



# TEXAS EDUCATION AGENCY

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Shirley J. Neeley, Ed.D.  
Commissioner

## Special Education Complaint Investigation Report July 28, 2006

Dianna Pharr,  
Complainant

Rockwell Kirk,  
Superintendent

Pamela Carroll,  
Special Education Director

2204 Westlake Drive  
Austin, TX 78746

Lake Travis ISD  
3322 Ranch Rd. 620 S  
Austin, Texas 78738

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3322 Ranch Road 620 S  
Austin, Texas 78738

Lake Travis ISD Co-Dist : 227-913  
FY 2005-2006  
Complaint: 20062275

In a letter received on April 21, 2006, Ms. Pharr alleged violations of the Individuals with Disabilities Education Act (IDEA), Texas Education Code (TEC), and/or the Texas Administrative Code (TAC) by the Lake Travis Independent School District (ISD) referred to as the local education agency (LEA) with respect to **a student in the LEA**. The purpose of the attached report is to provide the parties with the written decision of the Texas Education Agency (Agency) regarding the complaint filed with this Agency.

### Confidentiality Notice:

Federal requirements restrict the release of personally identifiable student records to anyone other than parents or persons having legal custody or guardianship of minors. As we understand, the complainant is not a parent or legal guardian of any student subject to the complaint.

Prior to the release of any personally identifiable information regarding the student from this office to the complainant, it is necessary that the parents or legal guardians submit a signed statement authorizing the receipt of information about the individuals. Upon receipt of this authorization, the complainant will be provided with a copy of the Investigative Report. Under the Texas Public Information Act, information may be requested from the Agency, by contacting the Public Information Officer, Division of Legal Services. However, to protect the confidentiality of students, the Agency may not release student information, without proper authorization, when the number of students subject to the information request is fewer than five.

### Allegations, Conclusions, and Reason for the Agency's Decision:

The Agency investigated the following allegation:

Did the LEA ensure the protection of confidentiality of any personally identifiable data, information, and records collected or maintained by the LEA in accordance with required procedures? [34 CFR 300.572]

*"Good, Better, Best—never let it rest—until your good is better—and your better is BEST!"*

The following discrepancies were determined:

The LEA does not always ensure the protection of confidentiality of any personally identifiable data, information, and records collected or maintained by the LEA in accordance with required procedures.

Corrective actions were required.

**Reconsideration Process [Effective as of April 10, 2006]**

There is no requirement in federal or state special education law for a reconsideration process and/or appeal process for an IDEA complaint investigation. As such, during the reconsideration process, the LEA must implement the corrective actions determined in the respective Investigative Report. The Agency will continue to ensure the implementation of any corrective actions required in the respective Investigative Report. The timeline for corrective actions cannot be delayed based on a request for reconsideration (July 17, 2000, OSEP Letter to Chief State School Officers). Currently, reconsiderations for investigative reports issued as a result of complaints filed by 3<sup>rd</sup> parties are not being accepted.

This concludes the Agency's investigation. The attached Investigative Report is the Agency's final written decision, and is provided to the LEA. The Agency will ensure the implementation of any corrective actions. Questions regarding this letter or attached report may be directed to me at (512) 463-9414.

Sincerely,



Cindy Swain  
Manager of Support Services  
Division of IDEA Coordination

CS:

enclosure to LEA