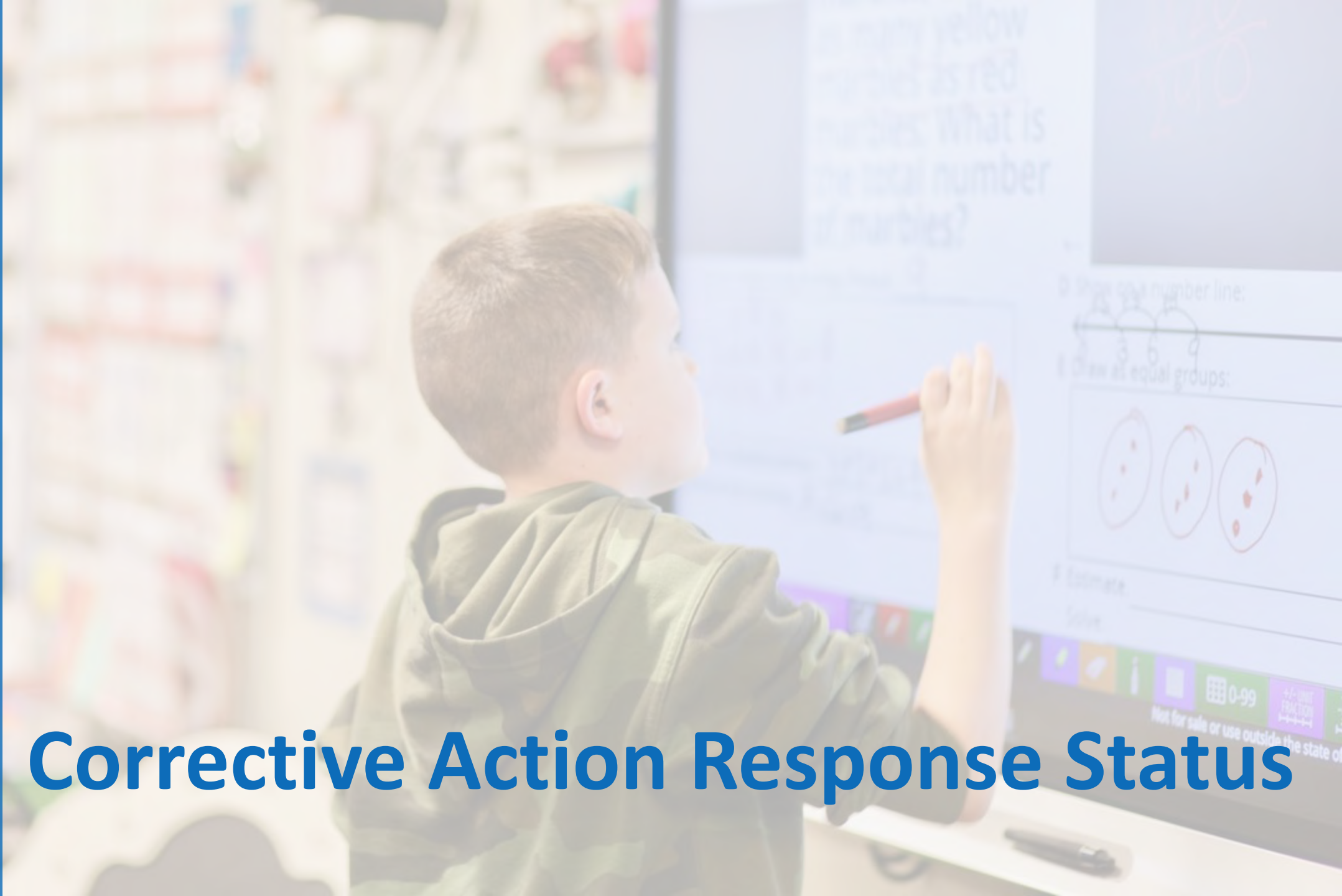
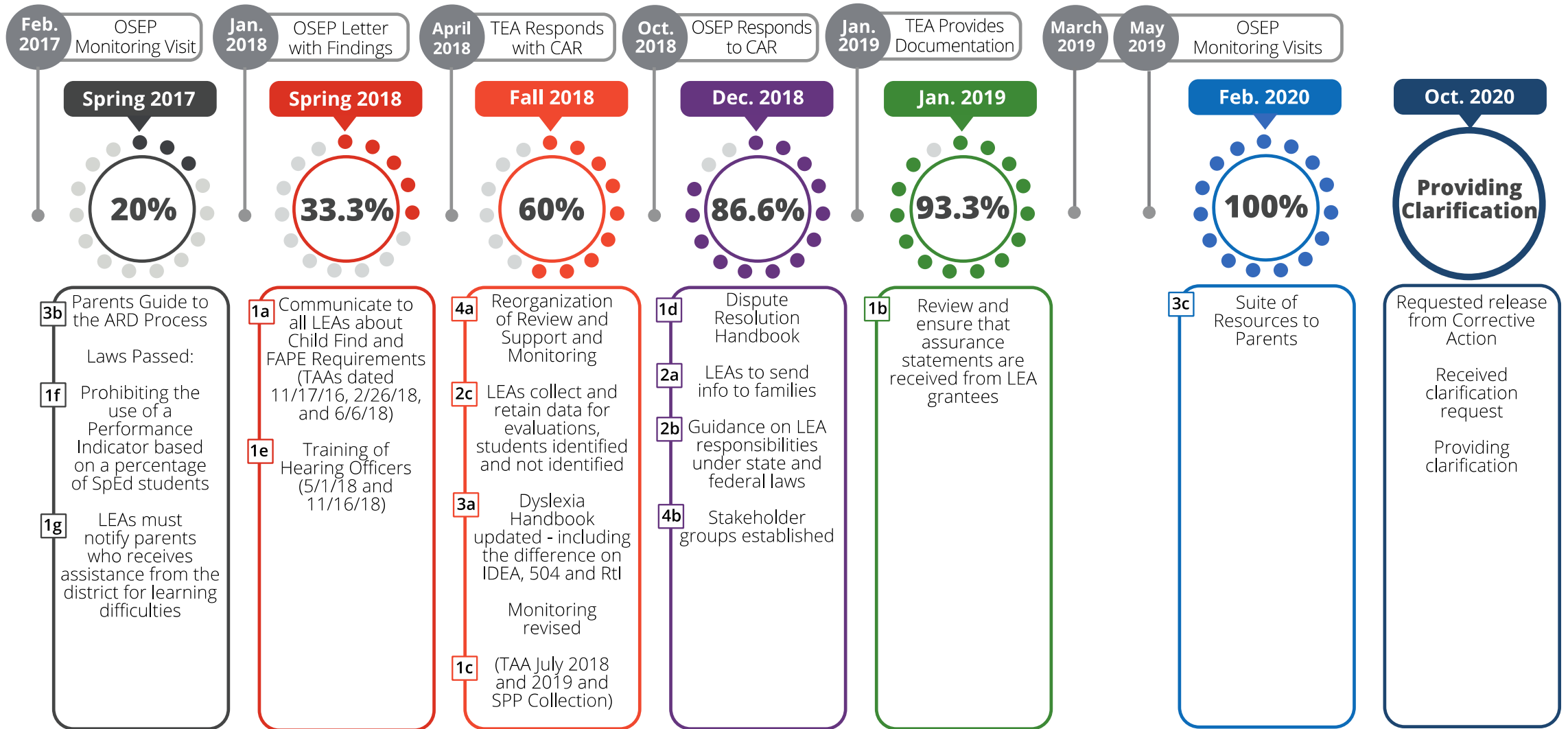


# Corrective Action Response Status



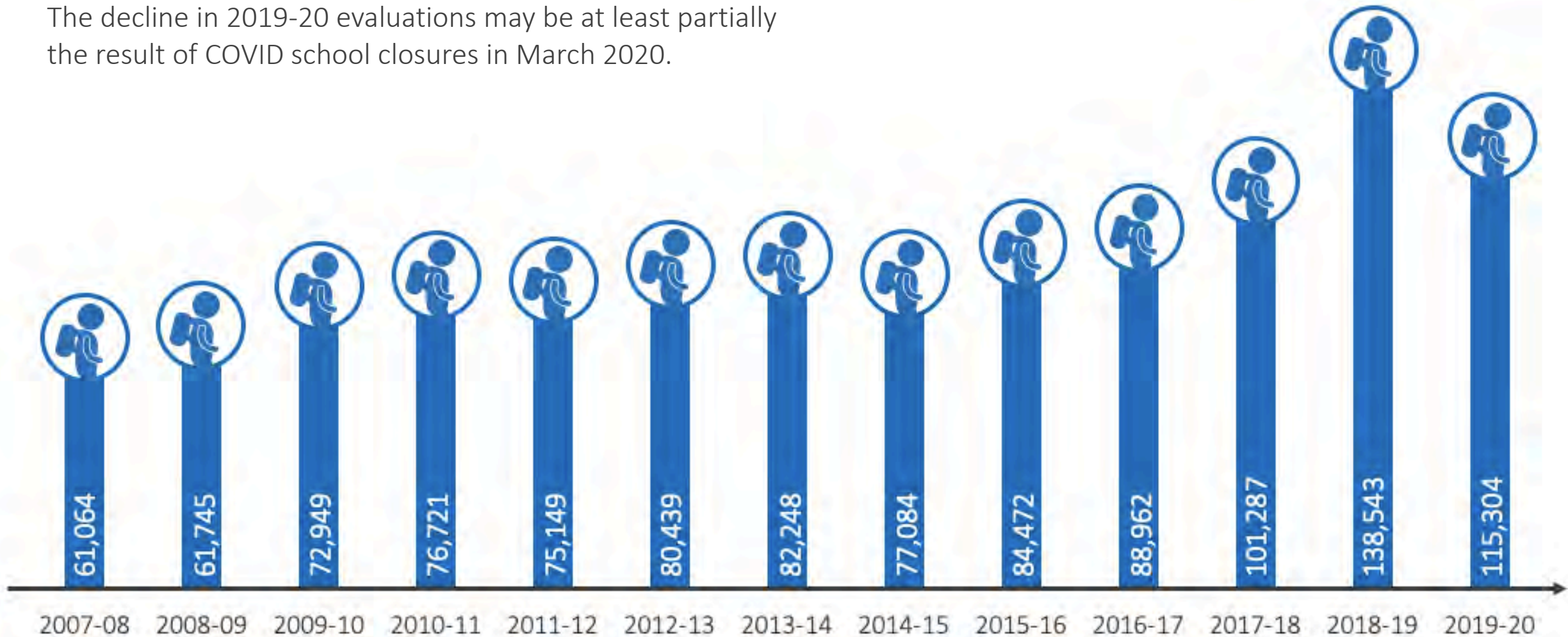
# Progress & Percent Completion on the Corrective Action Requirements



