

**POLICY GROUP 6 –SPECIAL EDUCATION
PROCEDURAL SAFEGUARDS AND REQUIREMENTS**

Sec. 1. PROCEDURAL SAFEGUARDS

International Leadership of Texas shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education (“FAPE”). *20 U.S.C. 1415(a)–(b)*.

These procedures shall include:

1. An opportunity for the parents to review all education records and to participate in meetings relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. *34 CFR 300.501*.
2. An opportunity for the parents to obtain an independent educational evaluation of the child. *34 CFR 300.502*.
3. Assignment of an individual to act as a surrogate for the parent when no parent can be identified, International Leadership of Texas cannot locate the parents, or the child is a ward of the state. *34 CFR 300.519*.
4. Prior written notice to the parents whenever International Leadership of Texas proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 CFR 300.503*.
5. Procedures to allow parties to resolve disputes through a mediation process. *34 CFR 300.506*.
6. An opportunity for any party to file a due process complaint on any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 CFR 300.507*.
7. Procedures that require either party, or the attorney representing a party, to provide the other party a due process complaint (which shall remain confidential). *34 CFR 300.508*.

Sec. 2. NOTICE OF PROCEDURAL SAFEGUARDS

International Leadership of Texas shall provide a copy of the Notice of Procedural Safeguards developed by the Texas Education Agency once per year, except that a copy also shall be given to the parents:

1. Upon initial referral or parental request for evaluation;
2. Upon receipt of the first state complaint and upon receipt of the first due process complaint in a school year;
3. On the date of a decision to make a disciplinary removal that is a change in placement; and
4. Upon request by a parent.

International Leadership of Texas may also place a current copy of the procedural safeguards notice on its Internet website.

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Sec. 3. DISPUTE RESOLUTION

The possible options for resolving disputes that arise between a parent and International Leadership of Texas relating to the identification, evaluation, or educational placement of or the provision of FAPE to a student with a disability include, but are not limited to:

1. ARD committee meetings, including IEP facilitation if offered by International Leadership of Texas, under 19 TAC 89.1196;
2. Meetings or conferences with the student’s teachers;
3. Meetings or conferences, subject to International Leadership of Texas policies, with the principal, special education director, Superintendent, or Board;
4. Requesting state IEP facilitation in accordance with 19 TAC 89.1197 (relating to State Individualized Education Program Facilitation);
5. Requesting mediation through the Texas Education Agency (“TEA”) in accordance with 34 CFR 300.506;
6. Filing a complaint with TEA in accordance with 34 CFR 300.153; or
7. Requesting a due process hearing through TEA in accordance with 34 CFR 300.507-300.514.

19 TAC 89.1150.

Sec. 4. DUE PROCESS COMPLAINT

Whenever a due process complaint has been received by International Leadership of Texas, the parent shall have an opportunity for an impartial due process hearing, which shall be conducted by TEA.

a) ***Time Limits***

A due process complaint must set forth an alleged violation that occurred not more than two years before the date the parent or International Leadership of Texas knew or should have known about the alleged action that forms the basis of the complaint. *20 U.S.C. 1415(f)(1)(A); 19 TAC 89.1151(c)*

The statute of limitations for the parent of a student to request an impartial due process hearing may be tolled if the parent is an active-duty member of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the United States Public Health Service; and 50 U.S.C. 3936 (statute of limitations for military service) applies to the parent. *19 TAC 89.1151(e).*

b) ***Exceptions***

These time limits shall not apply if the parent was prevented from requesting a hearing due to:

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1. A specific misrepresentation by International Leadership of Texas that it had resolved the problem forming the basis of the complaint; or
2. International Leadership of Texas’s withholding of information from the parent that International Leadership of Texas was required by the IDEA to provide.

20 U.S.C. 1415(f)(3)(D); 34 CFR 300.511(f); 19 TAC 89.1151(d).

c) “Stay Put”

During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing, the child shall remain in the then-current educational placement unless International Leadership of Texas and the parent agree otherwise. If the child is applying for initial admission to a public school, the child shall, with the consent of the parents, be placed in the public school program until all proceedings have been completed. *20 U.S.C. 1415(j); 34 CFR 300.518, 300.533.*

When a due process hearing has been requested by a parent or International Leadership of Texas concerning a disciplinary change of placement or manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the child’s assignment to the alternative setting, or the 45-day timeline, if applicable, whichever occurs first, unless the parent and International Leadership of Texas agree otherwise. *20 U.S.C. 1415(k)(3)(A), 1415(k)(4)(A); 34 CFR 300.533.*

d) Resolution Process

Within 15 calendar days of receiving notice of a parent’s due process complaint, and before initiating a due process hearing under 34 CFR 300.511, International Leadership of Texas shall convene a meeting with the parent and the relevant member or members of the ARD committee. The purpose of the meeting is for the parent to discuss the due process complaint and the facts that form the basis of the due process complaint, so that International Leadership of Texas has the opportunity to resolve the dispute. The meeting need not be held if the parent and International Leadership of Texas agree in writing to waive the meeting, or the parent and International Leadership of Texas agree to use the mediation process.

If International Leadership of Texas has not resolved the due process complaint to the satisfaction of the parent within 30 calendar days of the receipt of the complaint, the due process hearing may occur. If International Leadership of Texas is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, International Leadership of Texas may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent’s due process complaint. *34 CFR 300.510.*