



2026 Special Education Rights Webinar

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Take our community survey

- Every few years we reach out to community for input to find out what issues the disability community is experiencing the most.
- Your answers to our survey will help us prioritize our work and focus on what Texans with disabilities need most.
- Visit www.DRTx.org/survey
- Text DRTxSurvey to 210-830-1537 and we will send you a link.
- Take a photo of this QR code with your smart phone and click on the link that pops up:



2026 SPED Rights Topics

- Preparing for an Admission, Review, and Dismissal (ARD) committee meeting
- Disability rights regarding behavior and restraint
- Dispute resolution

Preparing for an ARD Committee Meeting

Admission, Review and Dismissal (ARD) Meeting



Annually or as often as needed



5 school days notice requirement
(may be waived)



Work with parent's schedule

ARD Committee Members

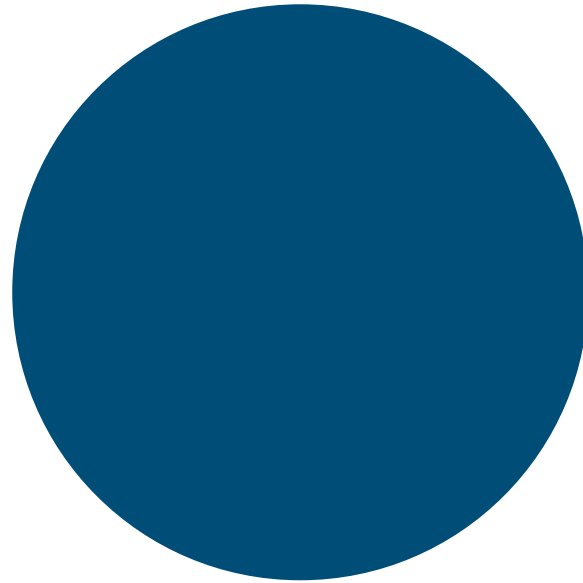


Parent & student
(esp. if 14+)

Other members
required by state law
(e.g., dyslexia)



Diagnostician or
school psychologist



District
representative



Special education
teacher



Regular education
teacher

ARD Tips: Getting a Meeting

- Submit a written request for a meeting (email or letter)
- If the school denies your request verbally, send a follow up writing recapping the conversation or voice mail and ask for confirmation
- Notify the school if you need an interpreter (parents who are deaf or hard of hearing or whose primary language is a language other than English)

ARD Tips: Prepping for a Meeting

- Request a copy of the meeting agenda, draft individualized education program (IEP), and evaluation reports
- For evaluations, ask for an opportunity to review the evaluation and ask questions with the evaluator before the ARD
- Request an opportunity to observe instruction in any proposed new service location or placement

Change in Location of Services: New Rule

New TEA special education rule, effective October 4, 2026

- When a school district is considering a change in the **location** of the provision of a student's special education and related services as documented in the student's IEP, the district must:
 - Communicate a proposed change in location to the parent as soon as reasonably possible
 - Determine whether the change would substantially or materially alter the student's educational program

Change in Location of Services: Request ARD

Parents have the right to request an ARD meeting if they believe the change in the location of services is a change in educational placement, including if the parent believes the new factors apply to the proposed change in location.

Change in Location of Services: ARD Committee Meeting

The school district must hold an ARD committee meeting if the proposed change of location would constitute a change in educational placement if the proposed change in location would:

- Revise the student's IEP
- Decrease the extent to which the student is educated with nondisabled peers, consistent with the least restrictive environment requirement
- Alter the student's access to non-academic or extracurricular services or activities
- Represent a different point on the continuum of alternative educational placements

19 Tex. Admin. Code 89.1050(l)

Individualized Education Program

- Present levels of academic achievement and functional performance (PLAAFP)
- Measurable annual goals (academic and functional goals)
- Accommodations
- Educational Placement
- Behavioral Intervention Plan
- Special education and related services
- Transition services
- Standard assessment accommodations or need for alternate assessment
- IEP supplement required by state law (e.g., Autism Supplement)

IEP Issue Spotting

Potential Areas of Concern in an IEP:

- Present levels of performance or annual goals remain relatively the same over time
- Present levels of performance do not include both academic & functional performance data (social skills, daily living skills, coping skills, behavior, etc.), strengths and weaknesses, or unique disability characteristics
- Annual goals do not identify curriculum barriers related to disability
- Service delivery schedule missing or does not include all services (accommodations, modifications, related services, etc.)
- No documentation of percentage of student's instructional day that the student spends in a general education location/classroom/setting
- Transition planning does not reflect child's interests and input

The Big Decision

- At end of meeting, parents sign that they attended & check “agree” or “disagree.”
- Parents can explain why they disagree but do not have to.
- They can disagree with only part of the plan and still accept services.
- If parents disagree, they should be offered reconvene ARD within 10 school days.