# Appendix

# Special education evaluations serve as a leading indicator for total special education representation

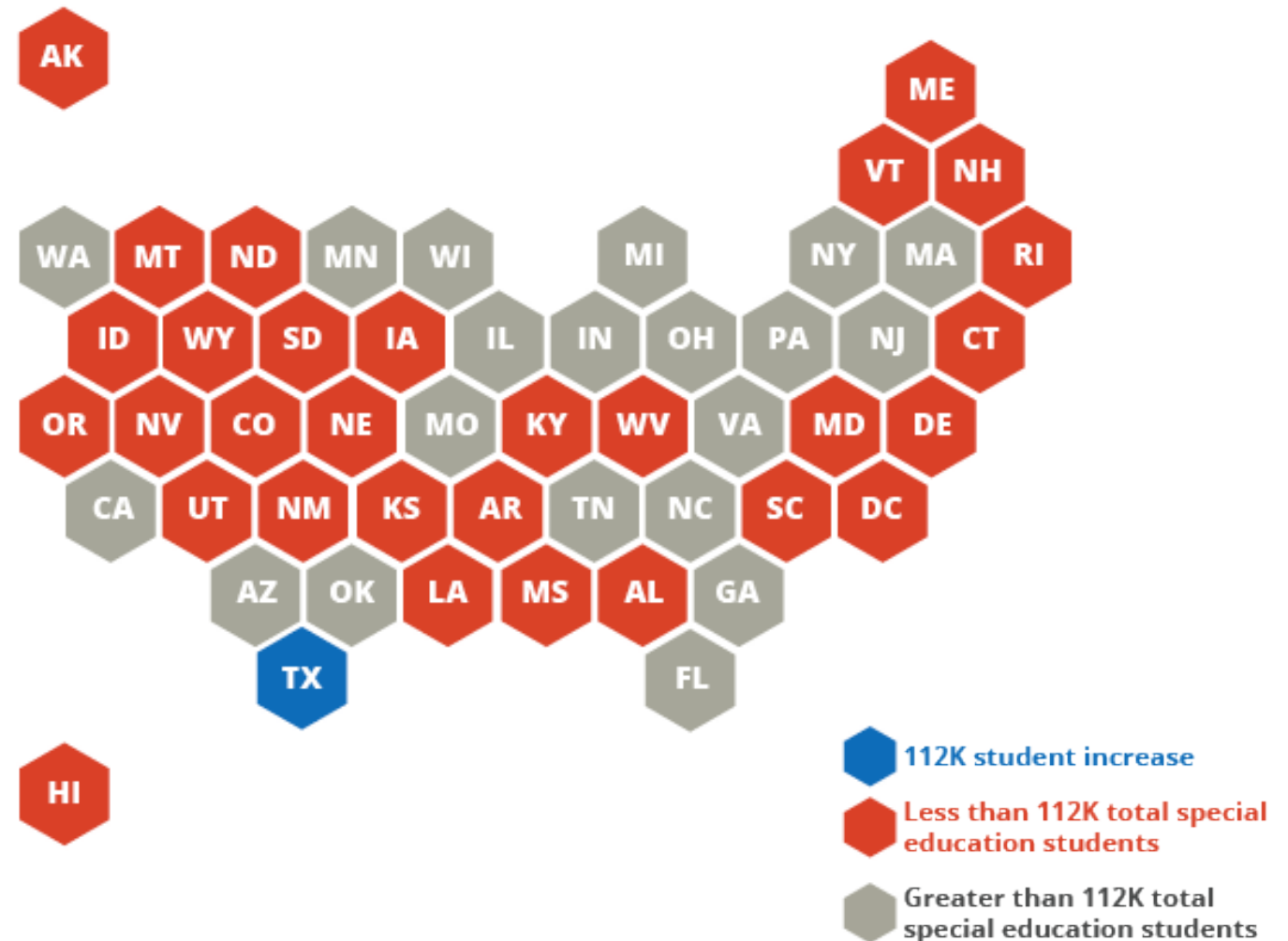
The decline in 2019-20 evaluations may be at least partially the result of COVID school closures in March 2020.



# Context on the growth in special education enrollment in Texas

Texas has identified an additional 112,000 students for special education in the past 4 years.

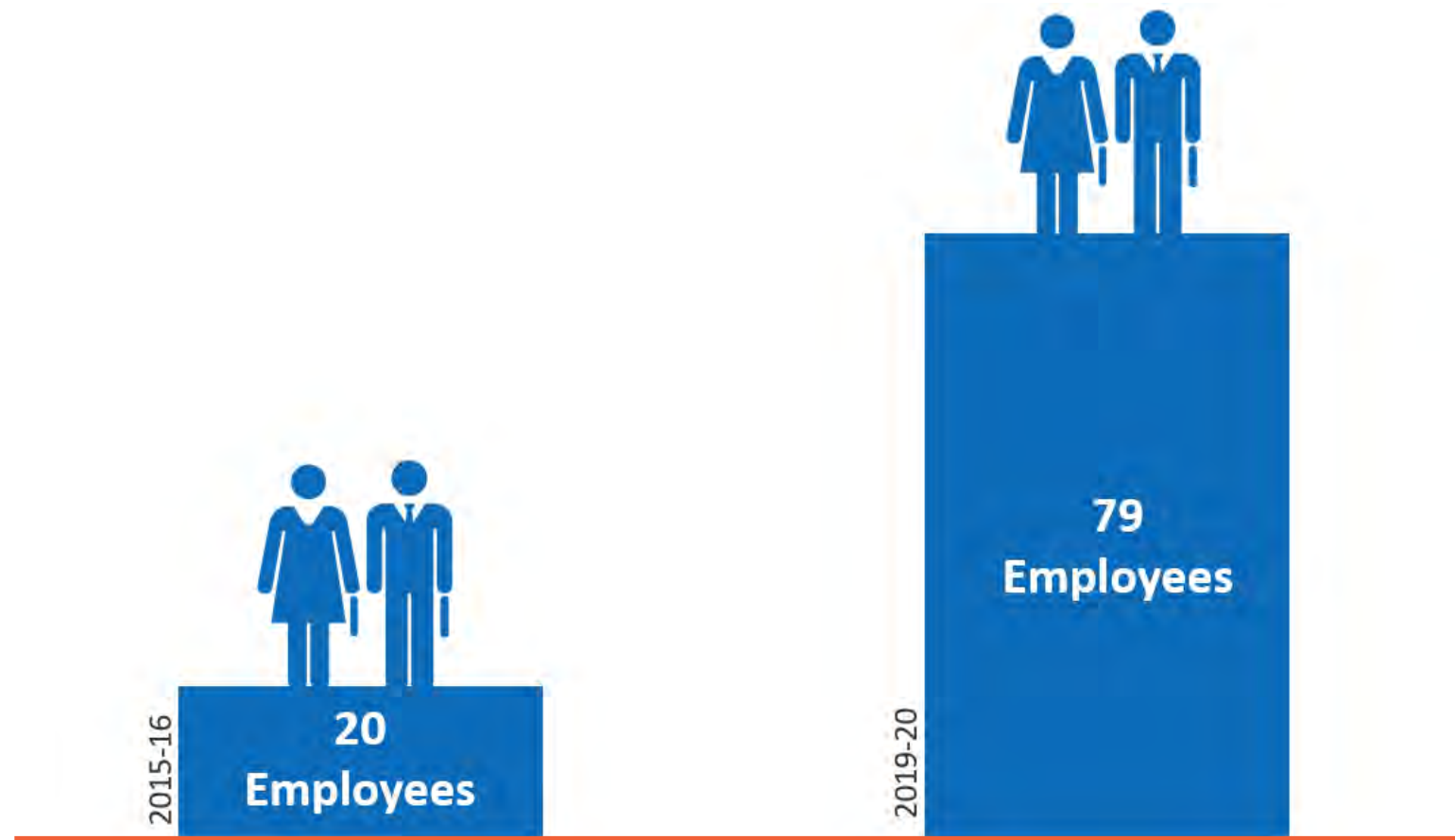
These additional students receiving services in Texas represent more than **30 other states' total special education populations.**



