the IEP.
- If changes are made to the child's IEP, the school must ensure that the child's ARD committee is informed of those changes

What is My Role in the Implementation of the IEP?

- If you have reason to suspect the IEP is not being properly implemented, express your concerns to the school.
- School district personnel have the responsibility of implementing the IEP.
- The law establishes surrogate parents as an additional protection for the student. You have the same rights as parents.
- Review the Procedural Safeguards.

At the Conclusion of the Meeting

- You will be asked if you agree or disagree with the recommendations and IEP.
- If you disagree, share the item(s) in which you disagree and the reason why.
- If consensus is still not reached, consider accepting the 10-day recess you will be offered.
- Be sure you understand what will happen next.

Special Factors

The ARD Committee may need to address the following special factors for some students.

- Behavior
- Communication
- Limited English Proficiency
- Opportunities for direct communications with peers and professional personnel in the student's language and communication mode
- Appropriate reading and writing media and an evaluation of the student's future needs for instruction in Braille
- Assistive Technology
- Autism

Can a School Take Disciplinary Actions That Can Change a Student's Placement?

- School officials may remove your child from the placement if your child violates the code of conduct. This removal can be to an appropriate interim alternative educational setting, another setting, or suspension.
- The authority of school officials to order such a removal is limited to no more than ten consecutive school days, except for *special circumstances/situations*. In ordering the removal of your child with a disability, school officials must apply the same standards and follow the same procedures that apply to the general education student.

Can a School Take Disciplinary Actions That Can Change a Student's Placement?

- If a student violates the student code of conduct, and the school is recommending a change of placement, within 10 school days, the ARD committee must convene and determine if the student's conduct was caused by direct and substantial relationship to the student's disability, or a direct result of the school's failure to implement the IEP. (Manifestation Determination ARD)

Can a School Take Disciplinary Actions That Can Change a Student's Placement?

- A school is permitted to remove a student with a disability to an alternative educational setting for not more than 45 calendar days without regard to whether the behavior is determined to be caused by the student's disability, in cases where a student:
 - Carries or possesses a weapon at school, on school premises, or at a school function
 - Knowingly possesses or uses illegal drugs, or solicits the sale of controlled substance, while at school, on the school premises, or at a school function.
 - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

Extended School Year Services

- If a student requires a significant amount of time to recoup mastered skills, the ARD committee should discuss whether the student needs extended educational and/or related services during the long school breaks. (summer or holidays)

Transition Planning

- Appropriate state transition planning under the procedure adopted under Section 29.011 must begin for a student not later than when the student reaches **14 years of age**.
- The procedures must specify the manner in which a student's admission, review, and dismissal committee must ***consider, and if appropriate, address the following issues in the student's individualized education program:***
 - (1) appropriate student involvement in the student's transition to life outside the public school system;
 - (2) if the student is younger than 18 years of age, appropriate parental involvement in the student's transition;

Transition Planning

- (3) if the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the student or the school district in which the student is enrolled;
- (4) any postsecondary education options;
- (5) a functional vocational evaluation;
- (6) employment goals and objectives;
- (7) if the student is at least 18 years of age, the availability of age-appropriate instructional environments;
- (8) independent living goals and objectives; and
- (9) appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

What are Transition Services?

“Transition services” mean a coordinated set of activities for a child with a disability that is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability, to facilitate the child’s movement from school to post-school activities, including:

- post-secondary education;
- vocational education;
- integrated employment (including supported employment);
- continuing and adult education; adult services;
- independent living; or
- community participation

Transition Services

Are based on the individual child's needs, taking into account the child's strengths, preferences and interests; and includes:

- instruction
- related services
- community experiences
- the development of employment
- other post-school adult living objectives
- when appropriate, acquisition of daily living skills
- and when appropriate, functional vocational evaluation

Transition Services

Beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter, the IEP must include:

- Appropriate measurable post-secondary goals based upon age-appropriate transition assessment related to training, education, employment, and independent living skills, where appropriate;
- Transition services needed to assist the child in reaching those goals, including courses of study.