Parent's Copy of IEP (1 of 2)

- If the student's parent is unable to speak English and the parent's primary language is Spanish, the school district must provide a written copy or audio recording of the student's IEP translated into Spanish.
- If the student's parent is unable to speak English and the parent's primary language is a language other than Spanish, the school district must make a good faith effort to provide a written copy or audio recording of the student's IEP translated into the parent's primary language.

Parent's Copy of IEP (2 of 2)

- If a parent's primary language is not a written language, the school district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her primary language or other mode of communication.
- Beginning with IEPs developed or amended as of July 1, 2027, school districts must give the parents a written copy of the IEP at no cost within 10 school days after the date on which it is finalized.

Disability Rights Regarding Behavior and Restraint

Behavior Specific Evaluations

Adaptive Behavior Assessment

- Focuses on conceptual skills, social skills and practical skills
- Helpful evaluation for developing functional goals (regardless of cognitive determination)
- Pay attention when parent and teacher reports vary; determine why

Emotional/Behavior Assessment

- Parent AND teacher input used to determine additional evaluations that may be needed
- Good evaluation to review during a Manifestation Determination Review (MDR) or if requesting a new Functional Behavior Assessment (FBA)

Functional Behavior Assessment (FBA)

- An FBA is a process schools use to understand the function or purpose of a specific challenging behavior and create possible solutions.
 - Conducted by a team of school personnel led by a professional trained in understanding behavior, such as a school psychologist or behavior specialist.

Evaluation used
to develop
positive
behavioral
supports and
a Behavior
Intervention Plan
(BIP)

What function
does the
student's
unacceptable
behavior serve?

What does
the student "get"
or "avoid"
through
the behavior?

What biological,
social, affective,
and
environmental
factors initiate,
sustain, or end
the behavior?

What is an FBA?

Underlying function
of the unacceptable
behavior identified



Strategies to help the
student engage in
acceptable
replacement behavior
that “gets” the
student what they
want identified



Decrease the
student’s desire to
“avoid” the
environment or
situation causing the
unacceptable
behavior

Behavior used to “avoid” is often related to lack of appropriate academic services, so a good FBA will address academic services

Behavior Intervention Plans (BIPs)

- A written plan that addresses a student's behavioral needs
 - Must include positive behavioral supports and interventions (these should be described in the FBA)
- Part of a student's IEP, based on the most recent FBA
- The ARD committee must review the BIP at least annually, and more frequently if appropriate, to address either changes in the student's circumstances that may impact their behavior or the safety of other students

BIP Tips

- Be specific about each behavior at issue
 - “Jane is aggressive” is not specific.
 - “Jane hits other students at recess when she does not get her way” is specific.
- Target a few key behaviors with specific, individualized interventions
 - “Give Jane an opportunity to exercise control” is not specific.
 - “Give Jane the opportunity to choose the recess activity. Give Jane the opportunity to lead the class discussion” are specific interventions.

School Discipline Proceedings

- The parent should always receive notice explaining why the student is being disciplined
- The student and parent are entitled to explain their version of the event and present mitigating information at a meeting with school administration
- The school must consider the following factors in all disciplinary removals:
 - Self defense, Intent, Disciplinary History, Disability, Foster Care Involvement, Homelessness

Manifestation Determination Review (1 of 3)

- Under IDEA, a Manifestation Determination Review (MDR) must be conducted when a school proposes a disciplinary “change in placement” totaling 10 school days in a year for a student with a disability
- Change in placement if one of the following not present:
 - The opportunity to continue to appropriately participate in the general curriculum;
 - The services specified on the child’s IEP; and
 - The opportunity to participate with nondisabled children to the extent they would have in the child’s placement as determined by the ARD committee.

Manifestation Determination Review (2 of 3)

- The goal of an MDR is to prevent discrimination by ensuring students are not punished for manifestations of their disabilities, or the school's failure to follow the student's IEP or 504 plan.
- The ARD committee must answer the following questions:
 - Was the student's conduct caused by, or had a direct and substantial relationship to, the student's disability?
 - Was the student's conduct the direct result of the school's failure to implement the student's IEP?

