

**IMPORTANT
MONITORING
INFORMATION**

8/28/2026

CDN
227-821
2025-2026

Sent Via Email

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Marsha Ridlehuber, Conservator
Sherry Marsh, Conservator
Austin Discovery School
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Subject: Status of Noncompliance

Dear Austin Discovery Conservators,

The Division of Monitoring, Review, and Support was notified that Austin Discovery School has been approved for permanent closure effective **August 31, 2025**. The purpose of this correspondence is to notify the assigned conservators of Austin Discovery School of the final status of each corrective action plan.

Austin Discovery School received notification of noncompliance in a letter dated **7/26/2024** listing the following area(s) of noncompliance:

- Evaluation: Review of Existing Evaluation Data
34 Code of Federal Regulations §300.305(a)
- Evaluation: Prior Written Notice
34 Code of Federal Regulations §300.304(a); 34 Code of Federal Regulations §300.503
- Evaluation: Variety of Sources
34 Code of Federal Regulations 300.304(b)
- Evaluation: Native Language
34 Code of Federal Regulations §300.304(c)(1)(ii); Texas Education Code §29.004(b)
- Evaluation: Related Services
34 Code of Federal Regulations §300.304(c); Texas Education Code §29.004
- Evaluation: Dyslexia Evaluation
19 Texas Administrative Code §74.28(a)
- Evaluation: Dyslexia Qualified Professionals

34 Code of Federal Regulations §300.306(a)(1); 19 Texas Administrative Code 89.1040(b)

- Evaluation: Dyslexia Notice

34 Code of Federal Regulations §300.306(a)(1); 19 Texas Administrative Code 89.1040(b); Texas Education Code 29.0031(b)

- Evaluation: Dyslexia Procedural Safeguards

19 Texas Administrative Code §74.28(g)(1)

- Evaluation: Dyslexia Evaluator Training

19 Texas Administrative Code §74.28(d)

- Evaluation: Dyslexia Evaluation Consent

19 Texas Administrative Code §74.28(g)(2)

- Evaluation: Dyslexia Overview of Special Education form

Texas Education Code §29.0031(a)(1)

- IEP Implementation: IEP Meeting Notice

34 Code of Federal Regulations §300.322(a)(1); 19 Texas Administrative Code §89.1050(d)

- IEP Implementation: Notice of Procedural Safeguards

34 Code of Federal Regulations §300.504

- Properly Constituted ARD: Parent Attendance

34 Code of Federal Regulations §300.322(a); 19 Texas Administrative Code §89.1050(c)(1)(A); 19 Texas Administrative Code §89.1050(d)

- Properly Constituted ARD: Multiple Attempts to obtain Parent Participation

34 Code of Federal Regulations §300.322 (d); 19 Texas Administrative Code §89.1050(d)

- Properly Constituted ARD: General Education Teacher

34 Code of Federal Regulations §300.321(a)(2); 19 Texas Administrative Code §89.1050(c)(1)(B); Texas Education Code §29.005(a)

- Properly Constituted ARD: Special Education Teacher

34 Code of Federal Regulations §300.321(a)(3); 19 Texas Administrative Code §89.1050(c)(1)(c)

- Properly Constituted ARD: LEA Representative

34 Code of Federal Regulations §300.321(a)(4); 19 Texas Administrative Code §89.1050(c)(1)(D)

- Properly Constituted ARD: Dyslexia Representative

Texas Education Code §29.0031(b)

- Properly Constituted ARD: Individual who can Interpret the Instructional Implications of the Evaluation Representative

34 Code of Federal Regulations §300.321(a); 34 CFR §300.321(a)(5); 19 Texas Administrative Code §89.1050(c)(1)(B); 19 Texas Administrative Code §89.1050(c)(1)(C); 19 Texas Administrative Code §89.1050(c)(1)(D); 19 Texas Administrative Code §89.1050(c)(1)(E); 19 Texas Administrative Code §89.1050(c)(1)(F)

