# Questions and Answers: Intervention Strategies and Student Records

Chapter 26 of the Texas Education Code (TEC) addresses parental rights and responsibilities. One of those rights is for a parent to have access to student records for their child. Parents also have student record access rights under the Federal Education Rights and Privacy Act (FERPA), and parents with children who receive special education and related services also have rights of student record access as described in the Individuals with Disabilities Education Act (IDEA). The information provided below is intended to describe some of the state law requirements regarding parent right of access to certain records and parental notification requirements that may be in addition to those required under the federal laws. The information is not exclusive to access rights of parents of students with disabilities unless stated otherwise.

## What records is a parent specifically entitled to access according to the Texas Education Code (TEC)?

In addition to the right to access copies of state assessments under TEC §26.005 and teaching materials under TEC §26.006, a parent, under TEC §26.004, is entitled to access all written records concerning their child, including the following:

* 1. attendance records;
  2. test scores;
  3. grades;
  4. disciplinary records;
  5. counseling records;
  6. psychological records;
  7. applications for admission;
  8. health and immunization information;
  9. teacher and school counselor evaluations;
  10. reports of behavioral patterns; and
  11. records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

TEC 26.004(b)(11), which is referenced in the list above regarding intervention strategies, is applicable to open-enrollment charter schools. However, even though state law does not specifically make items 1-10 applicable to open-enrollment charter schools, those schools must remember to comply with all parent access rights to student records under federal law.

## What is an intervention strategy, as used in the list in question 1?

An intervention strategy is specifically defined for purposes of TEC §26.004, and it means a strategy in a multi-tiered system of supports (MTSS) that is above the level of intervention generally used in that system with all children. The term includes response to intervention and other early intervening strategies.

In a three-tiered MTSS, then, these would be considered Tier 2 or Tier 3 interventions. Tier 2 and Tier 3 interventions, within an MTSS, include both academic and non-academic (e.g., behavior, mental health) strategies. Because the law specifically refers to intervention strategies as strategies above the level of intervention generally used with all children, it will be important for a district or open-enrollment charter school to operate an MTSS based on research and evidence-based practices, including written procedures describing when a student requires the level of intervention that is above that generally used for all children. Therefore, criteria associated with entry and exit out of each tier of intervention will be important. However, these criteria cannot delay referrals for evaluations under special education when the district or school suspects the child has a disability and needs special education.

## In addition to parents’ right of access to information collected regarding any intervention strategies used with their child, do districts and open-enrollment charter schools have to notify parents about these intervention strategies?

Yes. Under TEC §26.0081(d), every school year, each school district and open-enrollment charter school must notify the parent of each child, other than a child receiving special education and related services, who receives assistance from the district or school for learning difficulties, including through the use of intervention strategies, that the district or school provides that assistance to the child. That notice must be provided when the child begins to receive the assistance for that school year and be written in English or, to the extent practicable, the parent’s native language.

Additionally, the notice must include:

* a reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used;
* information collected regarding any intervention in the base tier of an MTSS that has previously been used with the child;
* an estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided;
* the estimated time frames within which a report of the child’s progress with the assistance, including any intervention strategies used, will be provided to the parent; and
* a copy of the explanation described in question 4, below.

This notice could be provided to a parent at a Section 504 meeting, if applicable.

## What does the state law require the Texas Education Agency (TEA) to provide to school districts and open-enrollment charter schools related to students who may experience learning difficulties or who may need special education services?

In accordance with TEC §26.0081(c), TEA must provide a written explanation to districts and open-enrollment charter schools of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. The explanation must state that a parent is entitled at any time to request an evaluation of the parent’s child for special education services or for aids, accommodations, or services under Section 504, Rehabilitation Act of 1973. Each school year, each district and open-enrollment charter school must provide the written explanation to a parent of each district student by including the explanation in the student handbook or by another means. The Student Handbook Statement is posted on the [TEA website](https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/student-handbook-statement-0) and available in HTML or Word and in English or Spanish.

## Does TEA have a sample notification that a district or open-enrollment charter school can use for the providing notice described in question 3?

Yes. TEA has a template that districts and open-enrollment charter schools can use that meets the statutory requirements. The notification template is available in [*English*](https://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftea.texas.gov%2Facademics%2Fspecial-student-populations%2Fspecial-education%2Fsample-parent-notification-intervention-strategy-form.pdf&data=05%7C02%7CDeanna.Clemens%40tea.texas.gov%7Cbf611f1da9c5466dd0c208dd14a9541a%7C65d6b3c3723648189613248dbd713a6f%7C0%7C0%7C638689439726223407%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=ADCrJqiIUd3qfiis7HZAv9oLNpkTG6fPjunGFAUXeBw%3D&reserved=0) and in [*Spanish*](https://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftea.texas.gov%2Facademics%2Fspecial-student-populations%2Fspecial-education%2Fsample-parent-notification-intervention-strategy-spanish-form.pdf&data=05%7C02%7CDeanna.Clemens%40tea.texas.gov%7Cbf611f1da9c5466dd0c208dd14a9541a%7C65d6b3c3723648189613248dbd713a6f%7C0%7C0%7C638689439726246938%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=zxiZGaaUjDiN2e3TMZQ8GrJYRBSH5lcUAXSCDeXbjkE%3D&reserved=0).

## Does a district or an open-enrollment charter school have to report students who received intervention strategies to TEA?

Yes. Each school district and open-enrollment charter school must annually report through the Public Education Information Management System (PEIMS) the total number of students enrolled in the district or school with whom the district or school, as applicable, used intervention strategies (as defined above) at any time during the year for which the report is made. This requirement, described at TEC §48.009(b)(4), does allow the exclusion of this reporting if the student is receiving aids, accommodations, and services under Section 504, Rehabilitation Act of 1973.