

Your Rights, Your Voice, *Your Child.*

You are not asking permission. You are not accusing anyone. You are exercising your right.

Under the Individuals with Disabilities Education Act (IDEA), the Texas Education Code, and 19 TAC §89.1195, your participation in your child's special education process is protected by law. The system was built for you to use.

Remember, you are an equal member of the team.

PART 1 | THE BASICS | PAGE 2-4

1

Know your rights

Procedural safeguards
under IDEA & Texas law

>

2

Get support

Special Education
advocate &
interpreter/translator (if
needed)

>

3

Document everything

If it isn't written down, it
didn't happen



Are your requests/concerns being honored?

YES →

Keep documenting, learning and
advocating. Stay informed about your
rights and changes within the special
education system.

NO →

The district is not following the law or
addressing the concern. It's time to
take action and explore your formal
options in Part 2.



PART 2 | THE ACTIONS | PAGE 5-8

4

Recognize the concern

Procedural or
substantive

>

5

Submit the complaint form

via online or mail.

>

6

Texas Education Agency Investigate

Reviews both
sides

>

7

Decision & corrective action

Within 60
calendar days

1 Your Rights Under the LAW

Under the Federal Law, the Individuals with Disabilities Education Act (IDEA), these protections are known as Procedural Safeguards. School districts are required to provide parents with a copy at least once each school year and whenever a parent files a complaint, requests due process, or upon request.

As a parent, you have the right to:

- ✓ Participate as an equal member of all ARD/IEP meetings regarding evaluation, eligibility, placement, and services.
- ✓ Review and obtain copies of your child's educational records.
- ✓ Request an Independent Educational Evaluation (IEE) if you disagree with the school's evaluation.
- ✓ Request mediation or due process when disagreements cannot be resolved through the ARD process.
- ✓ Bring an advocate, attorney, or support person to ARD/IEP meetings.
- ✓ Receive Prior Written Notice (PWN) before the school proposes or refuses a significant change to your child's services, placement, or evaluation.
- ✓ Give or withhold consent for evaluations and certain special education services.
- ✓ File a complaint with the Texas Education Agency (TEA) if you believe special education laws or regulations have been violated.
- ✓ Receive procedural safeguards and important special education information in a language you understand.
- ✓ Exercise your rights without fear of retaliation from the school district.

Citations: IDEA 34 CFR §§300.151–153 and 300.500–300.520 · Texas Education Code §29.0162 · 19 TAC §89.1195

2 You Are Not Alone: Supportive Professionals

1. Special Education Advocate (= ARD advocate, IEP advocate)

An Admission, Review, Dismissal (ARD) advocate is a professional who helps you navigate the special education process with confidence - not someone who fights the school. They are the process expert who guides you through the ARD/IEP process, helps you make informed decisions for your child, and helps you write and submit complaints.



REVIEWS

IEPs, evaluations, and progress data

PREPARES

Questions and goals before ARD meetings

EXPLAINS

Parent rights under IDEA & Texas law

ATTENDS

ARD meetings alongside parents

REQUESTS

Services, supports, or evaluations

DOCUMENTS

Concerns clearly and professionally

PARENT REMINDER · WORKING WITH AN ADVOCATE

You are not expected to become a special education expert overnight. The ARD/IEP process involves educational, legal, and procedural requirements that many parents find difficult to navigate.

Seeking support from an advocate **does not mean you are being difficult or preparing for a fight**. It means you are ensuring that you fully understand your options, your rights, and your child's educational needs.

The most successful ARD meetings often occur when parents feel informed, prepared, and confident enough to participate as **equal members of the team**.

2. Language Access Rights (Interpreter & Translation Services)

Navigating special education can be overwhelming for any parent. The ARD/IEP process involves educational, legal, and procedural terminology that many parents — including those born and raised in the United States and fluent in English — find difficult to fully understand.

If English is not your primary language, **there is no disadvantage to requesting an interpreter**. In fact, doing so can help ensure that you fully understand your child's evaluations, services, placement decisions, and educational rights. Schools are responsible for providing language support so that every parent can meaningfully participate in decisions about their child's education.



