Texas Education Agency

# PARENTAL RIGHTS HANDBOOK

PUBLISHED AUGUST 2026

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# INTRODUCTION

As a parent, you are the most important voice in your child's education. Texas law recognizes that students do best when families are informed, involved, and respected. You are not just a supporter; you are a partner with educators, administrators, and school boards of trustees in their children's education.

The United States and Texas Constitutions, along with federal and state laws, give you and your child important rights in public schools. These include:

- The right to guide your child's moral and religious upbringing.
- The right to make decisions about your child's education.
- The right to approve or refuse medical, psychiatric, and psychological treatment for your child.

To help you understand these rights, Texas law requires the Texas Education Agency (TEA) to create this handbook. It must:

- Explain all parent rights related to their child's education.
- Include student rights that parents can act on.
- Be written in plain language.
- Be updated every year.
- Be online and easily searchable.

## IMPORTANT NOTES ABOUT THIS HANDBOOK

This handbook is designed to help you understand your rights as a parent in Texas public schools. It is a guide, not legal advice, and some rights and laws may depend on your specific situation.

For example:

- Some rights only apply if you make a request in writing.
- Some laws may not apply if your child's school is a "District of Innovation," which allows certain school districts to optout of some requirements under Texas law.

We highlight these types of situations throughout the handbook, but the Texas Education Code provides more detailed information if you'd like to explore further. Where applicable, we've included references to the relevant sections of the Code at the end of each section to support your understanding. The appendix also includes links on how to access these sections of law. You'll also find resource sections throughout this handbook to provide additional guidance and support.

To make this handbook easier to read and use, we summarize laws in plain language rather than quoting them word for word. These summaries are intended to help you understand important rights and requirements, but they are not a substitute for the actual law. In some situations, federal laws and federal or state regulations may also apply and should be considered along with Texas law to get a complete understanding of your rights and responsibilities.

While this handbook is not legal advice, it outlines key parental rights - as well as rights that students have - which parents can often exercise on their behalf.

If you need help understanding something in this handbook or want to take legal action, you should talk to a lawyer. The Texas Education Agency (TEA) cannot give legal advice or explain how the law applies to your situation.

# UNDERSTANDING SCHOOL CHOICE

## Choosing the Right School for Your Child

As a parent in Texas, you have the right to choose the best educational environment for your child. This includes choosing a public school or private school, including home school programs. Parents may be eligible for funding to support this choice through educational savings accounts. Texas law supports your role in making this important decision.

### TRADITIONAL PUBLIC SCHOOL ENROLLMENT

Your child has the right to attend public school in the district where you live, as long as they are between 5 and 21 years old on September 1 of that school year. Even if your child doesn't live with you full-time, they can still attend school in your district if you are their legal guardian or conservator.[i]

- No tuition can be charged for eligible students.
- Schools must have fair policies to waive fees or deposits if your family cannot afford them.[ii]

Special cases:

- If you are an active-duty member of a foreign military stationed in Texas, you have the right to request that your child be enrolled in school if they will turn the required age during the school year.[iii]
- If your child has earned a high school equivalency certificate, they still have the right to enroll in public school if they would otherwise be eligible.[iv]

*Relevant Texas Education Code: TEC §25.001, TEC §11.158, TEC §29.087*

### CHARTER SCHOOLS

Texas created public charter schools to give families more choices within the public school system. Most charter schools in Texas are called open-enrollment charter schools. These schools are granted and overseen by the commissioner of education.

- Any student who lives in Texas may apply, though the school may limit enrollment to specific geographic boundaries.
- Each school must have a clear admissions and enrollment policy.
- The policy must include:
    - An application window; and
    - A lottery process or fill available spots in the school in the order in which applications are received if more students apply than there are available seats.

Some charter schools are approved by local school districts. In these cases:

- A charter may be granted if a petition is signed by:
    - A majority of the parents of students at the campus, and
    - A majority of the classroom teachers at the campus.
- The school board must take a public vote to approve or deny the charter.[v]

If a school district creates a new charter campus or program:

- Your child cannot be assigned to it without your permission.
- You may remove your child from the campus or program at any time.[vi]

Charter schools must post clear and helpful information on their websites so families can make informed choices. This must include:

- What kinds of support services are available for students
- How students are selected or enrolled
- Annual performance and enrollment data, including how different groups of students are doing
- The school's board-approved budget

To learn more about charter schools, please visit the TEA website: Charter Schools | Texas Education Agency

*Relevant Texas Education Code: TEC §12.001, TEC §12.052, TEC §12.0521*
*Relevant Texas Administrative Code: 19 TAC 100.1207*

## VIRTUAL AND HYBRID SCHOOLING

Public schools must allow students to take virtual or hybrid courses offered by school districts or charter schools. A school can only deny enrollment in a virtual course if:

- It doesn't fit your child's graduation plan.
- It doesn't meet college or career goals.
- It's outside the enrollment period.
- The course is too expensive.

If a course is denied, the school must explain why in writing and tell you how to appeal the decision. Schools cannot pressure students to take or avoid virtual courses. A public school may decline to pay for more than three courses, but that does not limit the ability of a student to enroll in additional courses if the student or family wishes to pay for these additional courses.

At the time that a public school informs students and parents about courses that are offered in the school, you have the right to be notified about the option to enroll in virtual or hybrid courses offered by your public school or district or any other district or school in the state.

- TEA publishes a list of these courses on its website, which includes information on:
    - Whether the course is available to students enrolled outside of the district or school;
    - The cost of the course; and
    - Information about third-party providers who are involved in the delivery of the course.

To learn more about virtual and hybrid schooling, please visit the TEA website: Virtual and Hybrid Education | Texas Education Agency

*Relevant Texas Education Code: TEC §26.0031. TEC §30B.057*

## TEXAS EDUCATION FREEDOM ACCOUNTS

In 2025, the Texas legislature created the Education Savings Account (ESA) Program, known as the Texas Education Freedom Accounts (TEFA), to help eligible families pay for approved education costs outside of the public school system. This gives families more flexibility in choosing educational services that meet their child's needs. The ESA program will begin with the 2026-2027 school year.

- To be eligible, a child must be a U.S. citizen and eligible to enroll in a Texas public school.
- Parents must apply through a certified educational assistance organization. However, applying does not guarantee participation.
- If there are more applicants than available spots, the organization will use a lottery system to select students, following a specific order of priority.
- A student may begin participating in the semester following approval.[vii]

If accepted into the program, parents receive a handbook which explains:

- What types of expenses are allowed under the program
- A list of approved providers and vendors
- How to apply for and manage program funds
- The responsibilities of program participants.[viii]

To request payment for an education-related expense, parents must use a designated form provided by their certified educational assistance organization. The organization must also provide electronic access to:

- The child's account balance
- A way to submit payment requests
- A record of past account activity

To learn more about TEFA, please visit the Texas Comptroller of Public Accounts' website: Home - Texas Education Freedom Accounts

*Relevant Texas Education Code: TEC §29.355, TEC §29.356, TEC §29.360*

## STATE-SUPPORTED OPTIONS FOR STUDENTS WHO ARE DEAF OR BLIND

When deciding what school setting is best for your child, it's important to know that Texas offers specialized state schools and services for students who are deaf, hard of hearing, blind, or visually impaired. These schools are not just campuses - they are statewide resources that support students, families, and local schools.

### Texas School for the Blind and Visually Impaired (TSBVI)

If your child is blind or visually impaired, you don't have to enroll them at TSBVI to benefit from its resources. TSBVI serves as a statewide support center and offers:

- Access to Curriculum and Learning Materials
    - You can request reference and curriculum materials developed by TSBVI to support your child's learning at home or in their local school.
- Training and Support for Families

- TSBVI provides training, consultation, and technical assistance to parents and educators across Texas.

Your local school district must also inform you about TSBVI's programs, including who qualifies, how to apply, and what rights you have.

*Relevant Texas Education Code: TEC § 30.004, 30.021*

### Texas School for the Deaf (TSD)

If your child is deaf or hard of hearing, you have the right to that they be considered for admission to TSD by referring your child for placement, which can be done by a parent alone or with the recommendation of your local ARD (Admission, Review, and Dismissal) committee. TSD offers a language-rich environment and specialized instruction.

In addition, Texas has a statewide plan to help students who are deaf or hard of hearing stay in their home communities. This includes:

- Local and Regional Options
  - Students can receive a free and appropriate public education in their local school district or through a nearby regional day program.
- Family Support and Counseling
  - Parents are entitled to support services and counseling as part of this statewide plan.

Your school district must provide you with information about these options and how to access them.

*Relevant Texas Educ. Code §§ 30.002, 30.057, 30.083*

## Public Early Childhood Education Options

Texas has several free or low-cost early childhood education programs to help young children get ready for school. These programs are offered through public schools and other approved providers. Some of the main options include:

- Pre-Kindergarten (Pre-K): Free for eligible 3- and 4-year-olds. Eligibility is usually based on things like family income, language spoken at home, or if the child is in foster care or has a parent in the military.
- Head Start and Early Head Start: Free programs for children from low-income families that offer learning, health, and family support services.
- Early Childhood Special Education (ECSE): Services for children ages 3–5 who have disabilities.
- Partnership Programs: Some public schools work with local childcare centers to offer high-quality early learning in more places.

You can learn more about these programs at Early Childhood Texas or through your local school district.

### WHAT YOU SHOULD KNOW WHEN YOUR CHILD ENROLLS

If your child joins a government-funded childcare or early education program, the provider must give you helpful information. This includes:

- What good early learning programs look like, and

- Signs that show your child is ready for kindergarten.

If the provider doesn't have this information on hand, they must tell you where to find it—like a website or a local resource agency—so you can stay informed and involved in your child's early learning journey.

*Relevant Texas Education Code § 29.159*

# SCHOOL OPERATIONS

## When Public School Attendance is Required

In Texas, children between the ages of 6 and 19 are required by law to attend school regularly. This includes students who are signed up for pre-K or kindergarten - once enrolled, they must attend, even if they are younger than 6.

If your child was eligible for pre-K or kindergarten last year but didn't attend, you can still enroll them this year. You haven't missed your chance to give them a strong start.

Most students in Texas graduate at age 17 or 18 depending on their birthdate and academic progress. The attendance law is designed to support students through graduation. However, there are a few exceptions.

Note: Children do not have to attend public school if they are enrolled in a private school, parochial school, or homeschool program. These are considered valid alternatives under Texas law.

### EXEMPTIONS FOR OLDER STUDENTS

A student may be exempt from attendance requirements if:

- They are at least 17 years old.
- They have their parent's permission, and
- They are attending a course to prepare for the high school equivalency exam (such as the GED).

*Relevant Texas Education Code § 25.086*

This exemption is not for students who are still enrolled in high school and on track to graduate. Instead, it applies to students who:

- Have left high school or are planning to withdraw,
- Are not meeting graduation requirements, and
- Choose to pursue a high school equivalency certificate instead of a diploma.

### EXCUSED ABSENCES

Schools must excuse absences for:

- Religious holy days
- Court appearances
- Medical or dental appointments
- Serious or life-threatening illness, with a school-provided form (schools may not ask for more than what the form requires)

*Relevant Texas Education Code § 25.087*

Parents may also:

- Request that their child be excused for 1 to 5 hours per week to attend religious instruction. The student is still responsible for missed work. *Relevant Texas Education Code § 25.0875*

- Remove their child from a class or activity that conflicts with their religious or moral beliefs by submitting a written request to the teacher. *Relevant Texas Education Code* § *26.010*

### TRUANCY (WHEN A STUDENT MISSES TOO MUCH SCHOOL)

If your child misses school too often, the school must let you know. You'll get a notice if your child:

- Misses 3 days in a 4-week period, or
- Misses 10 or more days in a 6-month period.

The notice will explain:

- That you are responsible for making sure your child goes to school,
- What could happen if your child keeps missing school, and
- That the school wants to meet with you to talk about the absences.

*Relevant Texas Education Code* § *25.095.*

A police officer working as an attendance officer may visit your home or contact you if your child is truant. However:

- The officer cannot enter your home unless you give permission (or unless they are serving a legal document from a court).
- You can ask the attendance officer to help by taking your child from a location (like a home or a friend's house) to school to make sure they attend.

*Relevant Texas Education Code* § *25.091*.

If the school files truancy charges against you, you may be able to avoid going to court. You can sign an agreement to:

- Attend counseling,
- Take a parenting class, or
- Complete another program the school recommends.