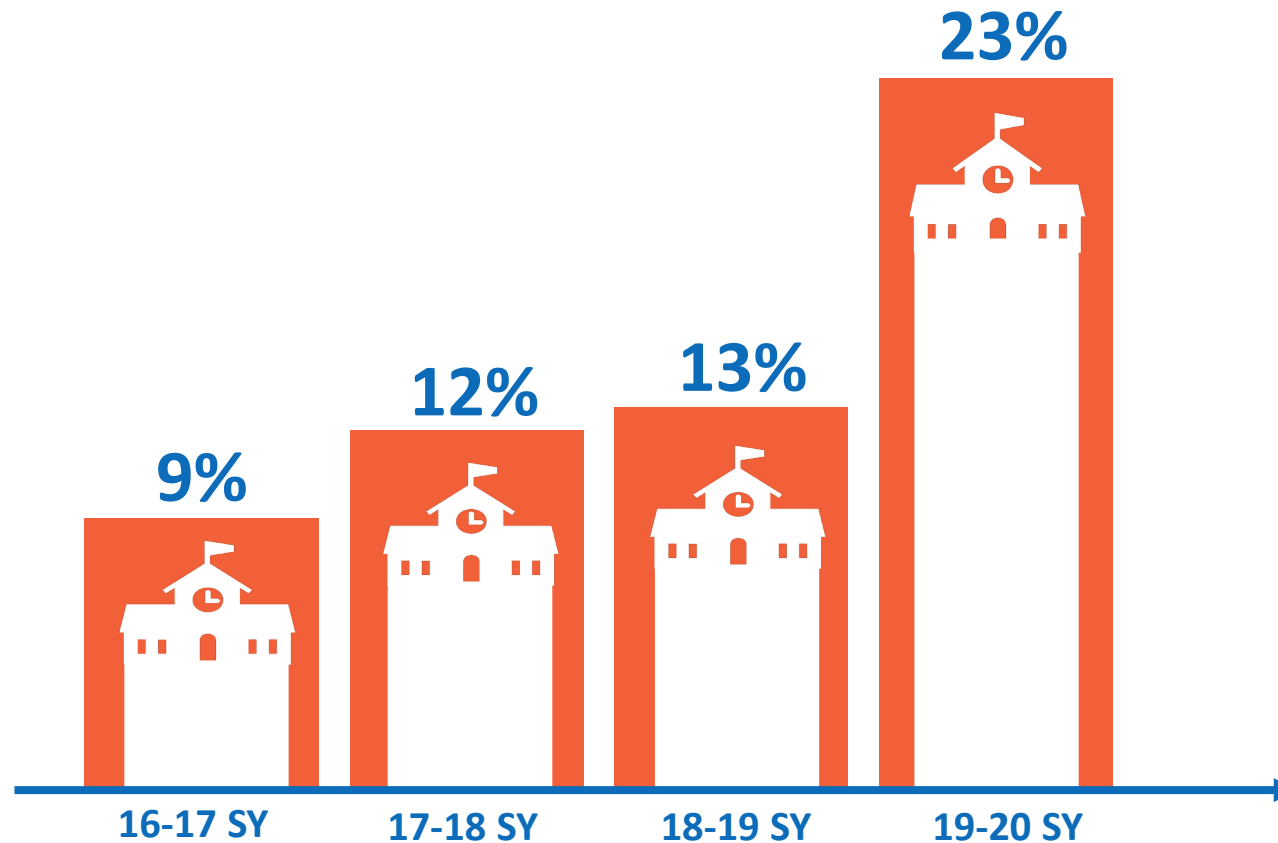
Student enrollment numbers from 2017-18. [https://nces.ed.gov/programs/digest/d18/tables/dt18\\_204.70.asp](https://nces.ed.gov/programs/digest/d18/tables/dt18_204.70.asp)



TEA has almost **quadrupled** the number of employees supporting our special education students.



# 277 Districts/Charters were monitored in 2019-2020, up from 108 in 2016-2017.



A young child with short dark hair, wearing large black-rimmed glasses and a yellow and blue striped shirt, is sitting on a white carpeted floor. The child is looking slightly to the right of the camera. In the background, there are red bookshelves filled with colorful books. A stack of books is visible on the floor to the right of the child. The overall scene is brightly lit and suggests a library or classroom environment.

# Strategic Plan Update

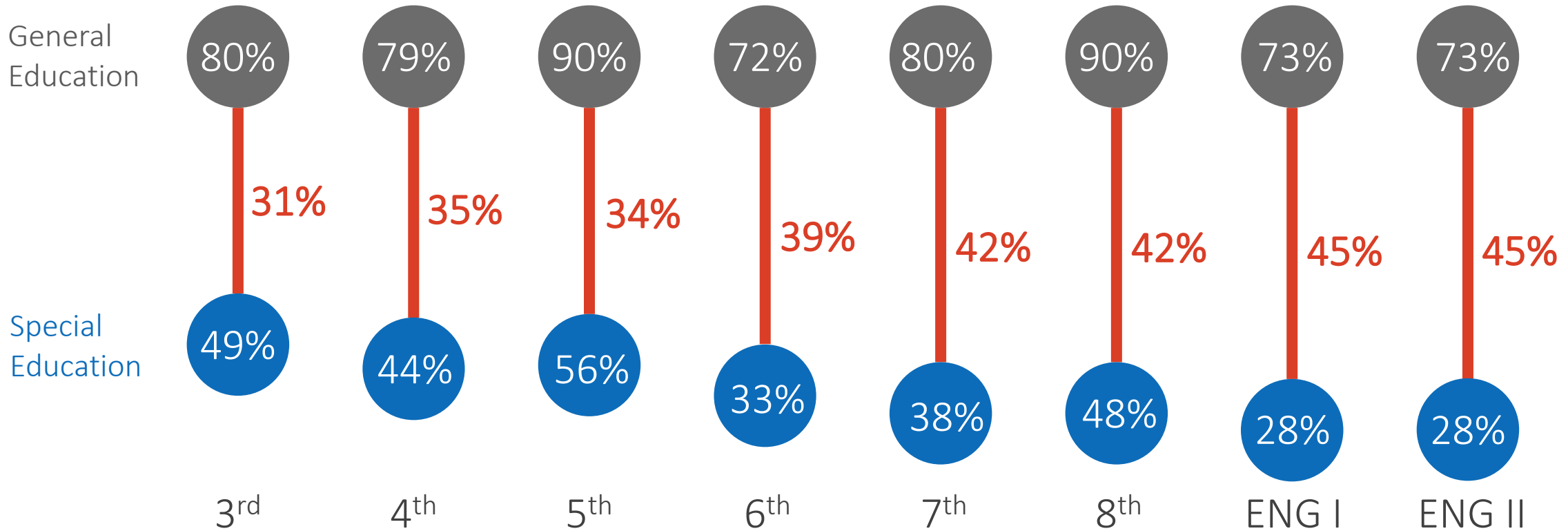


**The federal government required a corrective action plan to ensure compliance with IDEA.**

**TEA developed a strategic plan for special education to focus on improving student outcomes, beyond just improving compliance.**