- Properly Constituted ARD: IEP Decisions
Texas Education Code §29.005(b-1)(3)
- IEP Content: Annual IEP within One Calendar Year
34 Code of Federal Regulations §300.324(b)(1)(i)
- IEP Content: Extended School Year
34 Code of Federal Regulations §300.106(a)(2); 19 Texas Administrative Code §89.1065
- IEP Content Behavior: Behavior impedes learning and Positive behavioral intervention Strategies and Supports
34 Code of Federal Regulations §300.324(a)(2)(i)
- IEP Development: Initial placement
34 Code of Federal Regulations §300.300(b)
- IEP Development: Development of Present Levels of Academic Achievement and Functional Performance (PLAAFP)
34 Code of Federal Regulations §300.320(a)(1)
- IEP Development: IEP Annual Goal Progress Measurement Description
34 Code of Federal Regulations §300.320(a)(3)(i)
- IEP Development: Periodic Reports of Progress
34 Code of Federal Regulations §300.320(a)(3)(ii)
- IEP Development: Autism Supplement
19 Texas Administrative Code §89.1055(g)
- IEP Development: Development of Measurable Annual Goals
34 Code of Federal Regulations §300.320 (a)(2)(i)
- State Assessment: Addressed during the ARD Committee meeting
34 Code of Federal Regulations §300.160(a); 34 Code of Federal Regulations §300.320(a)(6); 19 Texas Administrative Code §89.1055(c-d)
- State Assessment: ARD Committee reviewed student's participation and progress in Accelerated Instruction, Supplemental Instruction, or Accelerated Education Plan
Texas Education Code §28.0211(i)

Austin Discovery School received notification of noncompliance in a letter dated **10/31/2024** listing the following area(s) of noncompliance:

- SPPI 11B: Eligibility Determination
20 U.S.C. §1416(a)(3)(B)

Austin Discovery School received notification of noncompliance in a letter dated **10/31/2025** listing the following area(s) of noncompliance:

- SPPI 11A Timely Initial Evaluation: % of children evaluated within 60 days of parental consent for initial evaluation or state time frame. The state timeframe is 45 instructional days to complete the initial evaluation (for exceptions, see 19 TAC 89.1011).
20 United States Code §1416(a)(3)(B)
- SPPI 11B: Eligibility Determination
20 U.S.C. §1416(a)(3)(B)

Austin Discovery School received notification of uncorrected noncompliance in a letter dated **11/4/2025** listing the following area(s) of noncompliance:

- SPPI 11B: Eligibility Determination
20 U.S.C. §1416(a)(3)(B)

Austin Discovery School was required to submit documentation to the Texas Education Agency (TEA) verifying correction for the abovementioned noncompliance. At the time of the charter closure, Austin Discovery School had not submitted evidence indicating that all child specific corrections were complete. During the 2025-2026 school year the appointed conservators and representatives from TEA's Monitoring, Review, and Support team worked with the families of the impacted students and their new campuses to determine if the noncompliance negatively impacted each student's FAPE and, if applicable, warranted compensatory educational services.

As of **June 24, 2026**, all documentation submitted by the Austin Discovery School conservators indicates that all child-specific corrections are complete. Corrections have been verified by the Division of Monitoring, Review, and Support. Given the current status of Austin Discovery School, the status of the remaining systemic corrective actions of the corrective action plan cannot be verified due to the charter's permanent closure. If for any reason the Austin Discovery School is reopened, the LEA remains obligated to fulfill all requirements outlined in the corrective action plan (CAP) until all corrections have been verified by the Division of Monitoring, Review, and Support.

If you have questions regarding this correspondence, please contact Morgan Hubbard in the TEA Division of Monitoring, Review, and Support at (512) 463-9414 or by e-mail at morgan.hubbard@TEA.texas.gov.

Sincerely,

Lori Merrell,

Deputy Associate Commissioner of General Supervision and Data Systems
Texas Education Agency



512-463-9414



reviewandsupport@tea.texas.gov



Cc:

Dr. Rich Elsasser, Executive Director, Region 13 Education Service Center (ESC)
Laura Abbott Special Education Contact, Region 13 ESC
Ismael Rosales, Manager, Monitoring, Review, and Support, TEA
Stacey Selman, Closed Charter School Acquisition and Disposition Specialist, TEA
Valerie Trevino, Director, Charter School Authorizing, TEA
Garrett Black, Director, Governance Interventions, TEA