If you satisfy the terms of the agreement, you are entitled to dismissal of the truancy charges.

*Relevant Texas Education Code § 25.094.*

## What Students Learn in Texas Public Schools

In Texas, public schools follow a set of learning standards called the Texas Essential Knowledge and Skills (TEKS). These standards outline what students should know and be able to do at each grade level and in every subject. The State Board of Education (SBOE) develops and updates the TEKS regularly, working with teachers, parents, business leaders, and other community members to ensure the standards remain relevant and effective. To learn more about the TEKS or how to get involved in the review process, visit the Resources section.

As a parent, you have the right to be involved in your child's education in several important ways:

- See what's being taught: You can review all the materials your child's teacher uses—like textbooks, teacher guides, tests, videos, and more. You can also watch virtual lessons and ask for login access to online learning platforms.
  *Relevant Texas Education Code § 26.006; 20 U.S. Code § 1232h*
- Get lesson plans or syllabi: You are entitled to a copy of your child's teacher's lesson plans or course syllabus for each class.
  *Relevant Texas Education Code § 26.0061 and § 26.0062*
- Give feedback on free learning materials: If your child's school uses open-source materials (called Open Education Resources), you can look at them and share your feedback.
  *Relevant Texas Education Code § 31.072*
- Access the Instructional Materials Parent Portal: Parents have the right to use a parent portal provided by any organization that supplies instructional materials reviewed by the state. This portal gives access to materials used in schools, except for tests or exams.
  *Relevant Texas Education Code § 31.154*
- Speak at State Board of Education meetings: You can attend and speak at State Board of Education (SBOE) meetings about topics like curriculum standards, graduation rules, and learning standards.
  *Relevant Texas Education Code § 7.110*

## Learning Options and Supports

As a parent, you have the right to be involved in your child's education and to request changes or support that help them succeed. Schools are expected to take your requests seriously and provide timely information about your child's learning opportunities and needs.

### REQUESTING CHANGES TO YOUR CHILD'S LEARNING PROGRAM

You may ask the school to:

- Add a new class to your child's schedule, if enough students are interested and the course fits within the required curriculum.
- Place your child in a more advanced class, even if it's above their grade level, as long as the school believes your child is ready for the challenge.
  (*Relevant Texas Education Code § 26.003(a)(3)*)

### BEING NOTIFIED ABOUT EXTRA INSTRUCTION AND SUPPORT

You have the right to know when your child qualifies for additional learning opportunities or support services. These may include:

- Help with learning difficulties: If your child gets extra help at school for learning difficulties, the school must let you know. This applies to all students who are not in special education. The notice will explain what kind of help your child is getting and how the school plans to support them.
  *Relevant Texas Education Code § 26.0081*
- College readiness support: If your 12th-grade student's test scores or classwork suggest they may not be ready for college-level courses, the school must notify you about available college prep classes in math and English.
  *Relevant Texas Education Code § 28.014*

- Math enrichment: If your child qualifies, the school must inform you about after-school or summer math programs that provide extra instruction.
  *Relevant Texas Education Code § 29.088*
- Tutoring grants: If your child is eligible for reading support or accelerated instruction, the school must notify you about tutoring grants. You'll also receive access to an online system to manage the tutoring and track how the funds are used.
  *Relevant Texas Education Code § 28.02111*
- Accelerated Education Plans: If your child does not pass state assessments for two years in a row, the school must create an Accelerated Education Plan. This plan may include extra instructional time, a specific teacher, or other academic resources. You will receive a copy of the plan and have the right to contest its content or how it's being implemented. If your child has an Individualized Education Program (IEP), you may request a meeting to adjust it. If the district denies your request, they must explain why in writing. You may also choose to modify or remove the supplemental instruction, but the school cannot pressure you to do so. If the instruction is provided in a group of more than four students, your consent may be required.
  *Relevant Texas Education Code § 28.0211*

### EARNING AND APPEALING COURSE CREDIT

- Starting in 6th grade, your child can earn course credit by passing an approved exam—even if they haven't taken the class. *Relevant Texas Education Code § 28.023*
- If your child is denied course credit due to too many absences, you can appeal the decision to the school board. If necessary, you may also take the appeal to a district court. *Relevant Texas Education Code § 25.092*

### STUDENT RIGHTS TO RELIGIOUS EXPRESSION

Your child has the right to express their religious beliefs at school.

- Students can talk about their religious beliefs when other students are allowed to share their own opinions. *Relevant Texas Education Code § 25.151*
- They can include religious beliefs in homework, artwork, and class discussions without being penalized or rewarded based on the religious content. *Relevant Texas Education Code § 25.153*
- Students are allowed to form religious clubs or groups, just like any other non-school-sponsored student group. *Relevant Texas Education Code § 25.154*
- If a school offers a time for prayer or reading religious texts during the school day, your written permission is required before your child can take part. You can withdraw your consent at any time by notifying the school. *Relevant Texas Education Code § 25.0823.*

## How Student Learning is Measured

Texas schools use a variety of tools to check how students are doing and where they may need extra support. As a parent, you have the right to be informed about these assessments and your child's results.

To learn more about assessments, please visit the TEA website: Texas Assessment

## YOUR RIGHTS RELATED TO ASSESSMENTS

### Access to State Tests

You can ask for a copy of any state test your child takes. If the school uses a local test instead, they must let you know.
*Relevant Texas Education Code § 26.005; 20 U.S. Code § 6311(b)(2)(H)(vi)(II)*

### Progress Reports After State Tests

After your child takes a state test, you'll get a report showing how their performance compares to previous years. If they didn't pass, the school must also give you access to learning resources and sample test questions.
*Relevant Texas Education Code § 39.303*

### Study Guides for State Tests

If your child doesn't pass a state test, you can get study guides created by the state to help them improve.
*Relevant Texas Education Code § 39.0241*

### College and National Test Results

You must receive your child's scores from college prep tests (like the SAT or ACT) and other national tests.
*Relevant Texas Education Code § 39.0261*

## EARLY READING AND MATH ASSESSMENTS

In kindergarten through third grade, schools use reading and mathematics instruments approved or developed by the commissioner to check students' foundational reading and math skills. These instruments help schools identify whether a student needs targeted instruction in specific reading or math skills. For kindergarten students, schools also administer a beginning-of-year reading readiness test. *Relevant Texas Education Code §§ 28.006, 28.0063.*

You must receive written notice of your child's reading-instrument results within 60 days after the test is administered. If the results show that your child may be at risk for dyslexia or other reading difficulties, the school must notify you. The school must use the results to help determine appropriate reading support. If your child receives special education services, needed supports should be addressed through the ARD committee process. *Relevant Texas Education Code § 28.006.*

For reading instruments, schools may generate a report about a student's reading progress, including progress from earlier administrations of the same instrument. The report must be clear and easy to understand and may be provided in English, Spanish, or, when practicable, another language spoken by the parent. *Relevant Texas Education Code § 28.0063.*

## READING INTERVENTIONS

If your child's results on two consecutive reading instruments show that your child is at risk of not achieving satisfactory performance in foundational literacy, the school must provide reading interventions as soon as practicable. The interventions must target the foundational reading skills identified as needing support.
*Relevant Texas Education Code § 28.0064.*

You may submit a written request to the campus administrator to opt your child out of all or part of the reading intervention requirements. *Relevant Texas Education Code § 28.0064*.

### TESTING INFORMATION

If your child's school receives certain federal funds, you may ask for information about required assessments and about any State or local policy on student participation in those assessments, including any applicable procedures or parental rights to opt a child out and any consequences. Federal law requires notice and access to information about those policies, but this section should not be read as creating a separate federal right to opt out of all required tests. 20 U.S.C. § 6312.

## Moving Up to the Next Grade (Promotion)

As a parent, you have a say in whether your child is ready to move on to the next grade. While schools have guidelines for promotion, you can request that your child stay in their current grade if you believe they need more time - whether academically, socially, or emotionally. You also have the right to see how your child is doing throughout the year so you can make informed decisions about their progress.

### EXTENDED YEAR PROGRAMS

If your child is in a summer or extended-year program and meets the promotion requirements, they'll usually move up to the next grade. However, if you believe they're not ready, you have the right to request that they stay in their current grade. The school must meet with you to discuss your concerns.
*Relevant Texas Education Code § 29.082*

## Requesting Your Child Repeats a Grade or Course (Retention)

As a parent, you have the right to ask that your child repeat a grade or retake a course if you believe it's in their best interest. Whether your child is in elementary school or high school, you can make this request if they need more time to build confidence, catch up academically, or strengthen their understanding of the material. The school must consider your request and, in most cases, you have the final say—especially if you participate in the required meetings.

### PRE-K THROUGH 8TH GRADE

You can request that your child repeat a grade they were in last year, including pre-K and kindergarten. If you feel your child needs more time to grow academically, emotionally, or socially, you can make this request in writing to the school.

### HIGH SCHOOL COURSES

You can also ask for your child to retake a high school course they took last year—unless they've already met all the requirements to graduate. This gives your teen a second chance to master the material or improve their grade.

### IF THE SCHOOL DISAGREES

If the school doesn't agree with your request to retain your child, they must set up a meeting with a Retention Committee that includes you. If you don't attend the meeting, your child won't be retained. If you do attend, you get the final say.
*Relevant Texas Education Code § 28.02124*

## Planning for Graduation and Beyond

Graduating from high school is a major milestone—and as a parent, you have important rights that help shape your child's path to get there. From helping create their graduation plan to making decisions about courses and testing, you're a key partner in the process. Whether your child is on track to graduate early, needs extra support, or is new to high school, the school must keep you informed and involved every step of the way.

### INFORMATION FOR NEW HIGH SCHOOL STUDENTS

If your child joins a new high school in grades 9–11, the school must give you information about graduation requirements and the Texas First Scholarship Program.
*Relevant Texas Education Code § 28.0253*

### PERSONAL GRADUATION PLAN

Every high school student must have a Personal Graduation Plan, and you have the right to help create it. The school must review the plan with you and your child in 9th grade, and they must let you know if anything changes later.
*Relevant Texas Education Code* § 28.02121

### TRACKING GRADUATION PROGRESS ONLINE

You have the right to see how your child is progressing toward graduation through an online portal provided by the state. This portal gives you easy access to your child's test scores and other important information, so you can stay informed and support them as they work toward earning their diploma.
*Relevant Texas Education Code* § 32.258

### MY TEXAS FUTURE NOTIFICATION

When your child registers for high school and has earned at least three high school course credits, the school must notify you about the option to create or update a My Texas Future profile. This is a free online tool that helps students explore college and career options.

You and your child have the right to:

- Create or update a My Texas Future account.
- Change or revise the profile at any time.
- Opt out of one or more programs if you choose.

*Relevant Texas Education Code* §§ 28.0257 and 61.0511

### PLANNING FOR COLLEGE OR CAREER

The Texas Education Agency (TEA) provides information to help families explore colleges, universities, and career training programs across the state. This includes details about admissions, tuition, financial aid, graduation rates, and job opportunities after graduation. You can find this information online through TEA or Texas OnCourse, a free resource for students and families planning for life after high school.
*Relevant Texas Education Code* § 7.040

### IF YOUR CHILD DOESN'T PASS A REQUIRED TEST

If your 11th or 12th grader doesn't pass a required end-of-course assessment, the school must form an Individual Graduation Committee to decide if they can still graduate. You are a required member of that committee, and if you need a translator, the school must provide one.
*Relevant Texas Education Code* § 28.0258

### OPTING OUT OF ALGEBRA II

Your child doesn't have to take Algebra II to graduate. The school must inform you of this and explain how skipping it might affect college or career options. You'll receive this information by mail or email.
*Relevant Texas Education Code* § 28.02123

### GRADUATING WITHOUT AN ENDORSEMENT

Students can graduate without a special endorsement (like STEM, Arts, or Business), but only if you've been informed about the benefits of earning one and have signed a form giving permission.