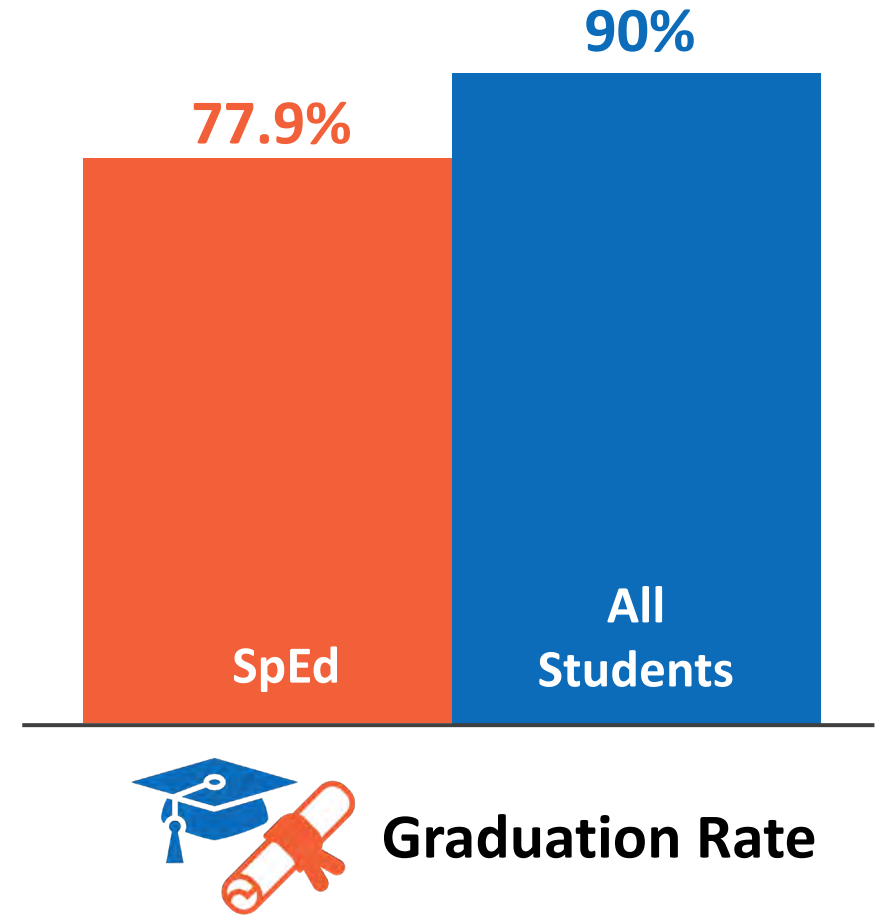
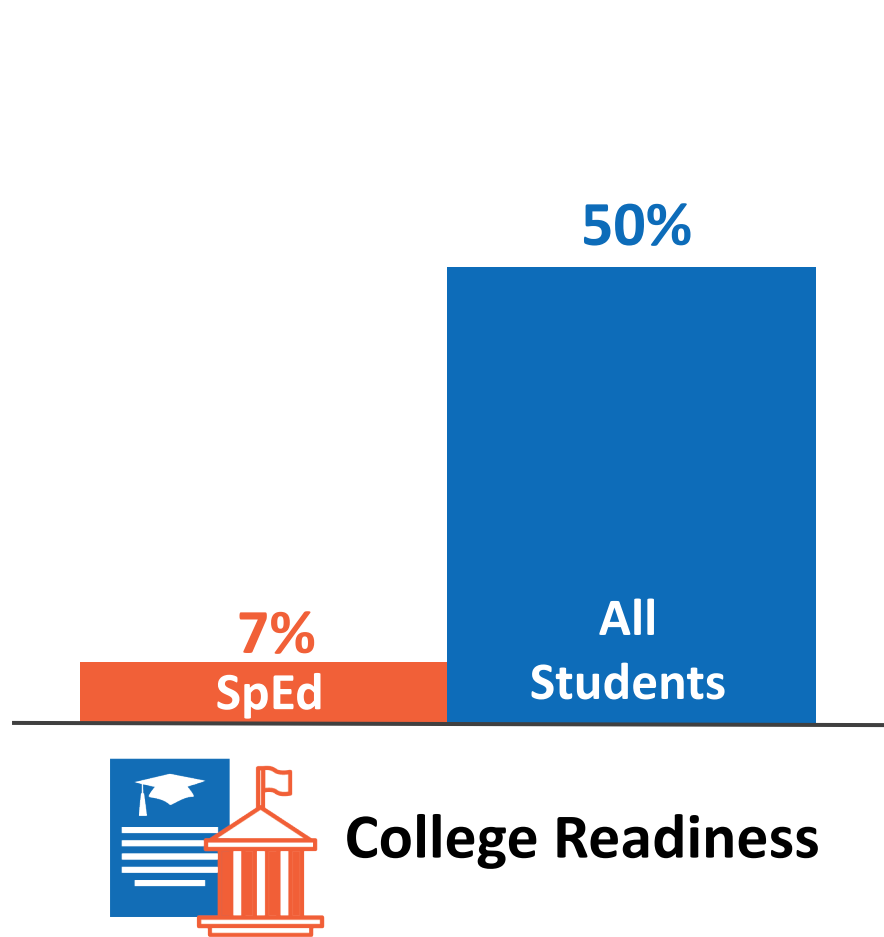
**Gaps** between **special education** and **general education** students grow throughout their schooling.



This chart notes the trend in reading scores, for the percent of students approaching grade level during 2018-2019 SY.



**Students with a Disability** have lower rates of College Readiness and lower graduation rates **than their peers.**



Graduating Class of 2018



# Special Education Strategic Plan



Monitoring



Training,  
Support &  
Development



School, Family,  
and Community  
Engagement



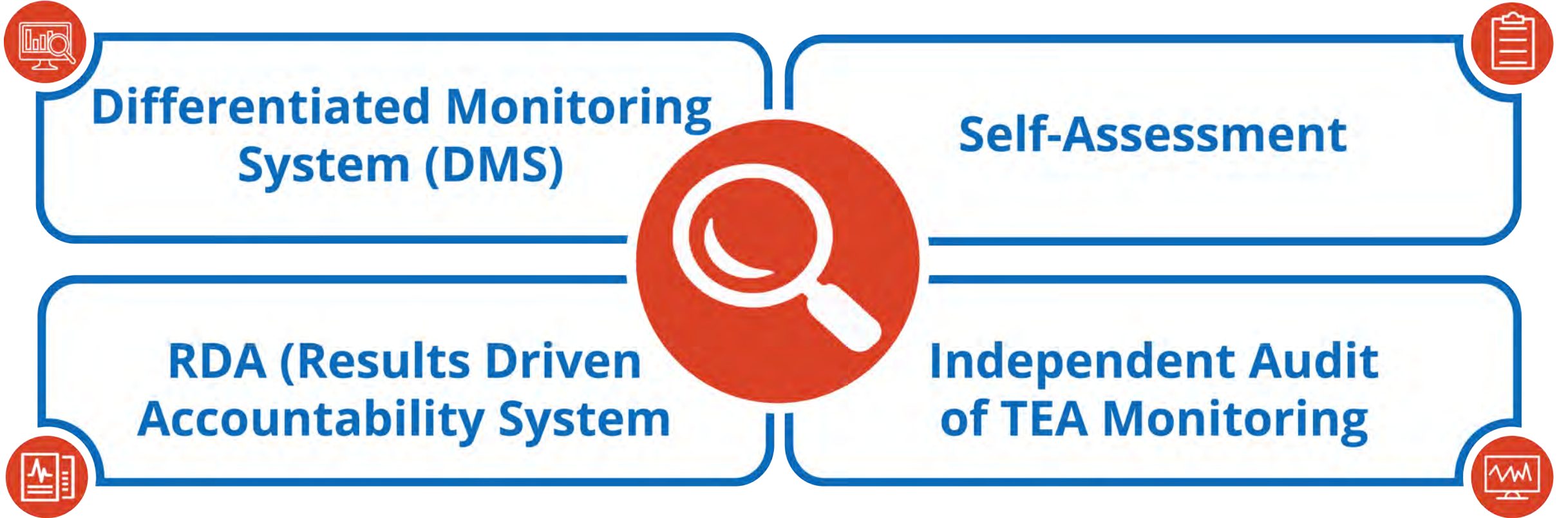
Identification  
& Evaluation



Technical  
Assistance



# Monitoring



Strengthen support and supervision to schools.