Transition Services

- In Texas, the ARD committee must consider, and if appropriate, integrate the following areas into the development of the student's IEP:
 - Student involvement in transition
 - Parent involvement in child's transition (before and after 18)
 - Any post-secondary education options
 - Functional vocational evaluation
 - Employment goals and objectives
 - Independent living skills goals and objectives
 - Availability of age-appropriate instructional environments (after age 18)
 - Referral to government agency or other service providers, with written parental approval.
- The ARD committee develops a course of study that will assist the student in reaching his or her post-secondary goals.

What is My Role in Developing and Reviewing Transition Services?

- Help the student plan for life as an adult.
- Encourage the student to actively participate.
- Help the student understand the importance of planning for life after high school.
- Ask questions

What are the Graduation Options for Students Receiving Special Education Services ?

In Texas, there are several graduation options for students receiving special education services: TAC §89.1070(b)(1)

- The student demonstrated mastery of required state standards and satisfactorily completed credit requirements for graduation under the Foundation High School Program
- The student performed satisfactorily on the required state assessment, unless the student's admission, review and dismissal (ARD) committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.

Graduation Options

- TAC § 89.1070(b)(2)
- The student demonstrated mastery of required state standards and satisfactorily completed credit requirements for graduation under the Foundation High School Program one or more which contain modified curriculum that is aligned to the standards applicable to students in general education
- The student performed satisfactorily on the required state assessment, unless the student's admission, review and dismissal (ARD) committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.
- The student must also successfully complete the student's individualized education program (IEP) and meet one of the following conditions.
 - The student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.
 - The student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.

Endorsement Options for students receiving special education services

TAC § 89.1070(c)(1)(2)(3)

- The student satisfactorily completes requirements for graduation under the Foundation High School program as well as additional credit requirements in mathematics, science, and elective courses as specified with or without modification.
- The student satisfactorily completes the courses required for the endorsement without any modified curriculum
- The student performed satisfactorily on the required state assessments

Graduation Options

TAC § 89.1070(d)

- Students receiving special education services classified in Grade 11 or 12 during 2014-2015, 2015-2016, or 2016-2017 school year who has taken each of the state assessments but failed to achieve satisfactory performance on no more than two of the assessments is eligible to receive an endorsement if the student has met the requirements in subsection (c)(1) and (2).

Graduation Options

- TAC § 89.1070(e)
- The student must satisfactorily complete the course without any modified curriculum to use a course to satisfy both a requirement under the Foundation High School Program and a requirement for an endorsement.

Graduation Options

For a student who entered Grade 9 before 2014-2015

(TAC §89.1070(g)(1)(2)) :

- The student completes the district minimum curriculum and credit requirements for graduation and passes the state wide assessment .
- Students will be eligible to graduate under the Minimum, Recommended or Distinguished Achievement programs if the student has taken each of the state assessments.

Graduation Options

For a student who entered Grade 9 before 2014-2015
(TAC §89.1070(g)(3)) :

- The student completes the district minimum curriculum and credit requirements for graduation and participates in required state assessments. The student's ARD committee shall determine whether passing the state assessment will be required for graduation.
- Students will be eligible to graduate under the Minimum High School plan.

Graduation Options

For a student who entered Grade 9 before 2014-2015

(TAC §89.1070(g)(4)):

- The student meets the district minimum credit and curriculum requirements and completes his or her IEP requirements and meets one of the following conditions:
 - graduates through full time employment
 - demonstrates mastery specific employability skills or self-help skills; or
 - has access to services , employment, or education outside the realm of public education
 - student no longer meets age eligibility requirements

Option 3 Graduates

- Students will be eligible to graduate under the Minimum High School plan.