*Relevant Texas Education Code* § 28.025

### REQUESTING A DIPLOMA AFTER A STUDENT'S DEATH

If your child passes away during their senior year, you can ask the school to award them a diploma in their memory. *Relevant Texas Education Code* § 28.0254

### EARLY GRADUATION AND CEREMONY PARTICIPATION

If your child meets all graduation requirements early, they have the right to graduate ahead of schedule. You also have the right to request that they participate in the graduation ceremony when they finish, even if they finish before the end of the school year.
*Relevant Texas Education Code* § 28.025

## Requesting a New School, Teacher, or Class

### CHOOSING OR CHANGING YOUR CHILD'S SCHOOL OR DISTRICT

#### Requesting a School Transfer

You can ask the board of trustees to transfer your child to a different school within the district or object to the school to which your child has been assigned. *Relevant Texas Education Code* § 26.003(a)(1).

#### Requesting a District Transfer

Any parent of a child who is eligible for enrollment and under 21 years of age may apply to transfer annually from the child's school district of residence to another district in this state if the parent and the new district agree to the transfer in writing. *Relevant Texas Education Code* §§ 25.035 and 25.036.

#### If Your District Has a Low Rating

If your home district has received an unacceptable performance rating, you may apply to send your child to another district using a Public Education Grant. The receiving district may accept or reject applications but cannot discriminate based on race, ethnicity, academic achievement, athletic ability, language proficiency, sex, or socioeconomic status. If more applications are received than available spots, the district must use a

lottery. Districts with unacceptable ratings must notify parents about the availability of these grants. See *Relevant Texas Education Code* §§ 29.201–204.

### Virtual-Only Instruction

If your district plans to offer only virtual instruction for more than one grading period during the school year, you may transfer your child to another district. The district must notify you if this is the case. *Relevant Texas Education Code* § 25.045.

### State Border Residents

If you live near a US state bordering Texas, your child may attend public school in the neighboring state. See *Relevant Texas Education Code* § 25.040.

## SPECIAL TRANSFER SITUATIONS

### Victims of Sexual Offenses

If your child has been the victim of a sexual offense by another student, you have the right to request a school transfer to help ensure their safety and emotional well-being. You may ask for:

- Your child to be moved to a different campus within the district, or
- A transfer to a neighboring school district (if there's only one campus in your district for your child's grade level).

If your child prefers to stay at their current school, the district must instead transfer the student who engaged in the harmful conduct to another campus or to an alternative education program.

The district is required to approve your request and work with you to find a placement that supports your child's needs.
*Relevant Texas Education Code* § 25.0341

### Victims of Bullying

If your child has experienced bullying at school, you have the right to ask for them to be moved to a different classroom or even a different campus within the district. The school board (or someone they designate) must first confirm that bullying occurred. Once confirmed, they are required to approve your request for a transfer.

The school may also choose to move the student who engaged in the bullying to another classroom or campus. If that happens, the school will consult with that student's parent or guardian before making the change. *Relevant Texas Education Code* § 25.0342.

### Children in the Same Household

If one of your children is assigned to a different school than the one they would normally attend based on your home address, you can ask for the other children living in the same household to be transferred to that same school. This is allowed as long as the other children are eligible to attend school in the district and the school offers the appropriate grade levels for them. The district is not required to provide transportation for students who transfer under this option. *Relevant Texas Education Code* § 25.0343.

### Peace Officers and Military Families

If you are a peace officer or a member of the military, you can request that your child be transferred to another campus or district. The district must approve the transfer if there is an agreement in place with the receiving district. *Relevant Texas Education Code* § 25.0344.

### Living on State Property

If you are employed at a state-supported living center and required to live on-site, or if you work for a facility of the Texas Juvenile Justice Department, your child may attend school in a nearby district free of charge. *Relevant Texas Education Code* §§ 25.041 and 25.042.

### Foster Care

If your child was enrolled in school before entering the custody of the Department of Family and Protective Services, they have the right to stay in that school, even if their living situation changes. If your child is placed in foster care, they also have the right to attend the school that serves the area where their foster home is located. *Relevant Texas Education Code* § 25.001.

### Virtual Enrollment Transfer

If your child was enrolled in an electronic or virtual course in a school before transferring to another setting, your child is entitled to continue their course virtually. *Relevant Texas Education Code* § 30A.1051

## CLASSROOM PLACEMENT AND ACADEMIC SUPPORT

### Talking to the Principal

You have the right to meet with the principal or another administrator with authority to request a change in your child's class or teacher, as long as it doesn't affect another student's placement. *Relevant Texas Education Code* § 26.003(a)(2).

### Twins and Multiples

If you have twins or other multiple-birth siblings, you can ask for them to be placed in the same classroom or in separate ones. This request must be made in writing within 14 days of when they start school. The school must follow your request unless it would require creating an extra class. If the placement turns out to be disruptive, the principal can make a change after the first grading period. *Relevant Texas Education Code* § 25.043.

### Struggling on State Tests

If your child doesn't pass a required state test, the school must let you know—ideally through a parent-teacher conference. You also have the right to ask that your child be placed with a specific teacher in that subject the following school year. The school must consider your request as part of their support plan. *Relevant Texas Education Code* § 28.0211.

## SUPPORT FOR MILITARY FAMILIES

If your family is in the military and you're moving to a new school district, you have special rights to help make the transition easier for your child:

- If official school records aren't available right away, the school must provide unofficial records to help with enrollment and placement.
  (*Relevant Texas Education Code* § 62.002, Article IV, A)
- Your child is also entitled to extra support when transferring between schools, such as help with enrollment, class placement, and staying on track to graduate.
  (*Relevant Texas Education Code* § 25.006)

*Resources*

https://tea.texas.gov/academics/curriculum-standards/teks-review/teks-review-and-revision

https://tea.texas.gov/academics/curriculum-standards/teks-review/texas-essential-knowledge-and-skills

https://tea.texas.gov/about-tea/other-services/military-family-resources

## Opting Out and Written Consent

As a parent, you have the right to make decisions about your child's participation in certain school activities, programs, or requirements. In some cases, you may choose to opt your child out. In others, your written permission is required before your child can take part.

### OPTING OUT FOR PERSONAL, RELIGIOUS, OR ACADEMIC REASONS

You may request that your child be excused from the following:

#### School Uniforms

If your family has a sincere religious or philosophical belief against school uniforms, you may:

- Ask for your child to be excused from wearing the uniform, or
- Request a transfer to another public school that does not require uniforms (if space is available).

#### Pledge of Allegiance

You may submit a written request for your child to be excused from reciting the Pledge of Allegiance.

#### Student Financial Aid Applications

High school students are generally required to complete a financial aid application (FAFSA or TASFA) to graduate. You may opt your child out by signing a form provided by the school. If your child is 18 or legally independent, they may sign the form themselves.

#### Advanced Math Placement

If your child scores in the top 40% on the 5th-grade math assessment, they will be placed in an advanced math class in middle school. You may choose to opt your child out of this placement.

#### Instruction That Conflicts with Religious or Moral Beliefs

You may temporarily remove your child from a class or activity if it conflicts with your religious or moral beliefs. This request must be made in writing and submitted to the teacher.

## PROGRAMS THAT REQUIRE YOUR WRITTEN CONSENT

Some school programs require your written permission before your child can participate:

### Parenting or Paternity Awareness Programs

If your child is under age 14, the school must obtain your written consent before they can participate. *Relevant Texas Education Code* § 28.002(p-4)

### High School Equivalency Preparation (e.g., GED Prep)

Both you and your child must sign an agreement before they can enroll in a high school equivalency program. *Relevant Texas Education Code* § 29.087

### Mentoring Programs for At-Risk Students

If your child is identified as at risk of dropping out, the school must get your written permission before placing them in a mentoring program. *Relevant Texas Education Code* § 29.089

# HEALTH AND WELLBEING

## Student Safety

Your child's safety is a top priority. Texas law gives you the right to be informed about threats, emergencies, and health-related concerns at school.

### NOTICES ABOUT THREATS, VIOLENT INCIDENTS, AND SAFETY DRILLS

#### Bomb or Terror Threats

If the school receives a bomb or terroristic threat, the district must notify all parents at the affected campus or facility as soon as possible.
*Relevant Texas Education Code* § 37.113

#### Violent Incidents or Investigations

If violence happens or is being investigated at a school, facility, or school event, the district must notify parents. This includes electronic alerts and an option for real-time updates, while protecting student privacy.
*Relevant Texas Education Code* § 37.1131

#### Active Threat Drills

If the school plans to hold a drill that simulates a threat (like a lockdown or shooting scenario), the district must tell parents and students ahead of time. The notice must include the date, what the drill will involve, how it will be presented, and whether it will feel like a real shooting incident. *Relevant Texas Education Code* § 37.1141

### FIREARMS AND SCHOOL PROPERTY

#### Firearms on or Near Campus

Students are not allowed to have firearms within 300 feet of school property. However, students can use or carry a firearm at an approved shooting range during a school-sponsored event.
*Relevant Texas Education Code* §§ 37.006 and 37.007

#### School Marshals

You can ask in writing whether a school has any employees serving as school marshals. *Relevant Texas Education Code* § 37.0811

#### Firearms in Vehicles

If you have a license to carry, you may keep a firearm or ammunition in your locked, private vehicle in a school parking lot—as long as it's not visible. Firearms cannot be shown or used in a threatening way.
*Relevant Texas Education Code* §§ 37.0815 and 37.125

#### Safe Storage Information

Schools must give parents information about how to safely store firearms at home. *Relevant Texas Education Code* § 37.222

## CONCUSSION SAFETY AND RESPONSE

### Before Playing Sports

Before your child can join a school sports team, you and your child must receive written information about concussion risks, symptoms, treatment, and return-to-play rules. You'll need to sign a form confirming you received it. *Relevant Texas Education Code* § 38.155

### If a Concussion Is Suspected

If you believe your child may have a concussion during a school sports activity, they must be removed from play right away. They can't return until:

- A doctor says it's safe,
- They complete the return-to-play steps, and
- You give written permission.
  *Relevant Texas Education Code* §§ 38.156 and 38.157

### School Notification and Support

If the school thinks your child may have a concussion, they must notify you and explain what needs to happen before your child can return to activities. *Relevant Texas Education Code* § 38.173

### Academic Help After a Concussion

If your child has a concussion or brain injury, the school may offer academic support. If they do, they must let you know as soon as possible after learning about the diagnosis. *Relevant Texas Education Code* § 38.0051

## STUDENT THREAT ASSESSMENTS

If your child makes a threat or shows harmful or violent behavior, the school must assess the situation using a trained team. You'll be notified before the assessment begins, and the school will share the results with you afterward. If any mental health services are recommended, your written permission is required (if your child is under 18). If the team believes your child is at serious risk of harming themselves or others, they must report it right away to the superintendent, who will contact you immediately. *Relevant Texas Education Code* § 37.115.

# Health Care Services

Your child's health and well-being matter, and as a parent, you have the right to be involved in any health-related services provided at school. Texas law gives you the ability to give or withhold consent, access your child's health records, and stay informed about any care or screenings your child may receive.

### Medication at School

A school nurse or trained staff member may give your child prescription or over-the-counter medicine if:

- You've submitted a written request,
- The nonprescription medicine is in its original container, unexpired, and properly labeled, and
- The dosage matches the label instructions.
  *Relevant Texas Education Code* § 22.052

### Health Services and Consent

At the beginning of each school year, you'll receive a list of all health-related services offered at your child's school. You have the right to decline any of these services.

If your child visits a school-based health center, services can only be provided with your consent. You may give permission for ongoing care or limit it to specific services on a single occasion. *Relevant Texas Education Code* §§ 26.0083(g) and 38.053

### Changes to Health Services

Before a school district adds or changes health services, the school board must hold a public meeting. They must explain:

- What services will be offered,
- Whether any services may be kept confidential from parents under federal law,
- Whether you'll have access to your child's medical records,
- What grant funding will be used,
- Who can access your child's records, and
- How the school will protect your child's privacy.
  *Relevant Texas Education Code* § 38.012

### Access to Medical Records and Notifications

You can ask for a copy of your child's records, and the school must give it to you without charging unreasonable fees. If there are any changes to how the school checks on or supports your child's mental, emotional, or physical health, you must be told. Also, the school must get your written permission before your child can fill out any questionnaire about their well-being.
*Relevant Texas Education Code* §§ 26.0083 and 38.0095

### Mental Health Services

If your child is under 18 and is offered mental health services through the Texas Child Mental Health Care Consortium, the school must get your permission before any services can begin.
*Relevant Texas Education Code* § 38.2545

You must also give written consent before your child can take part in any mental health assessment or service funded under federal law. 20 U.S. Code § 7101

### Referrals to Outside Counselors

The school cannot refer your child to an outside counselor for emotional, psychological, or substance use concerns without your written permission. They must also tell you if they have a relationship with the counselor and share other public or private options available in your area.
*Relevant Texas Education Code* § 38.010

### Your Right to Choose Medical Providers

You always have the right to consult with your child's doctor, dentist, or psychologist—unless a court order says otherwise. Your permission must be obtained before any medical, dental, psychiatric, or psychological treatment is provided. Tex. Fam. Code §§ 151.001 and 153.073

### Health Screenings at School

To help identify health concerns early, your child may be screened at school for:

- Spinal curvature (scoliosis),
- Type 2 diabetes risk, and
- Vision and hearing problems.