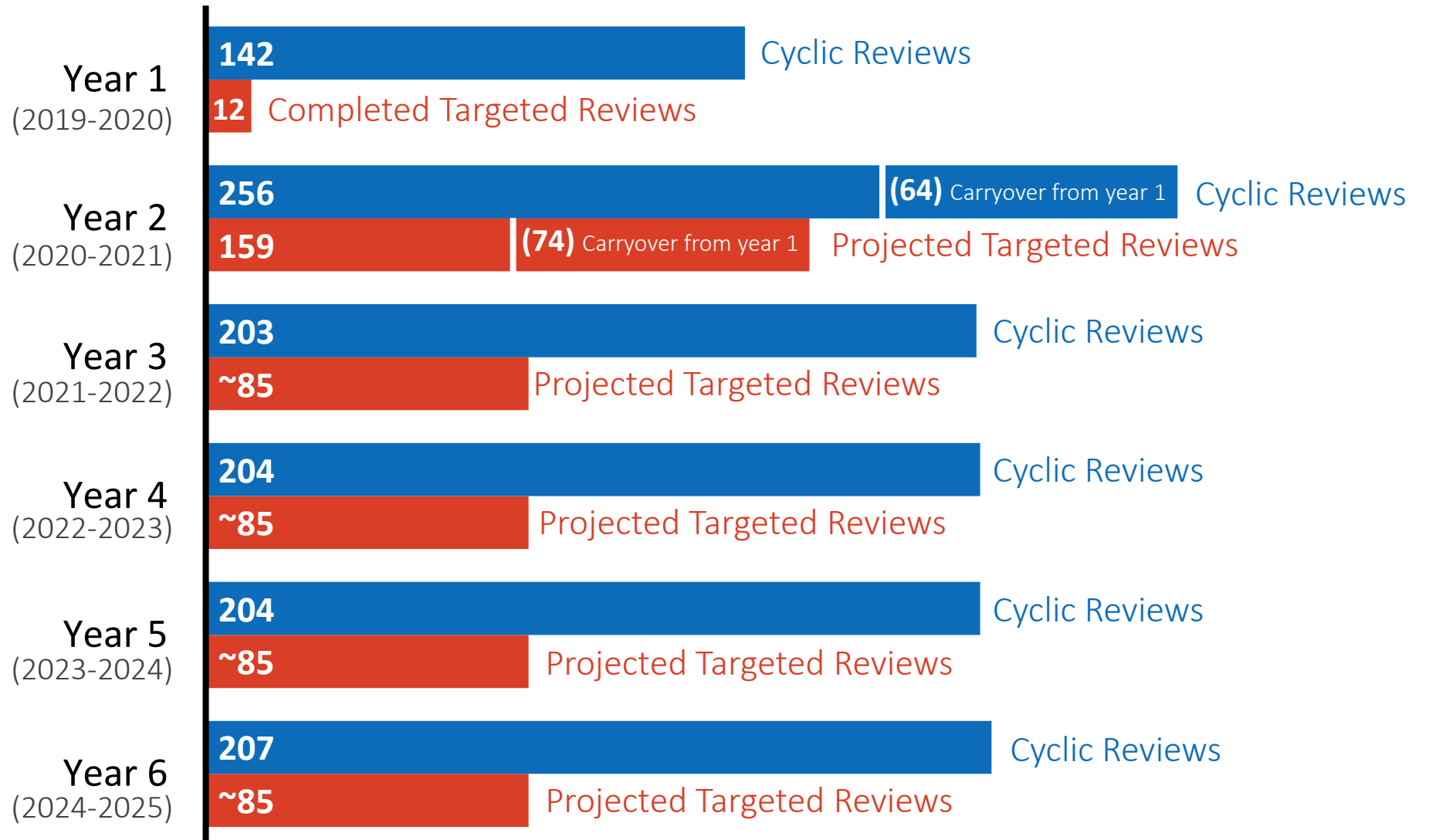




# Monitoring Cyclical and Targeted



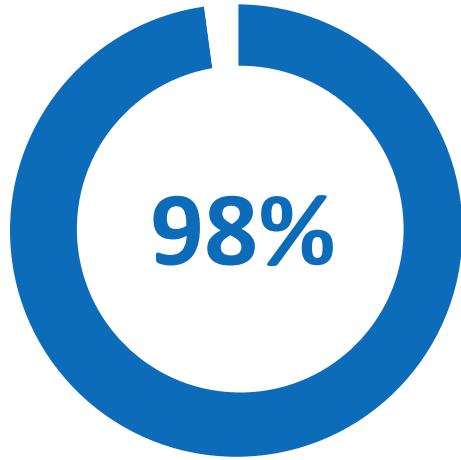
Schools represented in the blue bars would not have been monitored under the prior monitoring system.





## Monitoring

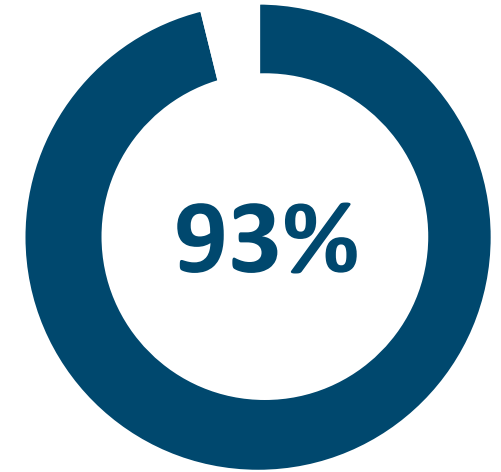
# New Monitoring Process - Post Pilot Feedback



Of participants were **very satisfied or satisfied** with their experience.



Of participants stated the new monitoring process would **improve outcomes** for students with disabilities.



Of participants stated the new self-assessment was **user-friendly**.

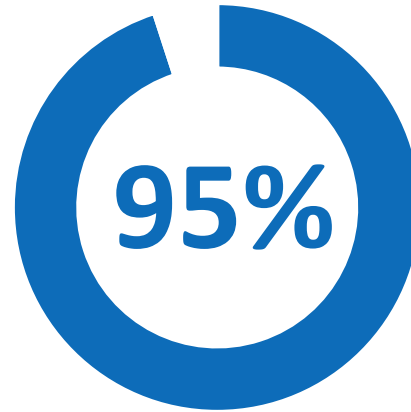




## Monitoring

# New Monitoring Process - Post Pilot Feedback

Stated TEA R&S Staff was knowledgeable concerning the monitoring process



Stated TEA R&S Staff was knowledgeable about special education rules and regulations

// This is a huge change. They **worked as partners** rather than setting themselves up in a combative position. We would **welcome them back anytime**...in my 25 years working in low SES districts and being through a variety of monitoring visits, this is the first one that felt like a **partnership**. //





# Training, Support & Development



Improve practice of teachers, principals, and systems to support students with special needs.

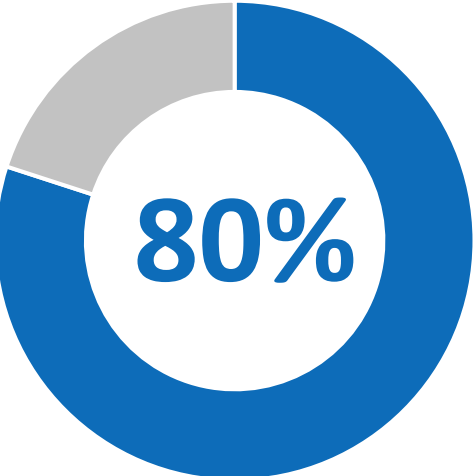


# All Teachers Need Specialized Training in Special Education



Under Development

Most students receiving  
special education  
services are spending



or more of their  
academic day in the  
**general education setting.**





### Technical Assistance Networks

Child Find,  
Evaluation, ARD  
Supports

Inclusion  
in  
Texas

Texas  
Statewide  
Leadership for  
Autism Training  
(TSLAT)

Tiered  
Interventions  
using Evidence-  
based Research  
(TIER)

Texas Complex  
Access Network  
(Texas CAN)

Texas  
Sensory Support  
Network  
(TxSSN)

Small  
and Rural Schools  
Network  
(SRSN)

Student-  
Centered  
Transitions  
Network  
(SCTN)

Multiple  
Exceptionalities  
and  
Multiple Needs  
(MEMN)





# Training, Support & Development

## Technical Assistance Resources

### COVID-19 Support: Special Education



During the ongoing COVID-19 pandemic, TEA has made a concerted effort to provide the support with the services required by our students. We have created a dedicated website and resources to help you navigate the challenges of this time. The goal is to provide you with the information you need to ensure a successful transition to remote learning. For more information, visit <https://www.tea.texas.gov/COVID-19>. The most up-to-date information is available on our website.

#### Resources and Information for Students with Disabilities

- 19,26,21 Students with Disabilities Planning Supports Guidebook (PDF) August 7, 2020
- 19,26,21 Special Education (SAE) (PDF) August 27, 2020
- SHARES CARES Act Provider Relief Fund Application (Deadline to start the application is Monday, Aug 27<sup>th</sup> 12:00 AM EDT)
- For questions, email: [SpecialEducation@tea.texas.gov](mailto:SpecialEducation@tea.texas.gov)



## COVID Resources Website



TEA Guidance: Compensatory Services – Summer of 2020

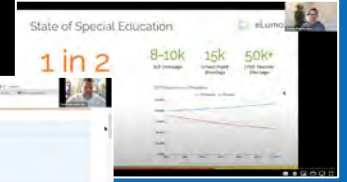


ARD Guidance and Contingency Plans During Remote Learning – Summer of 2020

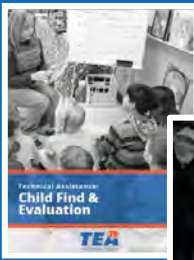


Progress Monitoring During Remote Learning

## COVID Specific Training Videos



## SPED Directors Webinars



## Technical Assistance Guides

**SOCIAL/COMMUNICATION**

**Fostering Friendships: Creating Meaningful Relationships for Students with ASD**

This "mini-course" has curated interview answers from Erik Carter, Ph.D., on the subject of friendships, school and social relationships, and belonging for students with Autism Spectrum Disorder.

Approx. 30 minutes to complete  
0.5 CE credits

**ACADEMIC SUCCESS**

**Literacy Instruction for Students with Autism Spectrum Disorder**

In this course, you will first develop an understanding of the literacy needs of individuals with ASD as the foundation for framing their instruction. Using video examples, we will then share specific strategies for engaging individuals with ASD in increasing complex text and academic content, and supporting students in applying literacy skills to their social experiences.

Approx. 8 hours to complete  
8 CE credits

## Online Training Courses

**Coaching Guide**  
Quality & Rigor Rubric

To Guide Development of Present Levels of Academic Achievement and Functional Performance (PLAAFP), Goals/Objectives and Progress Monitoring Methods of the Individualized Education Program(s)

"The more reflective you are, the more effective you are."  
- Hail & Simera

Goals of Coaching:

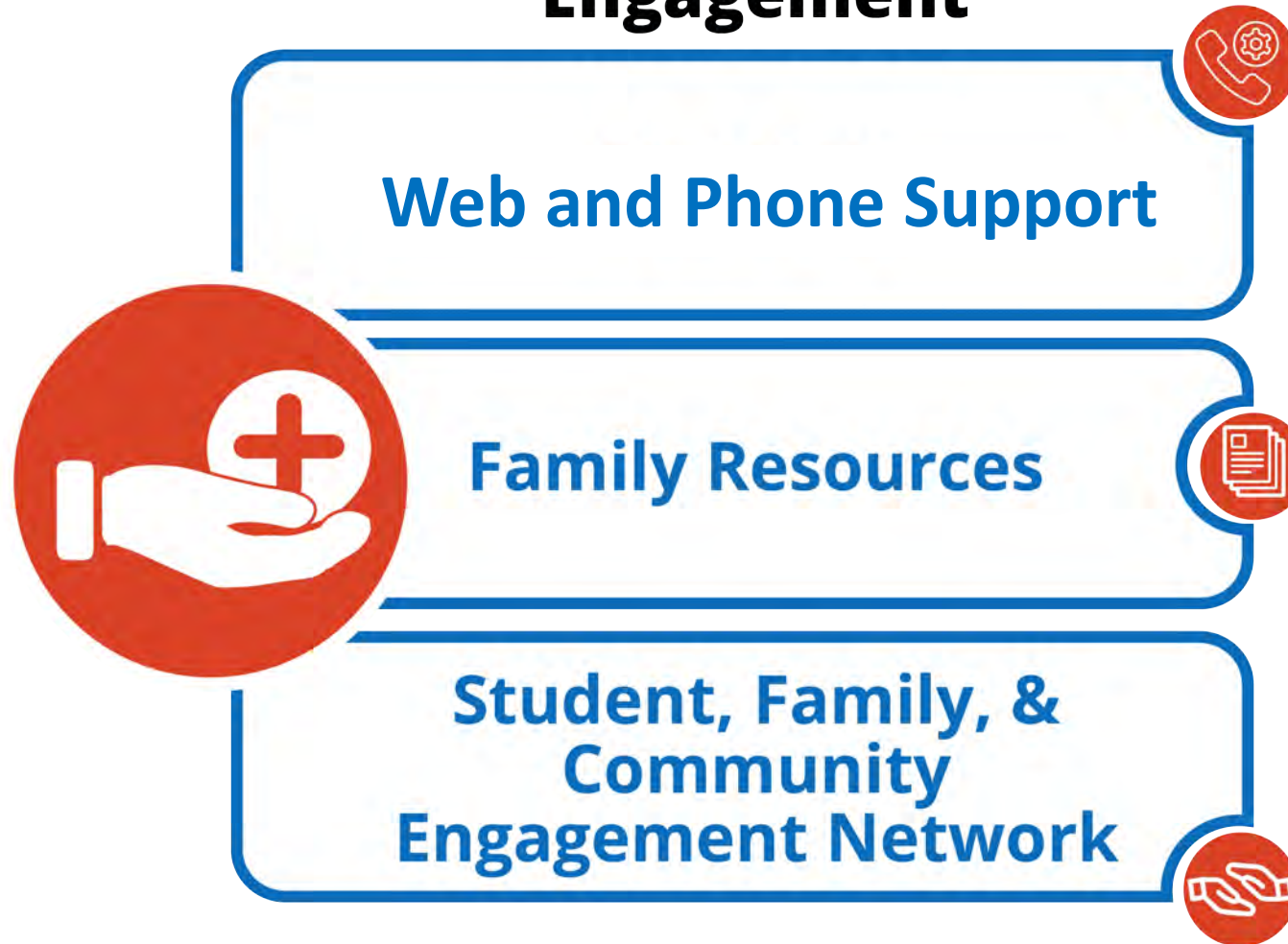
- improve teaching practice, with a particular emphasis on increasing the use of practices shown to be highly effective, including evidence-based practices (Ingrin, 2009; Kretlow & Bartholomew, 2010; Neuhoff & Koper, 2005; Stryker et al., 2015).
- improve learner academic and behavioral outcomes through improved teaching practices (Kretlow & Bartholomew, 2010; Neuhoff & Koper, 2005; Stryker et al., 2015).

"When teachers stop learning, so do students"  
- Jim Knight

## Coaching Guides



# Student & Family Engagement



Ensure families are knowledgeable and able to engage in the educational decisions for their children.



# School, Family, and Community Engagement

## Web & Phone Support for Stakeholders:

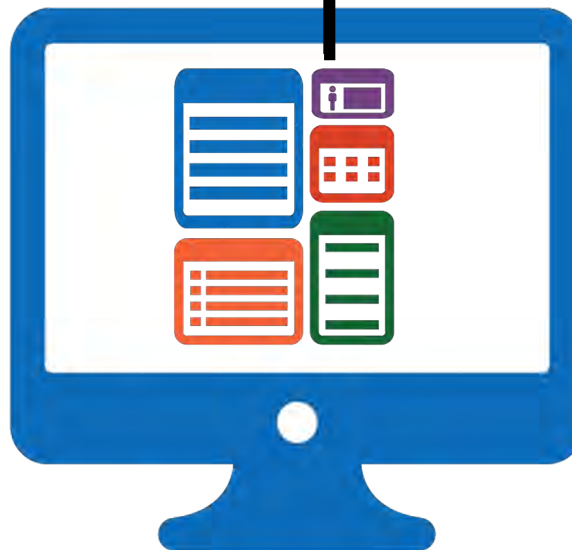
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Phone Support



Chat Support



## Portal for Stakeholders:

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Personalized Profile



Calendar of All Stakeholder Events



Mini Trainings



Resources



Information on Focus Groups and Committees





# School, Family, and Community Engagement

## Types of Family Resources

### Sample Documents/One-Pagers:

**Q & A on Special Education in Texas**

**Q** 4. What happens during an evaluation?

If you give your consent for an initial evaluation, the school will conduct an evaluation of your child in all areas of suspected disability to determine if your child has a disability and his or her educational needs. The evaluation process for your child must:

- Include information about your child's academic, developmental, and functional performance.
- Be administered by trained and knowledgeable personnel;
- Be administered in your child's native language or other mode of communication;
- Be unbiased or given in such a way as to not discriminate against your child, regardless of his or her cultural background, race, or disability.

Evaluation is intended to answer these questions:

- Does your child have a disability that requires the provision of special education and related services?
- What are your child's specific educational needs?
- What special education services and related services are appropriate for addressing those needs?

**Q** 5. What happens after an evaluation?

After the evaluation is completed, a meeting will be scheduled to review the results and determine eligibility for special education. Your child's evaluation results are reviewed by you, as a parent, and a group of qualified professionals who are part of what in Texas is called the Admission, Review, and Dismissal (ARD) committee.

**WHO IS IN THE ARD MEETING?**

General Education Teacher, Parent, Administrator, IAD Facilitator, Transition Specialist, ESL Teacher and LPAC (Language Proficiency Assessment Committee) Representative, Student, Special Education Teacher, Diagnostician, Related Service Personnel: Speech Therapist, Occupational Therapist, Nurse

To determine whether a child qualifies for special education services, the ARD committee must answer two questions:

(1) Does the child meet the criteria for at least one of thirteen disabilities?

(2) As a result of the disability, does the child have a need for special education and related services?

These questions are answered using the evaluation results and input from committee members. If parents do not agree with the findings of the evaluation, parents may request that an independent educational evaluation (IEE) be conducted at the school district's expense or seek a second opinion at their own expense. Note that a school district might disagree with the need for an IEE at school district expense and may seek a due process hearing to determine if in fact the district must pay for an IEE.

For more information, visit: <https://www.tea.state.tx.us/speced/faq/node/156>

4 | Page

Question and Answer Document

**What are Multi-Tiered Systems of Support (MTSS)?**

Multi-Tiered Systems of Support (MTSS) focus on best intervention practices within the areas of academics, behavior, and social/emotional supports for the whole child. The TEA uses the term MTSS, and will continue to help districts transition to using this term, as opposed to Response to Intervention (RtI). RtI is a term you may continue to hear to describe academic supports under the larger umbrella of MTSS.

**Definition of Multi-Tiered Systems of Support**

The US Department of Education, Office of Special Education Programs describes MTSS as a "schoolwide approach that addresses the needs of all students, including struggling learners and students with disabilities, and integrates assessment and intervention within a multi-level instructional and behavioral systems to maximize student achievement and reduce problem behaviors." (USDOE, 2015)

In other words, MTSS is an approach that many schools use to organize and provide targeted interventions to students who are struggling to make academic and/or behavioral progress. MTSS focuses on the "whole child," by supporting academic growth and achievement as well as areas such as behavior, social and emotional needs, and attendance.

**Tiers of Support**

The Texas Education Agency defines MTSS as a 3-tiered model of support that includes universal (Tier 1), targeted (Tier 2), and intensive (Tier 3) levels of support. This framework has hierarchical tiers of instruction and interventions available to every student within the school, including those with disabilities.

- The tiers are layered so that the first layer of universal supports is supplemented with added interventions that increase in duration and frequency through targeted and intensive tiers of instruction as needed.
- Movement within tiers is fluid, not static, and is determined through a data-based decision-making process.
- Tiers are based on the instruction and support provided, not categories or groups of students. They are not pre-established based on specific programs or environments, disability categories, or related services. As students respond positively to instruction and intervention, the intensity of the intervention will be gradually and carefully faded.
- The MTSS framework can provide immediate academic and/or behavioral supports for students within general education, in addition to quickly identify students who may need to be referred for a 504 evaluation or, if needed, a Full and Individual Initial Educational Evaluation (FIE) for special education consideration.

Diagram: A circular diagram with "WHOLE CHILD" in the center, surrounded by Social Needs, Emotional Needs, Behavior, Academic Growth & Achievement, and Attendance.

Diagram: A pyramid showing TIER 3 Intensive Supports, TIER 2 Targeted Supports, and TIER 1 Universal Supports.

2 | Page

Common Definitions Document

**Dyslexia And Dyslexia-Related Conditions In Texas**

**FACT** 2. All Kindergarten and 1st grade students in Texas are screened for dyslexia.

**EXPLANATION** As part of Texas' dyslexia legislation (TEC 388.003) all kindergarten and 1st grade students must be screened for dyslexia. The screening allows schools to know which students are at risk for dyslexia so that a plan for intervention can be made early. Research has shown that early intervention for children with or at risk for dyslexia and other reading issues results in improved outcomes and the best hope for prevention of long term deficits.

**DID YOU KNOW?**

1 in 5 people are thought to be affected by dyslexia... (Source: Dyslexia Research Institute)

However, 1 in every 20 people with dyslexia are identified. (Source: Dyslexia Research Institute)

**Make sure your child has been screened for dyslexia.**

3. Dyslexia, dysgraphia, and dyscalculia are conditions that could qualify a child as a student with a specific learning disability under the Individuals with Disabilities Education Act (IDEA).