Manifestation Determination Review (3 of 3)

- If the answers to both questions are NO, the committee found that the behavior in question is not related to a disability
- If YES, conduct is considered to be a manifestation of the student's disability, student must be returned to the placement they were in when the behavior occurred and conduct an FBA to develop a BIP.
 - If an FBA had previously been conducted and the student already has a BIP, the ARD committee must review the plan and modify as needed
- Exception for circumstances involving weapons, illegal drugs, or infliction of serious bodily injury
 - Interim Alternative Education Placement for up to 45 days

Rights Regarding Restraint

- "Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.
- Restraint may not be used as a disciplinary or behavior management technique or as a method to gain student compliance.
- A restraint can **only** be applied in an emergency, meaning a student's behavior poses a threat of imminent serious physical harm or property destruction and must:
 - Be limited to the use of such reasonable force as is necessary to address the emergency
 - Be discontinued at the point at which the emergency no longer exists
 - Be implemented in such a way as to protect the health and safety of students and others
 - Not deprive the student of basic human necessities

Written Notification of Restraint (1 of 2)

- Written notification for each instance of restraint must be provided to the parents of the student within one school day and must include:
 - The name of the student and individual administering the restraint
 - The date, time, and location of the restraint
 - The nature of the restraint
 - A description of the activity immediately preceding the restraint
 - The behavior of the student that prompted the restraint
 - Any efforts made to de-escalate the situation or alternatives that were attempted
 - Observation of the student at the end of the restraint

Written Notification of Restraint (2 of 2)

- Written notification for restraint must also include one of the following:
 - If the student has a BIP, whether the BIP may need to be revised as a result of the behavior that led to the restraint and, if so, identification of the staff member responsible for scheduling an ARD committee meeting to discuss any potential revisions; or
 - If the student does not have a BIP, information on how to request an ARD committee meeting to discuss conducting an FBA

Dispute Resolution

Options for all students

- Local-level grievances
 - Address violations of district policies & specific personnel concerns
 - A written complaint
 - Check out the district's policies
 - Usually three tiers
- State Board for Educator Certification
- Always report suspected abuse or neglect to DFPS and any appropriate law enforcement agency

IDEA eligible students



Independent Educational Evaluations (IEE)

- Used if you disagree with ANY evaluation.
- How do you get one?
 - Notify school officials that you want an independent educational evaluation (IEE) and you want the school to pay for it.
 - Disagree with evaluation formally while in ARD meeting and request IEE.
- School must pay for one independent evaluation for each school evaluation with which the parent disagrees.
 - Unless the school asks for a due process hearing to show its evaluation was appropriate.
- ARD Committee must consider IEEs, results and recommendations.

Early Resolution

- You have the option to resolve special education issues with the district prior to filing any formal complaints.
- This voluntary early resolution process provides access to a trained professional who guides families and schools through constructive, solution-focused conversations.
- This option is a free service, and more information can be found here: spedtex.org/early-resolution.

10 Day Recess

- Formally disagree at ARD meeting and request a reconvene meeting within 10 school days
 - Give the district an “assignment”
 - Give yourself an “assignment”
- Reconvene and consider new information

Mediation

- You also have the option to request an impartial mediation from TEA, at no cost to you.
- The mediation is voluntary and both sides (you and the school district) must agree to participate.
- If the school district agrees to participate in mediation, a TEA mediator will work with you and school staff to try to encourage a voluntary agreement to settle disputes over your child's school needs.
- If a resolution is reached, an agreement is signed and the contract created is enforceable in court

Filing Complaints

TEA Complaints

- Not available to Section 504 students
- Written complaint to the Texas Education Agency (TEA)
- Must be filed within one year
- TEA has 60 days to investigate & make findings

OCR Complaints

- Available to all students with disabilities
- Written complaint to the Office of Civil Rights (OCR)
- Must be filed within 180 days
- No timeframe for investigations

How to file a TEA Complaint

- **Email:** spedcomplaints@tea.texas.gov
- **Fax:** 512-463-9560
- **Mail:**
Texas Education Agency
Division of IDEA Coordination
1701 North Congress Avenue
Austin, TX 78701-1494

*Be sure to send a copy to the Superintendent of the ISD

How to file an OCR Complaint

- Use the form online at: tinyurl.com/SpEdOCRComplaint
- Write your own complaint and email to: ocr@ed.gov

Due Process

- A hearing in front of an impartial hearing officer
- Have two years to file
- Option of a resolution session
 - District can't bring a lawyer unless the parent does
- Option for mediation
- Stay put and expedited hearings

How to file a request for Due Process

- Email: SELegal@tea.Texas.gov
- Fax: 512-463-6027
- Texas Education Agency
Office of General Counsel
1701 North Congress Avenue
Austin, Texas 78701
- Form online: tinyurl.com/TEADueProcessHearing

****Be sure to send a copy to the Superintendent of the ISD**

Online Resources

- IDEA Manual: www.drtx.org/IDEAManual
- Is Special Education Right for My Child?
www.drtx.org/SpEdRightForYou
- Interactive Discipline Guide: www.drtx.org/Discipline
- DAEP Guide: www.drtx.org/DAEP

Online Resources Continued

- Recent School Discipline Updates: www.drtx.org/DisciplineUpdates
- Local level grievances: www.drtx.org/LocalGrievance
- IEE's: www.drtx.org/SpEdEval

Questions

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