You can choose not to have your child take part in these screenings by providing a signed statement saying they go against your religious beliefs. You may also provide results from a professional exam instead.

If a screening shows a concern, the school must send you a report.

For any other physical exams or health screenings, the school must notify you in advance, and you have the right to opt your child out.

Tex. Health & Safety Code §§ 36.005, 37.003, and 95.004
20 U.S. Code § 1232h

### Electrocardiograms (ECGs)

If your child is in a school sports program, you can request an ECG from any health care provider. *Relevant Texas Education Code* § 33.096

Drugs and Diagnoses for Mental Health and Behavior
School staff are not allowed to:

- Recommend that your child take a medication for mental health or behavior,
- Suggest a specific medical diagnosis, or
- Punish your child if you choose not to follow a recommendation for medication or evaluation.

However, school staff can still talk with you about your child's behavior or academic progress, and school-employed medical professionals may recommend an evaluation. *Relevant Texas Education Code* § 38.016

### Immunizations

Each year, the Department of State Health Services publishes a list of vaccines that students must have to attend school. A child may be excused from getting vaccines if:

- A doctor signs a statement saying the vaccine could seriously harm the child or someone they live with, or
- A parent (or student, if they are 18 or older) signs a form saying they are refusing vaccines for personal or religious reasons.

However, if there is a public health emergency or disease outbreak, students who are not vaccinated may be kept out of school.
*Relevant Texas Education Code* § 38.001; Tex. Health & Safety Code § 161.0041

### Bacterial Meningitis Information

Each year, schools must provide students and parents with information about bacterial meningitis, including symptoms, how it spreads, and the availability and effectiveness of vaccines. *Relevant Texas Education Code* § 38.0025

### Diabetes Care Plans

If your child has diabetes, you can work with the school and your child's doctor to create a care plan. You must give permission before a school staff member can help your child with diabetes care under this plan. Tex. Health & Safety Code §§ 168.003 and 168.007

### Lice Notifications

If a school nurse finds that a child in a public elementary school has lice, the school must notify:

- The child's parent within 48 hours, and
- The parents of all students in the same classroom within five school days.
  *Relevant Texas Education Code* § 38.031

### Asthma and Respiratory Distress

If a student is given medication for respiratory distress and the school was not aware of an asthma diagnosis, the school must:

- Refer the student to their primary care provider,
- Notify the parent the same day with the symptoms observed, the medication given, and any care instructions.
  *Relevant Texas Education Code* § 38.208

Parents may also provide written authorization and a doctor's note allowing their child to carry and use asthma or anaphylaxis medication (like an inhaler) at school or school events. *Relevant Texas Education Code* § 38.015

### Suicide Prevention

School staff—including teachers, counselors, and principals—must be trained to prevent suicide. This training covers how to tell when a student may be at risk, how to respond, and how to involve parents. Only parents and guardians can make medical decisions for their child.
*Relevant Texas Education Code* § 38.351

A child may consent to counseling on their own for suicide prevention, substance abuse, or physical, emotional, or sexual abuse. If a counselor believes the child is at risk, they may provide services without parental consent. Parents are not required to pay for these services. Tex. Fam. Code § 32.004

### Seizure Management Plans

If your child has a seizure disorder, you can give the school a seizure care plan. This plan should be made with your child's doctor and turned in before school starts, at enrollment, or as soon as possible after diagnosis. A standard form is available in the Resources section. *Relevant Texas Education Code* § 38.032

## Human Sexuality, Sexual Orientation, and Gender Policies

Texas law gives you the right to decide how your child learns about topics like human sexuality, sexual orientation, and gender identity. Schools must follow strict rules in these areas. Some topics require your written permission, and other topics are not allowed to be taught at all.

### Human Sexuality Lessons Require Your Permission

Schools must get your written permission before teaching your child about human sexuality. *Relevant Texas Education Code* § 28.004

### School Staff Is Prohibited from Assisting Students with Social Transitioning

Every school district must have a policy that prohibits staff from assisting or providing information to students about social transitioning. If you think this rule has been broken, you can report it to the school board, and they must investigate it. *Relevant Texas Education Code* § 11.401(c)

### No Teaching About Sexual Orientation or Gender Identity

Teachers and school staff are not allowed to teach or give guidance about sexual orientation or gender identity. *Relevant Texas Education Code* § 28.0043

### Parents Must Be Informed About Digital Safety Programs

Each year, schools must tell parents about programs that teach students the risks and consequences of sharing explicit images, especially online. *Relevant Texas Education Code* § 37.218

### Schools Must Have a Plan to Prevent and Respond to Abuse

All schools must have a plan to prevent and respond to sexual abuse, sex trafficking, and other types of child mistreatment. This plan must be included in the parent and student handbook. *Relevant Texas Education Code* § 38.0041

## Food and Allergies

Schools are required to take steps to keep students with food allergies safe. As a parent, you play an important role in helping the school understand and manage your child's needs.

If your child has a food allergy, you can notify the school when you enroll them. If a doctor provides documentation of the allergy, it will be added to your child's health record. A school nurse may also make a note in the health record if needed. *Relevant Texas Education Code* § 25.0022

Every public school must have a plan to care for students who have a diagnosed food allergy that could cause a severe reaction (anaphylaxis). Each year, the school must post a summary of these guidelines on its website in a way that is easy to find.
*Relevant Texas Education Code* § 38.0151

Parents and grandparents are allowed to bring any food they choose to their child's classroom for birthday celebrations or school-approved events.
*Relevant Texas Education Code* § 28.002

If your child's meal card or lunch account runs out of money, the school must let you know.

*Relevant Texas Education Code* § 33.908

## RESOURCES

https://www.dshs.texas.gov/immunizations/school

https://tea.texas.gov/academics/tea-seizure-management-form.pdf

# INFORMATION ACCESS AND DATA COLLECTION

## Access to Information and Your Child's Education

As a parent, you have the right to stay informed and involved in your child's education. State and federal law give you access to important information, tools, and opportunities to participate in decisions that affect your child.

### ACCESS TO STUDENT RECORDS

- At the start of the school year, schools must tell you about your right to opt out of sharing your child's directory information—like their name, grade, or participation in activities.
- You can see all written records the school keeps about your child, including medical records.
- In rare cases, a school counselor may withhold some counseling records if sharing them would be harmful to your child. *Relevant Texas Education Code* §§ 26.004, 38.0095; and Tex. Atty Gen Op. No. JC-0538
- You also have the right to full information about your child's school activities, unless the school is working with law enforcement on a child abuse investigation.

## Communication and Involvement

School districts and charter schools receiving specific federal funds must develop a parent and family engagement policy to establish how the school will, among other things, involve parents in district plans and activities that improve student achievement and performance. In the creation and implementation of this policy, the school must provide opportunities for participation by all parents and family members, including those who have limited English proficiency, disabilities, and parents and family of migratory children. Additionally, school districts and charter schools must:

- Allow parental input in how specific reserved funds are spent.
- Include parental comments indicating dissatisfaction with the parent and family engagement policy to the state.
- Hold an annual meeting in which parents are notified of the school district or charter school's involvement in the federal program and state a parent's right to involvement.
- Provide parents timely information about programs, a description of the curriculum, assessments, and achievement levels in use, and opportunities for regular meetings to provide suggestions and participation in decisions relating to their child's education, if requested.
- Provide materials and training to help parents work with their children to improve their child's achievement.
- Provide opportunities for parents to contribute to teacher instruction regarding the value of parent contributions, how to communicate with parents, and how to work with parents as equal partners. See 20 U.S.C. Section 6318.

Parents must receive notice of any actions the district may take involving the collection, use, or storage of information such as biometric identifiers, health or medical information, or providing health care services or medication. See *Relevant Texas Education Code* § 26.008(c).

A parent is entitled to at least two opportunities for in-person conferences during each school year with their student's teachers and notice if their child is consistently performing unsatisfactorily. Regardless of

performance, a parent is entitled to written notice of their child's performance in each class or subject once every 12 weeks. See *Relevant Texas Education Code* § 28.022.

Parents are entitled to receive a preview of the school district's school counseling program. The parent should be able to view all instructional materials during school hours prior to their use. See *Relevant Texas Education Code* § 33.004.

Public schools must obtain parental consent prior to allowing a student to use a software application. The school must also provide parents with the resources necessary to understand cybersecurity risks and online safety prior to the child using an electronic device at school. See *Relevant Texas Education Code* § 32.1021.

## RIGHTS TO STATE-LEVEL INVOLVEMENT AND COMMUNICATION

Parents are entitled to provide feedback during a state assessment system audit. See 20 U.S. Code § 6362.

Parents are entitled to be involved in the development of state-level innovative assessment systems, to be informed about the use of an innovative assessment system at the beginning of each school year in which it will be implemented, and to provide feedback regarding their satisfaction with the innovative assessment system. 20 U.S. Code § 6364.

Each state is required to develop a state plan to meet the educational needs of migratory children. Parents of migratory children are entitled to collaborate with the state during the development of this plan. See 20 U.S. Code § 6396.

Some federal program requirements may be waived for a state educational agency. If a state educational agency is to be granted a waiver, a parent is entitled to notice of the waiver, the opportunity to comment, and the proposed rationale. See 20 U.S. Code § 5891b.

## RIGHTS TO DISTRICT-LEVEL INVOLVEMENT AND COMMUNICATION

School districts must develop district and campus improvement plans. Parents are entitled to provide input through district-adopted procedures to the district and campus-level committees that assist in developing the district and campus improvement plans. See *Relevant Texas Education Code* §§ 11.252 and 11.253.

A parent is entitled to complete access to any open meeting of the board of trustees. The board of trustees must adopt a grievance procedure. See *Relevant Texas Education Code* §§ 11.1511, 26.011, and 26.007.

Parents must be notified of the annual public hearing regarding the district's financial management report, and there must be an opportunity for them to comment on the report at the hearing. See *Relevant Texas Education Code* § 39.083.

Parents must be notified of the annual public hearing regarding the district's educational performance report. See *Relevant Texas Education Code* § 39.306.

Parents are entitled to an internet portal created by the school district through which they may submit comments to campus and district administrators and the school board. See *Relevant Texas Education Code* § 26.0071.

A district's cybersecurity coordinator must provide notice to a parent of an attack or a breach of system security involving their child's information. See *Relevant Texas Education Code* § 11.175.

A school district that has received an accreditation status of accredited-warned or accredited-probation or a campus in the district has fallen below a specific standard must inform parents of enrolled students and property owners in their district. See *Relevant Texas Education Code* § 39.052.

Parents whose children are attending a campus that has received unacceptable ratings for five consecutive school years have the right to petition the commissioner to either appoint a board of managers or to close the campus. See *Relevant Texas Education Code* § 39A.111.

Parents whose children attend a campus that has received unacceptable performance ratings for two consecutive years are entitled to notice of that fact and a request for assistance from the school district in developing a campus turnaround plan. Parents are also entitled to review the plan prior to submission to the agency. See *Relevant Texas Education Code* §§ 39A.103 and 39A.104.

If a campus' performance has been below a certain standard, the campus may have a campus intervention team which must assist the campus in developing a targeted improvement plan. Parents are entitled to notice of the public meeting discussing the campus performance rating and soliciting input on the targeted improvement plan. See *Relevant Texas Education Code* § 39A.056.

If an entity receives a Promise Neighborhood grant, it is obligated to provide information to the parents in the neighborhood it serves regarding the number and percentage of children in the neighborhood served and their performance metrics. See 20 U.S. Code § 7274.

## TEACHER QUALIFICATION AND CLASS SIZE NOTIFICATIONS

A parent is entitled to written notice from the school district if their child's classroom has been assigned an inappropriately certified or uncertified teacher for more than 30 consecutive instructional days. The notice must be provided within 30 days of the assignment. See *Relevant Texas Education Code* § 21.057.