IDEA recognizes eight areas in which a student may have trouble with a specific learning disability (SLD):

1. Basic reading skills
2. Reading fluency
3. Oral expression
4. Listening comprehension
5. Written expression
6. Reading comprehension
7. Mathematics calculation
8. Mathematics problem-solving

These are not specific conditions; rather they describe areas where the student does not achieve adequately for his or her age or meet state-approved grade level standards.

3 | Page

Overview Document

**IEP vs. Section 504 Plan**

**IEP** To be eligible for an IEP, there are two requirements through a full and individual initial evaluation (FIE):

1. A child must have one of the thirteen disabilities identified in the IDEA.
2. The disability impacts the child's educational performance and/or ability to learn and benefit from the general education curriculum. This educational impact requires the need for special education and related services to make progress in school.

**WHO IS ELIGIBLE?**

**Section 504 Plan** To be eligible for a Section 504 plan, there are two requirements through a Section 504 evaluation:

1. A child must be determined to have a physical or mental impairment.
2. Under Section 504, a disability must substantially limit one or more life activities.

Note: Through this process, it should not be assumed that a student's academic success means that the student is not substantially limited in a major life activity and, therefore, is not a person with a disability. A student may not require aids or services, but they are still protected by Section 504. For more information, please see the Office for Civil Rights' Q & A on the ADA.

**WHAT DOES THE EVALUATION PROCESS INCLUDE?**

The parent must consent, in writing, to an evaluation before the school can evaluate the child. The evaluation must include a variety of assessment tools and strategies to gather relevant information about the child.

Helpful information about the special education timeline:

Schools must, no later than the 15th school day after the date the request for an FIE is received, provide the parent with notice of its proposal or refusal to conduct an evaluation.

Additionally, schools must complete the evaluation no later than the 45th school day following the date on which the district received consent for the evaluation from the parent.

Finally, the ARD committee must determine eligibility no later than the 30th school day from the date of the evaluation.

It is recommended, but not required, that the parent consent to evaluations. General accommodations for needs can be requested based on existing information, although an evaluation must be conducted to verify and confirm disability and need for development of a Section 504 plan.

The evaluation must consider a variety of sources, including:

- Aptitude and achievement tests (rather than reflecting the student's impaired sensory, manual, or speaking skills)
- Teacher recommendations
- Physical condition
- Social or cultural background
- Adaptive behavior

4 | Page

Comparison Document





## Senate Committee on Education Interim Hearing Nov 13, 2020

### Interim Charge:

Special Education: Evaluate ongoing strategies to continuously improve special education services for students in public schools, including methods for educating students in a remote setting, as well as the Texas Education Agency's corrective action plan.

### Statement:

The Texas Council of Administrators of Special Education (TCASE) greatly appreciates the work of the committee during the 86<sup>th</sup> legislative session to improve special education services in our public schools. The COVID-19 pandemic has handed us an incredible amount of challenges, some of them almost insurmountable. However, it has also given power to the statewide conversation of the need to provide education resources to *all* students, including students with disabilities.

### Strategies to improve special education services in public schools, including in remote settings:

- 1) Prioritize funding reform of the state's special education allotment. The Special Education Allotment Advisory Committee, formed out of HB 3, has completed its report on recommendations to improve the state's financial commitments to students with disabilities. <https://tea.texas.gov/sites/default/files/2020-SPED-Allotment-Advisory-Committee-Report-R2.pdf>. We must move forward with the state's promise to move toward a funding system that will improve outcomes for students with disabilities. To do that, this committee has the opportunity to lead the way in exploring a funding structure that focuses on a student's needs rather than instructional arrangement. Ultimately, we hope that the committee will explore the true costs of the various types of services provided to students in public schools when determining state allotment amounts.
- 2) Ensure that any federal or state stimulus funds are invested and expended appropriately. While any investment of funds in the education of students with disabilities is critical, we ask this committee to help ensure that CARES Act and any subsequent state or federal relief funds are properly invested in programs and activities that will improve student outcomes throughout the state. While we appreciate the targeted outreach to students with disabilities, the state's decisions to invest in programs such as the Amplio speech online platform, the online dyslexia platform that has yet to launch, and the newly announced Supplemental Special Education Services (SSES) program were done with little to no LEA input – especially from LEA special education directors and leaders who have a multitude of needs. The committee, through the extensive knowledge that its members have of their constituent





needs, should help decide where funds are invested in order to benefit the entire state of Texas.

- 3) Invest in qualified personnel. The state must do better in recruiting and retaining qualified special education teaching and evaluation personnel, as well as related service providers such as occupational therapists, physical therapists, orientation and mobility specialists, and licensed specialists in school psychology (LSSP) (not an exhaustive list). This committee values the role that every public school employee has on our children, and we ask that you continue to do so by finding each and every avenue to improve the societal and financial value of special education professionals. The state must reward the knowledge of those who specialize in identifying and serving students with disabilities in public schools.
- 4) Model an inclusive educational philosophy. Public schools must educate ALL students. Students with exceptionalities have no less right to be in a “general” education classroom or setting than any other student. Further, special education is a service, not a place. Our leaders must prioritize a statewide expectation that no student is siloed into a program or setting. Our leaders must also encourage that *individualized* decisions must be made for each student with a disability and that the least restrictive environment required by law will look different for each student. To do that, this committee should expect every staff member in the public school setting to understand and demonstrate best practices for educating students with disabilities and other exceptionalities. Training must be improved for all teachers, not just special education teachers. Student outcomes rely heavily on the educators who serve them. We can improve services by enhancing capacity, knowledge, and value.
- 5) Encourage parent and LEA partnerships. The national health crisis has enhanced the need for partnerships among LEAs, parents, TEA, and the state legislature. We thank this committee for being objective in its deliberations and decision-making while considering all stakeholders. The committee should encourage policies that embrace partnership among all stakeholders. Further, the committee should analyze the authority that it wishes its state education agency to have. The TEA can only extend the authority that it is given statutorily. If there are state expectations that the agency must follow, such as expectations related to dyslexia identification and service provision, the committee must be the leader in establishing those expectations.

### **TEA's Corrective Action Plan**

TCASE greatly appreciates the work that the TEA has done to improve its capacity to provide technical assistance, both in terms of its response to the corrective action plan as well as during the pandemic. However, there is still much work to be done, and state leaders must determine our state's non-



negotiables. This will require both a financial commitment at the state level and a statewide prioritization on improving the outcomes of students with disabilities.

**Closing Remarks**

The mission of TCASE is to inspire and empower special education professionals. TCASE stands ready to lead the transformation of education for students with disabilities in Texas.

For more information, please contact Kristin McGuire, Director of Governmental Relations, at 512-694-2627, or [kristin@tcase.org](mailto:kristin@tcase.org).

**86<sup>th</sup> Legislature  
Texas Senate  
Education Committee  
Interim Hearing  
Statement by Disability Rights Texas  
November 13, 2020**

**INTERIM CHARGE: SPECIAL EDUCATION**

Evaluate ongoing strategies to continuously improve special education services for students in public schools, including methods for educating students in a remote setting, as well as the Texas Education Agency's corrective action plan.

**RECOMMENDATIONS**

**Amend and update Texas Education Code § 29.001 (Statewide Plan).** Section 29.001 currently outlines key requirements for the special education system for students with disabilities in Texas. It should reflect the priorities of the state to improve special education services and boost outcomes. It should guide further revision and implementation of the state's special education strategic plan.

**Amend and bolster Texas Education Code § 29.023 (Notice of Rights).** Section 29.023 currently requires a one-time flyer to parents about the availability of special education services. It should reflect the state's special education strategic plan goal of better informing and empowering parents. It should support Child Find efforts.

**Amend and adopt new Texas Education Code section to address COVID-19 slide (IEP Supplement).** As introduced, [Senate Bill 89](#) (87<sup>th</sup> Leg.) would add a new section to the Education Code to ensure an individualized review for every student with a disability so that any regression and lost progress during school disruptions because of the pandemic are addressed in a coordinated manner.

**Amend and adopt new Texas Education Code sections to advance reform of the Texas special education finance system.** As enacted, House Bill 3 (86<sup>th</sup> Leg.) created the Special Education Allotment Advisory Committee to study how to improve the state's methods of funding special education services. The [final report](#) of the Advisory Committee includes a range of options for moving forward our special education finance system to better support programs and services for students with disabilities.

**COMMENTS AND ANALYSIS**

**Students with Disabilities Have Suffered During the COVID-19 Pandemic**

The unprecedented closure of the Texas public school system beginning in the spring semester of the 2019-2020 school year dramatically affected students with disabilities. In the 2019-2020 school year, Texas school districts and charter schools provided special education services to 588,829 students with disabilities. According to data reported to the Texas Education Agency (TEA), districts and charters totally lost contact with over 9,400 students with disabilities once campuses closed due to the COVID-19 pandemic. This includes over 2,800 students with learning disabilities. Further, while districts and charters had contact with them, there was no engagement for the majority of time with over 36,500 students with disabilities. This includes over 11,400 students with learning disabilities. While districts and charters were able to engage with them initially, during May, 2020, over 18,300 students with disabilities were lost – there was no further contact or engagement for the remainder of the school year. This includes over 6,200 students with learning disabilities.

