

DATE:	January 5, 2023
SUBJECT:	The Notice of Procedural Safeguards
CATEGORY:	TEA Printing and Distribution of Updated Notice of Procedural Safeguards
NEXT STEPS:	Distribute updated notice to parents/guardians of students with a disability

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 an explanation of the procedural safeguards available under the IDEA.

In accordance with 34 CFR §300.504, a copy of the procedural safeguards must be available to the parents of a child with a disability and must be given to the parents only one time per school year, except that a copy also must be given to the parents –

1. Upon initial referral or parent request for evaluation
2. Upon receipt of the first State complaint under 34 CFR §§ 300.151 through 300.153 and upon receipt of the first due process complaint under § 300.507 in a school year
3. In accordance with the discipline procedures in 34 CFR § 300.530(h)
4. Upon request by a parent.

During the Texas 86th Legislative session, House Bill 1252 (HB 1252) <https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB01252l.pdf> was enacted.

HB 1252 amended Chapter 29 of the Texas Education Code by creating §29.0164, <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.29.htm>, with an effective date of September 1, 2022. The enactment necessitated revision to the Notice of Procedural Safeguards.

The Texas Education Agency (TEA) updated the Notice of Procedural Safeguards on September 1, 2022. An electronic version of the updated Notice of Procedural Safeguards may be found at, <https://www.spedtex.org/resources/notice-procedural-safeguards>. Versions are available in twenty-three languages.

TEA has printed, and is in the process of distributing, the September 1, 2022, Notice of Procedural Safeguards in English and Spanish. Local educational agencies (LEAs) will be receiving a shipment from Education Service Center 4 beginning January 10, 2023.

The number of printed copies of the Notice of Procedural Safeguards distributed to each LEA will be based on its respective 2021-2022 State Performance Plan Indicators 11 and 12 data.

If you have questions about the printing and distribution of the Notice of Procedural Safeguards, please contact Bryan Tucker at btucker@esc4.net. For general questions about the Notice of Procedural Safeguards, please contact Leo Colegio, School, Family, and Community Engagement Coordinator for TEA at leo.colegio@tea.texas.gov.