A parent of a child who attends a public school is entitled to notice that they may request information related to the professional qualifications of their student's classroom teachers. A parent of a student enrolled at an open-enrollment charter school must receive information from the school related to the qualifications of each professional employee of the program, their educational or professional degrees, educator certification, and any relevant experience. See 20 U. S. Code § 6312 and *Relevant Texas Education Code* § 12.111.

A parent is entitled to written notice within 31 days of the first day of the school year or within the date the exception is granted when a campus or district is granted an exception from class size limits. See *Relevant Texas Education Code* § 25.113.

## CRIMINAL BEHAVIOR AND MISCONDUCT NOTIFICATIONS

Parents are entitled to notification within one school business day after a school district employee first suspects that a criminal offense has been committed against their child. *Relevant Texas Education Code* § 26.008.

A public school must inform a parent if it is alleged that an educator or service provider abused or committed an unlawful act with their student. This notification must state that the alleged misconduct occurred, how the employee was terminated, and whether a report was submitted to the State Board for Educator Certification. See *Relevant Texas Education Code* § 22A.053.

## HUMAN SEXUALITY INSTRUCTION COMMUNICATIONS

A parent is entitled to written notice regarding whether their district will provide human sexuality instruction. If the instruction is to be provided, the notice must also inform the parent of the required instruction elements, a detailed description of the instruction, a general schedule, a statement of the parent's right to review the curriculum, remove their student from the instruction, or to file a complaint regarding any violations of this subsection, a statement about the availability of the curriculum, and information about the parent's ability to be involved in the development of the curriculum. See *Relevant Texas Education Code* § 28.004(i).

A parent is entitled to a mailed or e-mailed copy of all curriculum materials in the public domain that the district uses in its human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking. See *Relevant Texas Education Code* § *Relevant Texas Education Code* § 28.004(j).

## DATING VIOLENCE, BULLYING, AND SEXUAL ABUSE COMMUNICATIONS

A parent is entitled to notice that the district will provide instruction relating to sexual abuse and sex trafficking awareness, a description of the material to be used, and a statement that the parent has the right to review the material and remove their student from the instruction. If the district does not comply with these requirements, the parent may file a complaint under the district's grievance process. See *Relevant Texas Education Code* § 28.017.

Schools must provide parents information about child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to discuss child sexual abuse with a child. See 20 U.S. Code § 7118.

School districts are required to adopt dating violence policies. These policies must include a procedure for immediately notifying the parent of a student when the district receives a report that the student was either an alleged victim or perpetrator of dating violence.

School districts are required to adopt bullying policies. These policies must include a procedure for notifying the parent of an alleged victim of bullying before the third business day after the incident is reported and for notifying the parent of the alleged bully within a reasonable time after the incident.

## RIGHT TO INFORMATION REGARDING STUDENT OPPORTUNITIES AND SUCCESS

A parent of a student enrolled in 9$^{th}$ grade and above is entitled to notice each school year regarding available college credit opportunities, work-based education programs, and the qualifications and available funding. This notice may be provided via the district's website. See *Relevant Texas Education Code* § 28.010.

Certain end-of-course assessment questions are designed to identify students who are likely to succeed in advanced high school courses. Parents must be notified if their student performs at a high level on these questions in an end-of-course assessment. See *Relevant Texas Education Code* § 39.0233.

A parent of a student enrolled in grades 9-12 must be informed by a school district that the student is not required to complete Algebra II to graduate. The notification should contain information regarding the possible consequences of failing to complete the Algebra II course and be delivered by regular mail or e-mail. *See Relevant Texas Education Code* § 28.02123.

A parent is entitled to notice of their student's performance in each class or subject at least once every 12 weeks and once every three or four weeks if the student's performance is consistently unsatisfactory. The

district may use an electronic platform to communicate this with parents, but it must offer parents the option to provide a handwritten signature of the notice.

A school district may allow a student to graduate without earning an endorsement, but their parent must have been informed of the specific benefits of graduating with an endorsement and have filed a form allowing the student to graduate without earning an endorsement. See *Relevant Texas Education Code* § 28.025.

When a student is first enrolled in a school district or charter school high school program, in grades 9-11, they must be provided with information about graduation requirements and the Texas First Scholarship Program. See *Relevant Texas Education Code* § 28.0253.

A public school is required to provide each student in grades 10-12 and their parent notice of the date, time, and location of the Armed Services Vocational Aptitude Battery test. See *Relevant Texas Education Code* § 29.9015.

Parents and their students should be provided information regarding postsecondary education and financial aid availability and requirements by school counselors, including the number of times the counselor has provided the information to the child. See *Relevant Texas Education Code* § 33.007.

Parents are entitled to access their student's assessment data through a data portal developed by the agency that is easily accessible. This portal should include information that allows the parent to track the student's progress on requirements for graduation. See. *Relevant Texas Education Code* § 32.258.

A parent has a right to meet with their child's kindergarten or elementary school teachers and Head Start teachers or teachers from other early childhood education programs to discuss the developmental and other needs of their child. See 20 U.S.C. Section 6322.

During the high school registration process and annually thereafter, a public school must notify the parent of each student enrolled in a Junior Reserve Officers' Training Corps program of any early registration or scholarship program available to students in military-related training programs. See *Relevant Texas Education Code* § 29.9017.

## PARENTAL RIGHTS REGARDING STUDENTS EXPERIENCING HOMELESSNESS

Students who are experiencing homelessness may not generally be segregated into specific schools or programs. If a state operated a school specifically for homeless students prior to 2000 and receives specific federal funds, parents of students attending the school must be provided with notice that their child may not be required to attend a separate school, the choices of schools that they are eligible to attend, and that they must receive comparable services and not be stigmatized by school staff. See 42 U.S. Code § 11432.

Parents of students experiencing homelessness are entitled to a response to their questions from the designated Coordinator for Education of Homeless Children and Youths of the state to ensure they receive all services available to them. To identify the designated Texas coordinator, please see the Resources section. See 42 U.S. Code § 11432.

If a student who is experiencing homelessness is not to be kept in their school of origin, their parent is entitled to a written explanation of the reason for that determination. If a dispute arises over eligibility, school selection, or enrollment, the parent must receive a written explanation of any decisions and their rights to appeal. See 42 U.S. Code § 11432.

Parents are entitled to information on educational opportunities available to their homeless child, to public notice of the educational rights of homeless students, and information on transportation services. See 42 U.S. Code § 11432.

If a child is experiencing homelessness, their parent is entitled to assistance in obtaining the necessary immunizations, screenings, or other required health records.

## PARENTAL RIGHTS REGARDING SPORTS AND LEAGUE ACTIVITY

If a student is not enrolled in a public school, they may still be allowed to participate in a University Interscholastic League (league) activity. A parent of the non-enrolled student must provide verification that the student is receiving passing grades in each course, in accordance with the associated district's grading calendar. See. *Relevant Texas Education Code* § 33.0832.

Any student who participates in league activity must agree that they will not use steroids and that they will submit to random steroid testing. The league must obtain acknowledgement from the student's parent that the student may be subject to random steroid testing. Parents are entitled to see the results of their child's steroid testing. See *Relevant Texas Education Code* § 33.091.

A school district must make available to parents of students the age of each football helmet used in the district's football program, upon request. See *Relevant Texas Education Code* § 33.094.

Any school that offers an extracurricular athletic activity must provide each student and their parent a notice that includes the league's parent information manual, safety training requirements, the requirements for completing league forms, the prohibition of encouraging or permitting students to participate in unreasonably dangerous athletic techniques, and the implementation of safety precautions as required by law. Parents may report a violation of these requirements to the agency. See *Relevant Texas Education Code* § 33.208.

A student is still entitled to participate in league activities if they are also receiving outpatient mental health services. They may not be restricted in participation due to receiving these services or for missing instructional time related to these services. See *Relevant Texas Education Code* § 33.0833.

A student may be prohibited from league participation if the student causes bodily injury to a person serving as referee, judge, or other official in retaliation for or as a result of the person's actions taken in performing those duties. If the student is prohibited from participation, they may request future participation rights upon completion of certain requirements such as an anger-management course. See *Relevant Texas Education Code* § 33.081.

## TRANSPORTATION RIGHTS

A parent may designate a child-care facility or a grandparent's home as the location for their child's transportation stop if the location is an approved stop on an approved route. See *Relevant Texas Education Code* § 34.007.

## PARENTAL COMMUNICATIONS REGARDING LIBRARY MATERIALS

A public school must obtain written consent from a student's parent prior to allowing a student to reserve, check out, or otherwise use outside of the school library materials the library material vendor has rated as sexually relevant material.

A public school must provide parental access to the catalog of available library materials at each school library in the district or school. The parent may submit a physical or electronic list of library materials that their child may not be allowed to access, which the school must enforce. Parents must be able to access their student's library records, in a way that allows a parent to see each time their child checks out or otherwise uses a library material outside the school library. See *Relevant Texas Education Code* §§ 33.023 and 33.024.

A district must establish a local school library advisory council if parents of 10 percent of the district's students or 50 or more parents of enrolled students present a petition to the board. If established, the school must consider the recommendations of the council before adding library materials, removing library materials subject to a specific challenge, or making changes to school library catalog policies or guidelines. A majority of the voting members of the council must be parents of enrolled students. See *Relevant Texas Education Code* § 33.025.

A parent may challenge any library material using a specific form. The board must take action on the challenge at the first open meeting held after the 90th day after the challenge is received or after the local school library advisory council has made a recommendation. The school must prohibit students from accessing the library material until it responds to the challenge. See *Relevant Texas Education Code* § 33.027.

### RESOURCES

https://tea.texas.gov/texas-schools/support-for-at-risk-schools-and-students/texas-education-for-homeless-children-and-youth-tehcy-program

## Right to Privacy

LEAs that receive federal funding are broadly prohibited from releasing student information without the written consent of the student's parents. There are exceptions to the prohibition, including but not limited to school officials with a legitimate educational interest, officials of other school systems to which the student seeks to transfer if certain conditions are met, in connection with applications for financial aid, state and local officials if state law allows, and organizations conducting specific studies if the studies do not allow the personal identification of students and their parents. See 20 USC § 1232g.

Under FERPA, when a student turns eighteen years old, LEAs are required to get consent from the student, instead of their parents. Additionally, LEAs must inform parents, or students if they are eighteen years old, of their rights under FERPA.

LEAs that receive federal funding must allow parents to review their child's educational records. These records include any files, documents, or materials that:

- Contain information directly related to a student, and
- Are maintained by an educational agency or institution or someone acting on its behalf.

Unless a specific exception applies, LEAs cannot limit a parent's access to these records—even if the information is not a part of the student's "official student record."

If a record includes information about other students (such as in discipline or safety cases), that does not necessarily prevent a parent from accessing it. If the part of the record related to the parent's child cannot be separated or redacted without losing its meaning or providing the full information relating to the requesting parent's child, then all parents involved have the right to access the full record.

LEAs must also notify parents of their FERPA rights every year. This notice must include the required elements under 34 CFR § 99.7(a)(2) and (3) and be shared in a way that is likely to reach parents—such as through a school calendar, newsletter, student handbook, or the school's website.

A school district must request food allergy information from a parent. This information may be disclosed to appropriate school personnel only as consistent with district policy and FERPA. *Relevant Texas Education Code* § 25.0022.

Although school board meetings are generally required to be open to the public, a deliberation on a case involving discipline of a public school child is not required to be conducted in an open meeting. However, a parent may request in writing that the deliberation occur in an open meeting and the board must comply. See Tex. Gov't Code § 551.0821.

### RECORDS FOR EDUCATION SAVINGS ACCOUNT PARTICIPATION

A parent may request a public school provide a copy of their child's records to the parent or a private school, if applicable. The public school must provide the records. A certified educational assistance organization or an education service provider or vendor that obtains information about a child participating in the education savings account program must comply with state and federal laws regarding student information confidentiality. See *Relevant Texas Education Code* § 29.369.

## Rights Regarding Data Collection

Under the PPRA, LEAs that receive federal funds are limited in what information they can require students to provide in surveys, evaluations, or analyses—especially when it comes to personal or sensitive information. See 20 USC § 1232h.