(TAC §89.1070(h))

- For students graduating under this section must be provided with a summary of academic achievement and functional performance. This summary must consider, as appropriate, the views of the parent and the student and written recommendations from adult services agencies on how to assist the student in meeting postsecondary goals. An evaluation must be included as part of the summary for a student graduating under subsections (b)(2)(A), (B) or (C) or (g)(4)(A), (B), (C) of this section

Graduation Ceremony Participation for Non-Graduates

- The state of Texas allows high school students receiving special education services to participate in graduation ceremonies if they have been in high school for four years and not completed graduation requirements.
 - Parents will be notified their child is eligible to participate in the ceremony. The parents may decide to allow or not allow their child to participate.
 - The students will receive a certificate of attendance and not a diploma.
 - The students will continue with their education.
 - The student can only participate in 1 graduation ceremony.

Summary of Performance

- When a student's eligibility is terminated due to receipt of a regular high school diploma, or no longer being eligible because of age, the school will provide the student with a summary of the student's academic achievement and functional performance which shall include recommendations on how to assist the student in meeting his or her post-secondary goals.

What is the Transfer of Rights?

- Beginning not later than one year before a student reaches the age of majority under the state law, age 18, the IEP must include a statement that the child has been informed of the student's rights, and if any that will transfer to him or her on reaching the age of majority.
- The student's (IEP) must include a statement that the student has been informed, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code.
- 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.

What Can I Do if I Am Dissatisfied with the Program or Services?

1. Contact someone at the school to address your concerns.
2. Ask for an ARD meeting.
3. Request a facilitated ARD meeting,
4. Seek mediation through TEA or meet with a disinterested third party.
5. Be willing to participate in a resolution meeting with the school,
6. File for an impartial special education due process hearing.

What Happens When I Ask For Mediation?

- A trained mediator travels to your community.
- Mediation must be entered into voluntarily by both sides.
- Mediation can lead to an agreed solution enforceable through the judicial process.

What is a Disinterested Party?

- A district may establish procedures to offer parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with—
 - a parent training and information center, or community parent resource center in the State established under federal guidelines
 - an appropriate alternative dispute resolution entity, to encourage the use, and to explain the benefits, of the mediation process to the parents.

What is a Resolution Meeting?

- Upon filing for an impartial due process hearing, the school shall convene a resolution meeting with you and relevant members of the ARD committee
- The resolution meeting allows you to discuss your due process hearing request and the facts that form the basis of the due process hearing, and the school is provided the opportunity to resolve the due process hearing request.
- If you and the school agree in writing to waive such a meeting or to use mediation, the resolution meeting isn't required.

What Happens When I File a Complaint with TEA?

- You must file a complaint complying with the applicable IDEA requirements:
- The person who investigates your complaint will need specific information and will contact you and the school.
- You can contact the Division of Complaints Management toll-free Parent Information Line at 1 800-252-9668.
- When sending a written Special Education complaint, address your letter to:

Texas Education Agency
Division of Federal & State Education Policy
1701 N. Congress
Austin, TX 78701-1494

Link for more information:

[Special Education Dispute Resolution Processes](#)

What Happens When I Ask For a Due Process Hearing ?

- You must file a request complying with TEA's rules for such requests.
- An impartial hearing officer is appointed. He or she will conduct the hearing in your community.
- The hearing officer will contact you and probably will seek a "pre-hearing conference."

What Happens When I Ask For a Due Process Hearing ?

- The hearing officer is required to render a written decision no later than 45 calendar days after the date TEA receives your request.
- The timeline can be extended by the hearing officer if both parties agree.
- The hearing officer's decision is final unless a party appeals the decision to a state or federal court.

Where Can I Get Help Understanding the Special Education Process?

The district's Special Education Director

Your student's teacher

Your regional Education Service Center

Texas Education Agency

The Legal Framework <http://framework.esc18.net>

Texas Project FIRST www.texasprojectfirst.org

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