PROVIDES

Qualified interpreters for ARD/IEP meetings and other important school meetings

TRANSLATES

Important notices, evaluations, and special education documents

EXPLAINS

Educational, legal, and procedural terminology in a language you understand

SUPPORTS

Meaningful parent participation throughout the special education process

REQUESTS

Interpreter services at no cost to parents

ENSURES

Parents can ask questions, share concerns, and make informed decisions with confidence

PARENT REMINDER · LANGUAGE ACCESS

Many parents who immigrate to the United States develop strong English skills in order to work, raise a family, and navigate daily life. However, special education is a highly specialized field with its own educational, legal, and procedural terminology.

Do not overestimate how much you are expected to understand on your own. The special education process can be challenging even for parents who were born and raised in the United States and speak English as their first language. Many parents leave ARD/IEP meetings realizing they did not fully understand everything that was discussed or the documents they signed.

An interpreter would help you better understand the discussion better that makes more sense. Let's end the guessing game. Your goal is not simply to attend the meeting. Make informed decisions. Request one.

Asking for language support is not a sign of weakness. It is a legal right designed to ensure that you can meaningfully participate in decisions about your child's education. The more fully you understand the process, the more effectively you can advocate for your child.

3 The Golden Rule: document, document, DOCUMENT

Documentation is the foundation of every successful advocacy effort - whether you ever file a complaint or not.

*"If it isn't written down,
it didn't happen."*

A clear, dated record turns a disagreement into evidence. Build these six habits NOW, long before you think you'll ever need them.

1 Communicate in writing

Use email whenever possible, it creates a dated, time-stamped record automatically.

2 Follow up phone calls with email

"Just confirming what we discussed today..." put every verbal conversation in writing.

3 Save all work samples

Graded papers, behavior notes, and progress reports show what's really happening.

4 Build a binder + digital backup

Keep paper documents in order and photograph them to Google Drive or iCloud.

5 Record ARD meetings

Texas law generally permits parents to audio record ARD meetings when proper notice requirements are met. Always verify current district procedures and legal requirements before recording.

6 Keep a dated log

Track every call, email, and incident with the date it happened. One day you may notice a pattern that matters.

Documentation protects your child regardless of whether you ever file a complaint.

Documentation does not cost anything, but it changes everything. A clear, dated record is the single most powerful evidence and tool.

PART 2

The Actions: I want to make a change, what should I do?

1 What Is a Texas Education Agency (TEA) Complaint?

A TEA Special Education Complaint is a formal written request asking the Texas Education Agency to review whether the school followed special education law -IDEA, the Texas Education Code, and the Texas Administrative Code.

The word "complaint" can feel harsh, but legally, it is a problem-solving process designed to resolve issues and protect your child's educational rights and services. Think of it as a formal request for TEA to review a potential violation and help ensure compliance.

FILING WINDOW

Within 1 calendar year of the issue

THE DECISION TIME

Within 60 calendar days

2 What Counts as a Violation?

TEA investigates any violation of IDEA, the Texas Education Code (TEC), and/or the Texas Administrative Code (TAC). Violations fall into **two categories**:

A Violation of Special Education Law

Procedural

HOW THE PROCESS WAS HANDLED

- Failure to evaluate within timelines
- No Prior Written Notice before changes
- Parent excluded from meaningful participation
- No procedural safeguards notice provided
- ARD meeting not convened when required
- Records not provided when requested

Substantive

THE SERVICES THEMSELVES

- Individualized Education Program (IEP) not implemented as written
- Accommodations or modifications not provided
- Fewer service minutes than the IEP specifies
- Behavior Intervention Plan (BIP) not followed
- Free Appropriate Public Education (FAPE) denied
- Services delayed past their start date

An Individualized Education Program (IEP) is a legally binding commitment between the district and your family. Failing to follow it isn't a "misunderstanding" OR "mistake", it's a violation of federal law.

3 When Is It Time to File?

You raised your concerns and attempted to resolve them through the ARD process. But nothing changed. If the ARD process doesn't work, or the district won't engage, these are the signals that it's time.

An ARD meeting didn't resolve it

You raised the concern, you documented it, and the issue is still happening.

The district denied a request in writing

Or refused to put the denial in writing when you asked them to.