Specifically, no unemancipated underage student may be required, without prior parental written consent, to take a survey, analysis or evaluation that reveals their or their parent's political affiliations, family or their own mental or psychological problems, sex behaviors or attitudes, any illegal, anti-social, self-incriminating, or demeaning behavior, evaluations of their close family, privileged relationships, their own or their family's religious practices, affiliations, or beliefs, or their income unless the income information is legally required for program eligibility purposes. If the student is emancipated or an adult, they may provide consent themselves.

LEAs are required by the PPRA to consult with parents to create local policies that cover:

- Parental rights during surveys or physical exams,
- The right to review instructional materials, and
- The collection of personal information from students.

LEAs must notify parents about these policies every year and again if any major changes are made. They must also inform parents—at the start of the school year—when certain activities (like surveys or health screenings) are expected to happen. Parents have the right to opt their child out of these activities.

School districts may participate in missing child prevention and intervention programs, some of which involve fingerprinting of students. Parental approval is required before a student's fingerprints may be obtained.

Parental consent is required before the LEA employees may conduct psychological examinations, tests, or treatments, or make or authorize the making of a video or record of a child. See *Relevant Texas Education Code* § 26.009.

Parental consent is required before a student's biometric identifiers are recorded or taken, or the student receives health care services or medication. See *Relevant Texas Education Code* § 26.009.

Parental consent is required, as well as a request from a student, before a national assessment provider or provider of a college and career counseling service may use or disclose personally identifiable information. The use or disclosure of the information must be solely to provide access to employment, educational scholarships, financial aid, or postsecondary educational opportunities. See *Relevant Texas Education Code* § 32.153.

A student must decide before graduating high school whether they want to allow the coordinating board to share their data and education records, as necessary, with higher education institutions for direct admissions. If the student's parent submits a signed form indicating they authorize the student to decline to participate in the program, the student does not have to submit a formal election. See *Relevant Texas Education Code* § 28.0257.

# SPECIAL PROGRAMS

## Special Education Programming

The federal law that establishes most of the rights for students with disabilities is generally referred to as the Individuals with Disabilities Education Act—or IDEA—and versions of it have been in place since 1975. According to IDEA, all students are entitled to a "free appropriate public education"—or FAPE.

To learn more about special education, please visit the TEA website: SPEDTex | Helping Families Navigate Special Education in Texas

### IDENTIFICATION

To comply with IDEA, school districts and charter schools must conduct a process often called "Child Find," by which the school will "identify, locate, and evaluate every child who may have a disability requiring special education services." Parents are entitled to submit a written request for a special education evaluation to their school district's special education director or a district administrative employee, such as a principal. The school must respond in writing, saying whether it will conduct an evaluation, within 15 school days and requesting written consent from the parent if the evaluation is to be conducted. See 20 U.S. Code § 1414 and *Relevant Texas Education Code* § 29.004.

If a school district provides a child who does not receive special education services with assistance for learning difficulties, the district must provide a notice to the child's parents in English—or in their primary language if practicable—stating when the assistance began, a description of the assistance provided, any information collected regarding interventions, an estimate of how long the assistance will be provided, when a report on the child's progress will be provided, and a statement of the rights of a parent to request assistance or a special education evaluation. See *Relevant Texas Education Code* § 26.0081(d).

Before providing the written consent for a special education evaluation, the parent may request the name and type of any psychological examination or tests to be conducted as a part of the evaluation. The parent is also entitled to an explanation of how the examination or test will be used to develop an appropriate individualized education program (IEP) for their child. If—after consent has been given—the school determines that they will need to conduct additional psychological testing, the school must provide the name and purpose of the additional test to the child's parent and obtain additional consent.

Once written parental consent has been given, the school has 45 days to conduct the evaluation, with some exceptions. If the parent disagrees with the evaluation results, they may request an independent educational evaluation (IEE). The IEE is conducted by a qualified examiner, who is not employed by the school system, at public expense, which means no cost to the parent. . The school district must consider the IEE in any decisions made regarding FAPE if the evaluation meets the district's criteria.

After the evaluation(s) are complete, the school will typically have 30 calendar days to hold an admission, review and dismissal (ARD) committee meeting. The ARD committee will discuss the evaluation and determine whether the child has a disability and needs special education services. If the committee determines that the student will receive special education services, it will also develop the IEP that will identify the disability, establish areas of need for the student, and name the special education and related services that the child will receive to enable them to succeed. Parents are entitled to be an ARD committee member and have the right to participate in the evaluation determination and development of the IEP. The IEP must document whether

the parent agreed or disagreed with the decisions of the committee. See *Relevant Texas Education Code* § 29.004.

Schools are required by IDEA to provide a notice containing an explanation of all of the procedural safeguards, or rights, available under IDEA. The Notice of Procedural Safeguards goes into much greater detail on all of the parental rights under IDEA. It must be provided to the parents of a child with a disability once each year as well as upon initial referral or parent request for an evaluation, upon receipt of the first IDEA state complaint or due process hearing request in a school year, in accordance with the IDEA's discipline procedures, and upon request by a parent. Schools are also required by state law to provide a comprehensive document to parents that explains the parent's rights during the IEP development process. This document must be provided when the child is referred for a special education evaluation at least five school days before the initial ARD meeting and upon the parent's request. This document can also be found in the resources list at the end of the special education programming section. See *Relevant Texas Education Code* § 26.0081.

During the initial ARD committee meeting of a student who meet the special education eligibility of an intellectual disability or a developmental delay, the parent must be provided with information about services and public benefits provided by the local intellectual and developmental disability authority that serves the county. See *Relevant Texas Education Code* § 29.030.

If the parent's primary language is not English, the school must provide them with a written or audiotaped copy of the IEP translated into Spanish, if that is their primary language. If their primary language is not Spanish, the school must make a good faith effort to provide a written or audiotaped copy in their primary language.

## TRESPASS

If a parent has been refused entry to the district's property under *Relevant Texas Education Code* § 37.105, the district must still accommodate the parent to ensure participation in their child's ARD committee meetings.

## EDUCATION SAVINGS ACCOUNTS

A parent of a child who is not enrolled in a public school may request a school district conduct a full individual and initial evaluation of the child to determine the child's eligibility for special education services. See *Relevant Texas Education Code* § 29.3615.

Both certified educational assistance organizations and private schools must provide information to parents regarding the rights and entitlements that a child with a disability is entitled to under federal and state law if the child attends a public school and note that a private school is not subject to these laws in the same manner. See *Relevant Texas Education Code* § 29.367.

## SPECIAL EDUCATION SERVICES

A parent is entitled to a comprehensive document that explains the IEP process to allow for full parental participation in an ARD committee meeting. See *Relevant Texas Education Code* § 26.0081.

Once the IEP has been developed, the school must provide the services listed in the IEP to the student. The parent is entitled to IEP progress reports as determined by the ARD committee. The ARD committee, which includes the parent, will continue to meet at least annually and review the IEP; however, the parent can request an ARD committee meeting to revise the IEP at any time. Changes can be made to the IEP without an ARD meeting, but the parent and the school must agree to the changes and the changes must be in writing.

If the ARD committee discusses residential placement during the meeting, the student's parent must receive informational materials developed by the Health and Human Services Commission. See *Relevant Texas Education Code* § 29.0056.

If a student with disabilities is placed by their ARD committee in a residential or a day placement program, their parents must be notified of the availability of grant funding and provided a designated campus or district staff member to assist them in accessing the grants. If the parent requests it, the commissioner will create an account for the student to access the grant. See *Relevant Texas Education Code* § 29.013.

If a dispute arises between a school and a parent of a student with a disability about the provision of a free appropriate public education, parents may be provided an independent individualized education program facilitator as a dispute resolution method. See *Relevant Texas Education Code* § 29.020.

A teacher who instructs a student with a disability in a regular classroom setting must be able to request a timely review of the student's IEP and provide input in its development. The parent must be notified of the district's response to the teacher's request. See *Relevant Texas Education Code* § 29.001.

Parents of special education students are eligible for supplemental special education services. This is a one-time online grant of $1,500 that parents can use to purchase educational goods and services such as books, electronics, tutoring, or therapy for the student. Parents are entitled to apply for the grant via an online, user-friendly system. Further information about this grant can be found in the Special Education Programming Resources section. See *Relevant Texas Education Code* § 26.0082 and 29.042.

Any student and their parent who has a health condition or disability that may make it difficult for them to communicate effectively with a police officer should be informed by their public school of the Texas Driving with Disability Program. The agency has developed information materials which can be found in the resources below, which note that a person may voluntarily list any health condition or disability on their vehicle registration information or license application. See *Relevant Texas Education Code* § 29.0113.

At least a year prior to the 18th birthday of a student with a disability, their school must provide the student and their parents with written notice that on the student's 18th birthday the educational rights provided in subchapter A of chapter 29 of the Texas Education Code and the procedural safeguards guaranteed by IDEA transfer to the student. The student or their parents may request information from the district about guardianship or other alternatives if appropriate and desired. *Relevant Texas Education Code* § 29.017.

A parent has the right to withdraw their consent to special education services at any time. Withdrawal of consent should be provided in writing to the school.

A parent of a child with special needs may request that their district administer additional benchmark assessment instruments to their child in preparation for the state-administered assessment instrument. See *Relevant Texas Education Code* § 39. 0263.

A visually impaired child is entitled to effective interaction between their classroom setting and their home environment. This may involve providing parental training and counseling by school staff or other organizations involved in the development of that child's IEP. See *Relevant Texas Education Code* § 30.002.

Students receiving special education services or other accommodations must continue to have those services and accommodations met when taking hybrid or virtual courses. See *Relevant Texas Education Code* § 30B.052.

## VIDEO CAMERAS

Under state law, a parent of a student receiving special education services has the right to request in writing that the school place a video camera in certain special education classes or settings that their child regularly attends. The request must be submitted to the principal or a staff member that the principal has determined will receive the requests. The school is obligated to respond, allowing or stating their reasons for denying the request, within seven business days of receipt. If the request is allowed, the school has 45 school business days to begin operating the cameras. Before operating a requested video camera, the school must provide written notice to the parents of each student attending class or engaging in school activities in the classroom or setting. See *Relevant Texas Education Code* § 29.022.

Once the camera is placed, the school must operate the camera for the remainder of the school year, unless the requestor withdraws the request in writing. If the school is going to remove the camera during the school year, the school must first notify the parents of each student attending class or engaging in school activities in the classroom or setting where the removal will occur. Additionally, the school must notify the parents that the camera will not continue to be operated in the next school year unless an eligible parent makes a new request. See *Relevant Texas Education Code* § 29.022.

Recordings must be retained for at least three months. Parents may request to view a recording if their student is involved in an alleged incident that has been reported to the school and that is documented on the recording. Once the parent has requested to view the recording, the school must retain the recording until the viewing has occurred and there has been a determination about whether the incident alleged occurred. If the recording does include the alleged incident, the school must keep the recording until the incident has been resolved. See *Relevant Texas Education Code* § 29.022.

If necessary, a parent may request an expedited review of a decision by a school district to: deny a request related to video cameras in special education classrooms, to request an extension of the time required to begin operation of a camera, or to not release a video to an eligible person. See *Relevant Texas Education Code* § 29.022.

## TRANSITION PLANNING

“Transition planning” takes place for students who receive special education services. The planning should result in transition services being identified in the student’s IEP that will help prepare the student for their life after high school. The plan must be in place prior to the student reaching 14 years of age. If the student is younger than 18 years old, the school should ensure appropriate parental involvement in the student’s transition. See Tex. Educ Code §§ 29.011 and 29.0111.

Additionally, the agency has developed a transition and employment guide for students and their parents that provides information on statewide services and programs that assist in the transition to life outside the public school system. See the guide in the resources section below.

## SECTION 504

Under federal law, students with disabilities are also entitled to protections against discrimination. A parent that is entitled to request aids, accommodations, or services through Section 504 at any time. Procedures for identifying and evaluating students for 504 accommodations will be established at the local level. If formal testing is deemed appropriate for evaluating the need for services, it must be provided free of charge. A student

is considered eligible for Section 504 if the student has a physical or mental impairment that substantially limits a major life activity. See 29 U.S. Code § 794 and 34 C.F.R. § 104.4.

Parents are not required members of the Section 504 committee but, at minimum, parental input should be collected by the LEA. The agency has developed a guide for Section 504 for parents and LEAs, see the Resources section.

Students receiving special education services or other accommodations, including those under Section 504, must continue to have those services and accommodations met when taking hybrid or virtual courses. See *Relevant Texas Education Code* § 30B.052.

