



May 2018 Updates to IDEA Manual 2016 Edition

In May 2018 the following updates were made to the 2016 IDEA Manual due to changes in the law from the last Texas Legislative Session:

1. Throughout the whole text of the IDEA Manual – any mention of the STAAR-A assessment or STAAR-A should be deleted because this test is no longer being used.
2. Page 10:

Definition of Response to Intervention (RtI): add this information to the definition:

State law requires that the school notify the parents about their child’s participation in RtI.
3. Page 24:

In the Frequently Asked Questions section started on page 23 that asks about a student receiving RTI services and the school asking the parent to wait before asking for an evaluation, add this information:

Texas law requires schools to notify parents of a child who receives individualized assistance through intervention strategies (like RtI) as soon as the child begins to receive those services. The notice must include certain information, including a description of the assistance being provided and estimated time frames within which parents will receive reports on their child’s progress.
4. Page 41:

Add this information after the first paragraph on this page:

There are rare situations where past tensions between the parent and school have resulted in the district refusing entry to or ejecting the parent from district property. Nonetheless, Texas law requires the district to still allow the parent access to participate in their child's ARD committee meeting or Section 504 team meeting in accordance with federal special education rules.
5. Page 53:

Under Dyslexia Accommodations, remove “STAAR-A assessment” and replace with “STARR accommodations.”
6. On Page 54 and 55:

Replace the list of 8 items with this list of 10 items:

(1) appropriate student involvement in the student’s transition to life outside the public school system;

(2) if the student is younger than 18 years of age, appropriate involvement in the student’s transition by the parents and other persons invited to participate by either the parents or the school district;

(3) if the student is at least 18 years of age, involvement in the student’s transition and future by the student’s parents and other persons, if the parent or other person is invited to participate by either the student or the school district or has the student’s consent to participate under a supported decision-making agreement;

(4) appropriate postsecondary education options, including preparation for postsecondary-level coursework;

(5) a functional vocational evaluation;

(6) employment goals and objectives;

(7) if the student is at least 18 years of age, the availability of age-appropriate instructional environments, including community settings or environments

that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student’s transition goals;

(8) independent living goals and objectives;

(9) appropriate circumstances for facilitating a referral of a student or the student’s parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student, such as Medicaid waiver programs;

(10) the use and availability of appropriate supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills, and supports and services to foster the student’s independence and self-determination, including a supported decision-making agreement.

7. Page 69:

Under “A Note About Cameras in Special Education Classrooms”:

Delete the whole paragraph and replace with this information:

Texas law allows video and audio monitoring of certain special education self-contained placements for the purpose of ensuring the safety of students with disabilities. While no one expects a student with a disability will be abused or injured in a classroom, it has occurred and the video and audio monitoring is a tool that might prevent something wrong from happening. The Texas Education Agency has a new regulation that requires school districts and charter schools to install cameras by certain deadlines or allow parents to appeal if the monitoring request is denied. The daily recordings must be saved but only for a three month period. If a parent suspects that abuse or neglect was committed by a teacher or someone else in the self-contained setting, the parent should submit a complaint to the district or charter school and request to view the video as soon as possible. To keep up on latest news about which classrooms are eligible for monitoring and how the recordings may be requested, accessed and used, visit the website of Disability Rights Texas at www.disabilityrightstx.org

8. Page 77:

Before “Finding an Attorney” (and after section started on Page 76 on “Representation by an Attorney”) insert this paragraph:

Representation by an Advocate

In Texas, state law does allow a lay advocate to represent a student with a disability at a special education hearing. However, there are state rules and steps that must be followed before an advocate may act as a representative. You should review these rules with the advocate you are considering for your case. One of the main requirements is that the lay advocate must have a written agreement with the parent or adult student. The written agreement must include an explanation of how the advocate and client will solve any dispute about the representation. For example, how will any potential disagreements over payment of fees be solved. This kind of dispute resolution provision is common in many business agreements. The written agreement between the advocate and parent or adult student is confidential and may not be disclosed. Another key requirement in state law is that the lay advocate must get the permission of the Special Education Hearing Officer to act as the student’s representative. There is a standard form that the lay advocate submits to the Hearing Officer to get approved to act in the case. There are rules the Hearing Officer follows when considering whether to allow the advocate to participate in the hearing for the student.

9. Page 78:

Under the Requesting a Hearing section, at the end of the 2nd paragraph, add this information:

In addition, the timeline does not apply if the parent asking for a hearing is an active-duty servicemember and covered by a federal law known as the Servicemembers Civil Relief Act. This federal law allows active-duty members of the armed forces more time in certain legal actions as an accommodation for their service.