A required timeline was missed

Evaluation past due, services not started, or ARD not convened on time.

The same problem keeps repeating

Despite emails, meetings, and reminders to the team, nothing changes.

Don't wait too long. TEA can only investigate violations that occurred within the past **1 calendar year** from the date the complaint is received.

4 The Six-Step Complaint Process

1

Identify the concern

IEP not followed, evaluation delays, services not provided, or unresolved ARD concerns.

2

Gather documentation

IEP, ARD notes, emails, service logs, progress reports, and evaluation records.

3

Write the complaint

Student info, parent contact, dates, the facts, and a proposed resolution — it **must be signed**.

4

Submit to TEA

Online, email, fax, or mail — **and send a copy to your school district**.

5

TEA reviews & investigates

TEA may request information from both you and the district.

6

Written decision issued

Within 60 calendar days, with required corrective action if violations are found.

**Filing a complaint is not about creating conflict.
It's your right and often the only way to change the
system.**

A complaint holds the district accountable to the law it already agreed to follow. It is about ensuring that special education laws are followed. Don't be afraid to exercise your right. Doing so makes your child's school better for every family that comes after you.

5 Why Filing Matters

It protects future services

Creates an official record the district must respond to.

TEA must respond fast

60 calendar days for a written decision — by law.

An advocate strengthens it

A professional can prepare, organize, and present your complaint effectively.

Real corrective action

Compensatory services, staff training, policy changes.

Retaliation is illegal

Schools cannot punish parents or children for filing.

It helps other families too

Findings can change district practices system-wide.

6 What Happens after You Submit

You'll receive a confirmation and summary letter. **Read it carefully** to make sure TEA understood your concerns correctly. Here is how the process unfolds.

— Reviewing your complaint

1

Jurisdiction review

TEA first reviews the complaint to decide whether the issue falls within its authority to investigate. If it's outside TEA's jurisdiction, TEA may direct you to another agency or organization better suited to address it.

2

Additional information (if needed)

TEA may contact you to request clarification or additional documentation before proceeding.

3

Complaint number assigned

Once the complaint is accepted for review, TEA provides a reference number and notifies you about the next steps.

During the investigation

- The school district is notified of the allegations.
- TEA gathers records, documents, and other relevant information.
- Both parties may provide additional information.
- TEA reviews the evidence and determines whether a violation occurred.

After the investigation

- Identify violations that occurred.
- Require corrective actions by the school district.
- Provide recommendations for compliance.
- Find no violations, but still provide recommendations for each party.

Remember, filing a complaint is not about getting anyone in trouble. It is a formal process that helps ensure your child's rights are protected and that schools provide the services and supports required by law.

7 Common Concerns Shared from Parents

Q. "Will the school retaliate against my child?"

Retaliation is illegal. Schools cannot punish students or parents for exercising their special education rights. Stay professional, document everything, and keep the focus on your child's needs.

Q. "I love my child's teacher - am I hurting them?"

Most complaints address **systems and district decisions**, not individual teachers. Teachers often follow district policies they didn't create. This isn't personal — it's procedural.

Q. "Will the school know I filed?"

Yes — the district must receive a copy so they can respond. The focus stays on investigating concerns and ensuring your child gets appropriate services.

Q. "Am I being a 'difficult' parent?"

No. You're an **equal member of the ARD committee**. Asking questions, requesting records, and seeking accountability are legal rights — not "causing trouble."

Q. "What if the complaint doesn't fix everything?"

A complaint is one tool among many. Other options include:

- Requesting another ARD meeting
- TEA facilitation
- Mediation
- Independent Educational Evaluation (IEE)
- Due process complaint
- Continued collaboration with the team

You are not alone in this process. An advocate can help you with every step in this guide.

From reviewing your child's IEP and preparing you for ARD meetings, to documenting concerns and guiding a TEA complaint from start to finish—an experienced advocate makes sure nothing is missed.

Reach out for a consultation.

ARD/IEP & SPECIAL EDUCATION ADVOCATE

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REMEMBER

Filing a TEA complaint is not about winning against the school. It's about ensuring your child receives the services they are **entitled to**.

Parents and schools share the same goal: helping the student succeed.

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