### RESOURCES

https://tea.texas.gov/academics/special-student-populations/special-education/overview-of-special-education-for-parents.pdf

https://tea.texas.gov/academics/special-student-populations/special-education/parent-directed-special-education-services-pdses

https://spedsupport.tea.texas.gov/resource-library/texas-transition-and-employment-guide

https://tea.texas.gov/texas-schools/health-safety-discipline/texas-driving-with-disability-for-families.pdf

https://tea.texas.gov/academics/special-student-populations/special-education/504-guide.pdf

## Bilingual and Special Language Programming

A student whose primary language is not English and who has difficulty performing ordinary classwork in English is an "emergent bilingual student" under state law. Each school district that has 20 or more emergent bilingual students in any language in the same grade level must offer a bilingual program in the elementary grades and English as a second language instruction for grades 9-12. If those criteria are not met, a school district must offer any emergent bilingual students an English as a second language (ESL) program, unless the district opts to offer a bilingual program. See *Relevant Texas Education Code* § 29.053.

The parent shall be notified in English and the parent's home language that their child has been identified as an emergent bilingual (EB) student and recommended for placement in the required bilingual or ESL program. See Tex. Admin. Code § 89.1240

The placement of a student in the bilingual or ESL program shall be approved in writing by the student's parent in order to have the student included in the bilingual education allotment (BEA). See Tex. Admin. Code § 89.1240

To learn more about bilingual and special language programming, please visit the TEA website: EB Portal - Parents And Families

### IDENTIFICATION

Each student enrolling in a Texas public school for the first time must receive the TEA home language survey (HLS) within four weeks of enrollment. It must be administered in English and a language that the parents can understand if they do not speak English. If any response to the survey questions indicates that a language other

than English is or has been used for communication, the student will be tested for language proficiency. This home language survey will be the only survey administered to the student and will be retained in the student's records, unless a parent determines that an error was made and requests a correction. The correction will only be made within two calendar weeks of the student's initial enrollment date. See *Relevant Texas Education Code* § 29.053 and 19 Tex. Admin. Code § 89.1215.

The single state-approved English language proficiency test for identification of EB students shall be used as part of the standardized, statewide identification process. Each public school must have a language proficiency assessment committee (LPAC). The LPAC will review all enrolling students and recommend an instructional placement for the student based on their language proficiency. If testing identifies the child as an emergent bilingual student and the LPAC recommends the student be placed in a special language program, the parent must be notified in English and their home language. See 19 Tex. Admin. Code § 89.1226.

The notification must include information about the recommended program and request the parent's approval of their child's placement in the language program. The parent has the right to approve or deny the placement. If the parent denies the placement, the parent must be provided with a denial of program services letter that describes the implications of program denial, specifically that their child will still be identified as an emerging bilingual student and will be assessed annually with the TELPAS exam until they meet reclassification criteria. See 19 Tex. Admin. Code § 89.1240.

## BILINGUAL AND SPECIAL LANGUAGE PROGRAM REQUIREMENTS

Bilingual and special language programs must be located in the regular public schools of the district and not in separate facilities. See *Relevant Texas Education Code* § 29.057.

Students with a disability may not be refused access to a bilingual or special language program due to their disability. Alternative testing may be used to identify students with disabilities as emergent bilingual students. See 19 Tex. Admin. Code § 89.1230.

If the parents and the school district approve, a non-emergent bilingual student may also participate in a bilingual education program. See 19 Tex. Admin. Code § 89.1233.

If a parent of a student in a bilingual or special language program feels that the public school is not complying with program requirements, the parent may appeal to the commissioner. Information about how to file that appeal is listed in the Bilingual and Special Language Programming Resources section of this document. If the parent instead disagrees with the placement of the student in the program, the parent may appeal that decision to the board of trustees. See *Relevant Texas Education Code* § 29.064 and 19 Tex. Admin. Code § 89.1240.

Any student who has exited a bilingual or special language program within the last two years and later receives a failing grade in a foundation curriculum subject will be reevaluated by the LPAC. See 19 Tex. Admin. Code § 89.1220.

If offered, a parent of an emergent bilingual student may enroll them in a summer preschool program for emergent bilingual children, an afterschool program, or an extended week program. See *Relevant Texas Education Code* § 29.060.

### RESOURCES

https://tea.texas.gov/about-tea/government-relations-and-legal/hearings-and-appeals/texas-education-code-section-7-057-grievance-appeals

## Extracurricular or Special Programming

### SCHOOL-SPONSORED CLUBS

A parent must consent before their child may join a school-sponsored student club. See *Relevant Texas Education Code* § 33.0815.

### GIFTED AND TALENTED PROGRAMS

Each school district is required to adopt a process for identifying and serving gifted and talented students—defined as a child who performs or shows the potential for performing at a remarkably high level of accomplishment. School districts may reference the state plan for guidance in developing their own gifted and talented program. Additionally, each school district must adopt a policy regarding the use of funds to support the program. See the Extracurricular or Special Programming Resources section for the state plan. See *Relevant Texas Education Code* §§ 29.122 and 29.123.

### SCHOOL-COMMUNITY GUIDANCE CENTERS

If a school district establishes a school-community guidance center to assist children with problems that interfere with education, there are associated specific parental rights. Before a student may be admitted, the center's administrator must notify the parent that the student has been assigned to the center. The notification must include the reason the student has been assigned to the center, a statement that the parent is entitled to be fully informed of any treatment method or testing program involved, and that the parent may request to be advised and give written consent for any psychological testing or treatment. If the parent refuses psychological testing or treatment, it may not be provided. See *Relevant Texas Education Code* § 37.051 and 37.054.

A parent of a student attending a center is entitled to inspect any instruction or guidance materials and the results of any treatment, testing, or guidance method involving their student. See *Relevant Texas Education Code* § 37.054.

When a student is admitted to the program, the school district, the student, and the student's parent must develop an agreement that identifies the responsibilities of the parties. There will be specified meetings and conferences that the parent must agree to attend. If the parent does not comply with the agreement, the school district may obtain a court order to compel the parent. If the parent, student, and school district do not reach an agreement, a court may enter an order designating the responsibilities and duties of each party as the court finds appropriate. See *Relevant Texas Education Code* § 37.055.

### RESOURCES

https://tea.texas.gov/academics/special-student-populations/gifted-and-talented-education/gtstateplan20191.pdf

# COMPLAINTS, APPEALS, AND GRIEVANCES

## Local Grievances and Appeals

### LOCAL GRIEVANCES

Every Texas public school district and charter are required to adopt a local grievance policy that provides a process for parents, students, and community members to raise concerns and seek resolution. Local grievance policies generally provide three levels of review, allowing concerns to be addressed progressively at the campus or district level, appealing to the superintendent or designee, and the board of trustees. See *Relevant Texas Education Code* § 26A.001.

Local grievance procedures vary by school system. Charter schools are not subject to *Relevant Texas Education Code* Sec. 26A.001, and some Districts of Innovation (DOIs) may be exempt from certain provisions through an approved local innovation plan.

Parents and guardians should consult their district or charter school grievance policy for specific procedures, deadlines, and appeal requirements.

#### Timelines

For districts that have not opted out of the Ch. 26A provisions, a parent has 60 days to file a grievance from the date they knew or had reason to know of the facts leading to the grievance. If the parent attempts to resolve the issue informally, the filing deadline may be extended, in some cases allowing up to 90 days to file. Parents have 20 days to file an appeal from the date on which a decision is made. See *Relevant Texas Education Code* § 26A.002.

After a grievance is filed, the district generally must hold a hearing within 10 days and issue a written decision within 20 days after the hearing. If the grievance is appealed to the board of trustees, the board has 60 days after the previous decision to hold a meeting and make a decision within 30 days after the meeting was held. *Relevant Texas Education Code* § 26A.002.

If your district is a District of Innovation (DOI) or a charter school, the grievance process may be different from the timelines listed above. In some districts, filing deadlines may be as short as 10 to 15 days, and missing a deadline could prevent a grievance from moving forward. Parents and guardians should review their local grievance policy to understand procedures, forms, and timelines that apply.

#### Retaliation

A school board may not retaliate against a student or parent for filing a grievance. If a person involved in reviewing a grievance is the subject of the grievance, that person must recuse themselves. See *Relevant Texas Education Code* § 26A.001.

#### Records

School districts must maintain records of the grievance process and issue a decision that addresses the concerns raised in the grievance. Parents may submit information, documentation, and supporting materials for consideration throughout the grievance process. The district's decision must address the grievance on its merits, regardless of procedural errors or the type of relief requested. See *Relevant Texas Education Code* § 26A.001.

Charter schools and Districts of Innovation may have different procedures. Parents and guardians should consult their local grievance policy for specific requirements.

### APPEALING TO THE BOARD OF TRUSTEES

A parent may appeal a district grievance decision to the board of trustees by submitting their written appeal within 20 days of receiving the decision. Timelines and procedures may vary for charter schools and Districts of Innovation.

The board of trustees serves as the final level of review of the local grievance process. The board must hear the grievance within 60 days of the last decision in the district's grievance process. Board hearings are often conducted during a board meeting and may be held in closed session as permitted by law. The board is required to issue their decision during the meeting or within 30 days thereafter.

Before the hearing, the board must provide the complainant with any new information it intends to rely upon within five business days in advance.

If a parent completes all levels of the local grievance, the parent may be able to appeal the matter to the Commissioner of Education under *Relevant Texas Education Code* § 7.057.

## Appeals and Complaints

### APPEALS TO THE COMMISSIONER

Parents have the right to appeal to the Commissioner of Education if they are injured by the school laws of the state or actions or decisions of any school board that violate the school laws of the state. Parents must file an appeal with the commissioner within 45 calendar days of the decision, order, or ruling that is the subject of their complaint. A parent who is injured by an action of the agency or a decision of the commissioner may appeal to a district court in Travis County. See the Resources section for information about the content required to be included in an appeal to the commissioner, other associated timelines, and where to file the appeal to the commissioner. See *Relevant Texas Education Code* § 7.057.

If a grievance is filed with the commissioner under *Relevant Texas Education Code* § 7.057, the commissioner may investigate an alleged violation of FERPA, collaborate with federal agencies and compel the school district or employees to comply with the relevant federal laws. See *Relevant Texas Education Code* § 26A.001.

A parent has the right to appeal to the commissioner if their child is enrolled in bilingual or special language programs and the district fails to comply with the requirements established by law or the agency. See *Relevant Texas Education Code* § 29.064.

A parent has the right to appeal to the commissioner regarding their child's placement in a DAEP. See *Relevant Texas Education Code* § 37.006.

### EDUCATION SAVINGS ACCOUNT APPEALS

A parent whose child is participating in the education savings account program may appeal to the comptroller decisions made by the comptroller or a certified educational assistance organization, including a decision regarding eligibility, allowable expenses, or the participating child's removal from the program. The comptroller's decision is final and not appealable. See *Relevant Texas Education Code* § 29.373.

## STATE COMPLAINTS

In addition to the local grievance process, parents can file a complaint directly with The Texas Education Agency. Local grievances must follow a specific timeline for resolution. State complaints are not subject to those timeline requirements. The TEA investigate violations of law, including those relating to federally funded programs, misuse of federal or state funds by a public school, conditions in a public school that violate a statute protecting the health, safety, or wellbeing of students or staff, state assessment violations, inaccurate data submitted through the Public Education Information Management System (PEIMS), educator misconduct, or complaints about educator preparation programs.

Parents can file complaints with the agency, and if the complaint is determined to be within the agency's jurisdiction—or authority—the agency may investigate. See the Resources section for more information about the agency's complaints process. See *Relevant Texas Education Code* § 39.003.

## RESOURCES

https://tea.texas.gov/families-and-students/parent-support-hub

https://www.complaints.tea.texas.gov

https://tea.texas.gov/about-tea/contact-us/filing-complaint-texas-education-agency

TEA Parent Complaint Navigator

# DISCIPLINE

Acceptable behavior on a school campus is largely defined by the school's student code of conduct, a document that is required by state law and must be displayed prominently and available for review at the office of each campus principal. This document can be reviewed to see what behavior will result in student consequences, what mitigating factors may be considered, and how classroom discipline will be maintained. See *Relevant Texas Education Code* § 37.001.

School districts must establish a method to ensure parents are notified when their child violates the student code of conduct resulting in suspension, removal to a disciplinary alternative education program (DAEP), or expulsion. See *Relevant Texas Education Code* § 37.001.

A student code of conduct must also identify whether the school has adopted a policy for parental involvement in disciplinary placements and, if so, the terms of the policy. The policy must require notice to a parent of a student who has been placed in a DAEP or expelled of their right to request a behavioral agreement. If the agreement is developed and the parent and student comply with its terms, the length of the placement must be reduced. See *Relevant Texas Education Code* §§ 37.001 and 37.0014.

## CORPORAL PUNISHMENT

A school district may adopt a policy to allow corporal punishment—defined as the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline—allowing an educator to use corporal punishment to discipline a student. Any parent of a student enrolled in a district with a policy to allow corporal punishment may provide a written, signed statement prohibiting the use of corporal punishment on their child. This written, signed prohibition must be provided by a parent each school year in the manner established by the district. A parent may also revoke their prior statement by submitting a written, signed revocation to the board. See *Relevant Texas Education Code* § 37.0011.

## STUDENT DEVICES

Public schools must prohibit a student from using a personal communication device, including a cell phone or smart watch, during the school day. The school policy may allow the district to prohibit the device on school property, develop a method for the storage of the device, or confiscate the device. If the device is confiscated, the district may dispose of it but must provide the student's parent notice of the district's intent to dispose of the device at least 90 days in advance. The school must authorize the use of a personal communication device in certain scenarios, including if necessary to comply with some health or safety requirements. See *Relevant Texas Education Code* § 37.082.

If a course requires a student to use a graphing calculator, but the school does not provide a graphing calculator to a student, the student must be allowed to use a calculator application on their personal device, subject to district policies. See *Relevant Texas Education Code* § 25.904.

### Required Notifications

A teacher may remove from class a student who repeatedly interferes with their ability to communicate effectively, demonstrates behavior that is unruly, disruptive, or abusive, or engages in bullying. If the student is removed, the teacher, campus behavior coordinator, or another appropriate administrator must notify the parent of the removal. See *Relevant Texas Education Code* § 37.002.

A campus behavior coordinator must promptly notify a parent if the student is suspended, placed into a DAEP, expelled, placed in a juvenile justice alternative education program (JJAEP), or taken into custody by law enforcement. The contact should be by telephone or in person, as well as providing written notice of the action to the student to deliver to the student's parent. If the parent has not been successfully reached by phone or in person by 5pm of the first business day after the disciplinary action is taken, the coordinator must mail written notice to the parent's address. See *Relevant Texas Education Code* § 37.0012.

Parents are entitled to access the e-mail address and dedicated phone number of the campus behavior coordinator or campus administrator responsible for student discipline. See *Relevant Texas Education Code* § 26.015.

If a school district employee uses a restraint on a student receiving special education services, the school district must provide notice of the restraint to the parent. The notice must include specific details, such as the name of the employee who administered the restraint, the date it occurred, the nature of the restraint, the length of the restraint, and the behavior that prompted the restraint. See *Relevant Texas Education Code* § 37.0021.

If a school employee, contractor, or other service provider is alleged to have engaged in certain misconduct involving your child, the school must notify you. The notice must explain that the alleged misconduct occurred, whether the person was fired after an investigation or resigned before the investigation was finished, and whether the school reported the alleged misconduct to TEA or SBEC. *Relevant Texas Education Code* § 22A.053.

Before a school may file a criminal complaint against a child for a school offense, the school must follow a system of graduated sanctions, which may include warning letters to the child and their parent, a behavior contract signed by the child and their parent, school-based community service, or the referral of the child to counseling or other services to address the behavioral problems. See *Relevant Texas Education Code* § 37.144.

## Rights after Misconduct Involving Law Enforcement

A parent is entitled to notice by the campus behavior coordinator if their child is taken into custody by a law enforcement officer. See *Relevant Texas Education Code* § 37.0012.

If a child is taken into law enforcement custody—including by a school resource officer—the parent is entitled to notice of the action and a statement of the reason for taking the child into custody. Parents have the right to inspect or copy their child's law enforcement records. See Tex. Fam. Code §§ 52.02 and 58.008.

If a child is referred to a first offender program, a parent is entitled to notice that the child was referred, the grounds for taking the child into custody, the law enforcement officer or agency to which the child was referred, a description of the program, and a statement that failure to complete the program will result in the child being referred to the juvenile court or a court of competent criminal jurisdiction. See Tex. Fam. Code § 52.031.

A parent is entitled—with some limitations—to communicate privately with their child in custody for reasonable periods of time. See Tex. Fam. Code § 61.103.

A court-related child and their parents are entitled to counseling and other services to establish normal attendance and progress of the child in the school. See *Relevant Texas Education Code* § 37.014.

If a correctional facility has an agreement with an LEA to provide educational services, the LEA must involve parents when possible to improve their child's educational achievement and prevent further involvement in delinquent activities. See 20 U.S. Code § 6455.

## Discipline of Students receiving special education services

Under IDEA, schools are required to follow additional steps when implementing some types of discipline for students receiving special education services. If the disciplinary action assigned would be considered a "change in placement," the student's ARD committee must conduct a review to determine if the behavior was a manifestation of the student's disability or if the conduct was the direct result of the school's failure to implement the student's IEP. Special consideration must also be given, as a factor in decisions regarding discipline for students with a disability. See *Relevant Texas Education Code* §§ 37.001, 37.004 and 20 U.S. Code § 1415.

If the behavior is a manifestation of the student's disability, a functional behavioral assessment must be completed if there is not one. A behavioral intervention plan must also be developed. . The school district must obtain consent from the student's parent to conduct the assessment. If a functional behavioral assessment has already been completed prior to the behavior and removal, it must be reviewed again and modified if necessary. The same is true for the behavior intervention plan. Then the student must be returned to their prior placement, unless the parent and the school agree to a change of placement as part of the modification of the student's behavior intervention plan. In addition, the student may be removed to a DAEP even if the behavior is a manifestation of the student's disability if the behavior was possession of a weapon at school, possession of illegal drugs at school, or inflicting serious bodily injury on another while at school. See *Relevant Texas Education Code* § 37.004.

If a school district employee uses a restraint on a student receiving special education services, the school district must provide notice of the restraint to the parent. The notice must include specific details, such as the name of the employee who administered the restraint, the date it occurred, the nature of the restraint, the length of the restraint, and the behavior that prompted the restraint. See *Relevant Texas Education Code* § 37.0021.

## Suspensions

A parent may request that an out-of-school suspension be replaced with an in-school suspension by demonstrating that the parent will not be able to provide supervision for the student during the placement for students enrolled in a grade level below three. See *Relevant Texas Education Code* § 37.005(c-2).

A public school may generally suspend a student for behavior that is named in the student code of conduct as conduct for which the student may be suspended for up to three days. If the student is in a grade below grade 3, the student may not be suspended out of school unless the behavior was related to certain weapon, drug, or violent offenses. If the student is experiencing homelessness, the school may not place them in out-of-school suspension unless the behavior involved weapons, violence, drugs, or alcohol. See *Relevant Texas Education Code* § 37.005.

## DAEP and JJAEP Placement

### DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP)

Students can be removed to a DAEP as a discretionary or mandatory disciplinary consequence. A student *must* be removed to a DAEP if, while on or near school property or attending a school-related activity, the student engages in a felony, assault, drug-related offenses, alcohol related offenses, the abuse of a volatile chemical, public lewdness, or harassment of a school employee. Even if a student is not at school or a school-related activity, a student must be placed at a DAEP if the student engages in certain criminal conduct, see *Relevant Texas Education Code* § 37.006(c).

Students who are aged 6-9 have a more restricted list of behaviors that will require their removal to a DAEP. Students younger than six may not be placed in a DAEP. See *Relevant Texas Education Code* § 37.006(f) and (l).

If a student is removed to a DAEP, the parents of the student must receive a copy of the order placing their child in the DAEP and be informed of the steps necessary to have their student evaluated for special education services. The school district must also provide the parents with written notice of the district's obligation to provide the student with an opportunity to complete coursework required for graduation and the methods available to provide the opportunity to the student at no cost. See *Relevant Texas Education Code* §§ 37.006, 37.008, and 37.009.

A student placed in a DAEP must receive a review of their status at least every 120 days. If the student is a high school student, the board's designee must review their progress towards meeting graduation requirements with their parent. The student and the parents must also have an opportunity to argue for their return to their regular classroom or campus. The student may not be returned to the classroom of a teacher who removed them without the teacher's consent. See *Relevant Texas Education Code* § 37.009.

Once an alternative education program identifies the date of a student's release from the program, the program administrator must provide notice of the date to the parent and the name of the administrator of the campus to which the student will be transitioning. The student should be provided a personalized transition plan. The plan should include information for the parent regarding the process to request an evaluation for special education services. If practicable, the campus administrator must meet with the parent to coordinate plans for the student's transition to the campus. See *Relevant Texas Education Code* § 37.023.

## JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM (JJAEP)

If a child is removed to a JJAEP, their parent has a right to regularly review the child's academic progress with the juvenile board. If the child is a high school student, the parent is entitled to review their progress towards meeting high school graduation requirements and establish a specific graduation plan with the juvenile board. See *Relevant Texas Education Code* § 37.011.

Once an alternative education program identifies the date of a student's release from the program, the program administrator must provide notice of the date to the parent and the name of the administrator of the campus to which the student will be transitioning. The student should be provided a personalized transition plan. The plan should include information for the parent regarding the process to request an evaluation for special education services. If practicable, the campus administrator must meet with the parent to coordinate plans for the student's transition to the campus. See *Relevant Texas Education Code* § 37.023.

## EXPULSION

Before a school may expel a student, the school must consider the appropriateness of enrolling the student in a full-time virtual or hybrid program or campus. See *Relevant Texas Education Code* § 37.0071.

## Disciplinary Review and Appeals

Within three class days of a student being removed from class by a teacher, the campus behavior coordinator must schedule a conference with the parent, the student, and the teacher removing the student from class. The student is entitled to be notified of the reason for the removal, provided an opportunity to respond, and notice of their right to an appeal. See *Relevant Texas Education Code* § 37.009.

A student may appeal their removal from class to the school's placement review committee or the safe and supportive school team. See *Relevant Texas Education Code* § 37.002.

If a school district policy allows a student to appeal to the board of trustees or designee, for removals not including student expulsion, the board's decision is final and unappealable. The placement decision may not be longer than one year unless it is determined that the student is a threat to safety. See *Relevant Texas Education Code* § 37.009.

If a student is arrested or referred for a felony or some misdemeanors and the superintendent receives the required notice of this fact that led to a placement in a DAEP, the parent is entitled to a review of the placement by the third class day after the notice is received. The superintendent may continue the placement if there is reason to believe the presence of the student in the regular classroom threatens the safety of other students or teachers. The parent may appeal the superintendent's decision to the board of trustees and may provide information. If the board affirms the superintendent's decision, the parent is entitled to notice of their right to appeal to the commissioner. See *Relevant Texas Education Code* § 37.006.

If the placement in a DAEP is to extend beyond 60 days or the end of the next grading period, the parent must be notified and be given an opportunity to appeal to the board of trustees. To extend a placement at the DAEP beyond the end of the school year, the board must determine that the student's presence presents a danger of physical harm or the student has engaged in serious or persistent misbehavior that violates the code of conduct. See *Relevant Texas Education Code* § 37.009.

A noncustodial parent may request, in writing, that a school provide a copy of any written notification relating to school misconduct that is generally provided to your child's custodial parent, for the remainder of the school year. See *Relevant Texas Education Code* § 37.0091.

If a student is placed at a DAEP or JJAEP because the student is allegedly required to register as a sex offender, the parent is entitled to a conference with the board to appeal the decision. The conference is limited to determining whether the student is required to register as a sex offender. If the board concludes that the student is required to register as a sex offender, the placement will continue. The decision by the board is final and unappealable. See *Relevant Texas Education Code* § 37.311.

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[i] *Relevant Texas Education Code* § 25.001
[ii] *Relevant Texas Education Code* § 11.158.
[iii] *Relevant Texas Education Code* § 25.001

[iv] *Relevant Texas Education Code* § 29.087.
[v] *Relevant Texas Education Code* § 12.052
[vi] *Relevant Texas Education Code* § 12.0521
[vii] *Relevant Texas Education Code* § 29.355-29.356.

[viii] *Relevant Texas Education Code* § 29.356.