Texas Public School Student Engagement In Learning During The Pandemic				
TEA Crisis Code	Crisis Code Description	Student Count – All Students with Disabilities	Student Count – Learning Disabilities	Student Count – Speech Impairment
7B	No Contact For Entire Time Period	9,484	2,814	1,676
7E	Contact But Not Engaged For Majority Of Time Period	36,564	11,462	6,548
7H and 7I	Engaged Before 5/1; Either No Contact 5/1 Thru End Of Year, Or Not Engaged 5/1 Thru End Of Year	18,393	6,204	3,812

Source: Texas Education Agency crisis code data, School Year 2019-2020.

### Texas Education Agency Has Not Yet Fully Corrected Prior Noncompliance in Special Education

TEA created both a [special education corrective action response](#) and a [special education strategic plan](#) in response to a federal investigation and report that identified major violations of the Individuals with Disabilities Education Act in Texas. These documents have been in place for two and a half years, since early 2018. While there has been a gain in the identification rate of students eligible for special education services, there remain challenges in the system and TEA has not fully accomplished and achieved the items listed in both the special education corrective action response and the special education strategic plan.

#### U.S. Department of Education Review Outlining Need for Further Action Under Corrective Action Response

In October, 2020, the U.S. Department of Education’s Office of Special Education Programs (OSEP) sent a [review notification](#) to TEA that it could not determine yet whether the state had accomplished the items listed in the special education corrective action response. The U.S. Department of Education flagged numerous items, summarized here.

#### Introduction of OSEP Review

- While OSEP recognizes that TEA has implemented some actions to address the noncompliance and improve its districts' implementation of IDEA requirements, for the reasons explained below, OSEP cannot determine, in the absence of additional and up-to-date information, whether these actions have been sufficient to fully address the noncompliance identified in OSEP's January 11, 2018 monitoring report. Page 3 of OSEP notification (PDF file).

#### OSEP Finding # 1

- Further, during the on-site visit, TEA did not provide evidence of a timeline for completion of the activities listed above, or evidence that those activities have been sufficient to ensure that parents whose children were not previously evaluated because of the 8.5 percent Indicator were provided with the information they need to obtain an evaluation. Page 5.
- The teacher interviews consisted of a minimum of one special education teacher, one general education teacher, and one related service provider. These LEA personnel explained to OSEP staff that some LEAs were not properly implementing IDEA's child find and FAPE requirements. Page 5.

- However, OSEP does not have sufficient information to determine whether TEA's revised monitoring system has been reasonably designed to address child find, individual evaluation, and FAPE requirements or has otherwise been fully implemented. Page 6.
- Upon review, OSEP has identified a number of concerns with the content of TEA's Dispute Resolution Handbook, TEA's Notice of Procedural Safeguards, and the Parent's Guide to the ARD Process. These documents will require numerous revisions in order for TEA to comply with this CAR item as well as other CAR items referenced below. Page 6.
- Based on information obtained through OSEP's May 2019 on-site monitoring visit to TEA, review of documents provided by TEA, and interviews with TEA personnel, LEA officials, and school personnel, OSEP cannot determine whether TEA has sufficiently addressed the corrective action related to Finding #1 in OSEP's January 11, 2018 monitoring report. Page 7.

*OSEP Finding # 2*

- OSEP reviewed the web sites of the six LEAs it visited to determine whether those web sites contained information about IDEA's child find and FAPE requirements, including information on how to request an initial evaluation, as well as how to request additional services if a child was previously denied a timely evaluation or appropriate services. Only three of the six LEAs posted information related to these areas on their web sites. One of the three LEAs with information posted on its website uploaded the information during OSEP's May 2019 on-site visit. After the visit, OSEP reviewed the websites of 15 additional LEAs to determine whether these LEAs had posted information about IDEA requirements regarding governing child find and FAPE. Six LEAs had posted information about IDEA requirements in these areas on their web sites. Page 9.
- However, based on OSEP's interviews with school personnel, none of the LEAs reported that students who should have been evaluated who were later evaluated and determined eligible were provided additional services and supports to make up for the delay in the child's evaluation and the provision of special education and related services. Page 10.
- Based upon a review of documents, analysis of available data, and interviews with TEA and LEA and school personnel, OSEP cannot determine whether TEA has sufficiently addressed the actions included in its April 23, 2018 CAR submission related to CAR #2. Page 11.

*OSEP Finding # 3*

- Interviews that OSEP conducted with personnel at twelve schools in six LEAs demonstrated that there was continued confusion regarding the interpretation and implementation of the revised Dyslexia Handbook, specifically with regard to evaluation and identification of children with dyslexia who may be identified as needing special education and related services under IDEA. Page 12.
- Several school staff members interviewed by OSEP expressed a need for clearer guidance on dyslexia and IDEA eligibility. TEA administrators acknowledged, at the time of OSEP's May 2019, on-site visit, that additional actions were needed to ensure the revised Dyslexia Handbook guidance is properly implemented in a manner that is consistent with IDEA. Page 13.
- Although TEA revised its Parent's Guide to the ARD Process in July of 2020, as detailed in the Appendix to this letter, in order to satisfy CAR 3.b., TEA must make further revisions to that document to accurately address applicable IDEA requirements. Page 13.
- Based upon the review of documents, analysis of available data, and interviews with TEA and LEA and school personnel, OSEP cannot determine whether TEA has sufficiently addressed the actions included in its April 23, 2018 CAR submission. Page 14.

*OSEP Finding # 4*

- Based upon a review of documents, interviews with TEA, LEA, school personnel, and stakeholder reports, it appears to OSEP that TEA's restructuring included hiring additional staff and developing specific monitoring requirements to review LEAs' implementation of IDEA requirements in 34 C.F.R. §§ 300.111 and 300.101 when struggling learners suspected of having a disability and needing special education and related services under the IDEA are receiving supports through RTI, Section 504, and/or the State's dyslexia program. Page 15.

- While TEA has restructured its oversight to increase capacity and monitoring expertise to help ensure a balanced system of compliance and results-driven accountability monitoring and intervention practices in the State, OSEP cannot determine, without reviewing up-to-date evidence, whether TEA has a fully operational and effective monitoring system. Page 15.

Advocates Review Outlining Need for Further Action Under Special Education Strategic Plan

Disability Rights Texas has reviewed the TEA special education strategic plan and found that while many items in the plan have advanced, there are still important elements in which there has been no progress. The chart below provides our view on the status of the TEA strategic plan for special education.

<u>Plan Section</u>	<u>Strategic Plan Promises</u>	<u>Perspective of Advocates</u>	<u>TEA Information</u>
<b>Training Support &amp; Development</b>	<p><u>Professional Development (# 2):</u> “TEA will create and execute statewide professional development for all educators (all education, special education, and others), structured initially as a training institute for teachers around the state, and which will include ongoing follow up through year-round support and module.”</p> <p><u>Child Find Resource Development (CA: 3.c.):</u> “TEA will release an RFP to create a suite of resources which would describe the differences between RtI, the state dyslexia program (for dyslexia or dyslexia-related needs), Section 504, and the IDEA.”</p> <p><u>Sufficient Special Education Staffing:</u> “TEA will convene a special education personnel forum and will invite the State Board for Educator Certification, the Texas Higher Education Coordinating Board, Colleges of Education from across the state, and professional organizations.”</p> <p><u>Governance:</u> “TEA will explore the</p>	<p><u>Professional Development (# 2):</u> Disappointed that no implementation of training institutes/special education academies to date.</p> <p><u>Child Find Resource Development (CA: 3.c.):</u> There are currently short one-page descriptions of RtI, the state dyslexia program, Section 504, and the IDEA. A need remains for additional parent friendly guides.</p> <p><u>Sufficient Special Education Staffing:</u> A special education personnel forum as envisioned by advocates has not yet been held between TEA, the State Board for Educator Certification, the Texas Higher Education Coordinating Board and Colleges of Education.</p> <p><u>Governance:</u> Training for school boards has not occurred to</p>	<p><u>Sped Academies:</u> Pilot not set to begin until end of March 2021. Launch expected Spring 2023.</p>

<u>Plan Section</u>	<u>Strategic Plan Promises</u>	<u>Perspective of Advocates</u>	<u>TEA Information</u>
	development of training resources for school boards on special education, with a focus on monitoring outcomes and program implementation fidelity.”	date.	
<b>Identification &amp; Evaluation</b>	<p><u>Identification Support:</u>  “TEA will continue to advise districts on the requirements of IDEA regarding the identification of students who are suspected of having a disability.”</p> <p><u>TEA Outreach Campaign:</u>  “TEA will execute a campaign to reach parents more broadly than the targeted outreach noted above and will partner with an external organization to create and execute the campaign.”</p> <p><u>Targeted LEA Outreach to Parents Most Likely Impacted:</u>  “TEA will propose rulemaking to require all school districts to distribute information to families on Child Find, FAPE &amp; IDEA.”</p>	<p><u>Identification Support:</u> In 2020, TEA issued guidance to school districts that we consider flawed and undermining the identification of students with disabilities. While a full and complete study of a child suspected of a disability is proper, if a school has sufficient results that clearly show that a child has a disability and needs special education, they should be allowed to immediately find eligibility. TEA’s position that all evaluation paperwork must be in the student’s folder before a school can qualify him or her for special education is unnecessarily bureaucratic. See IEP FAQ No. 4: <a href="https://tea.texas.gov/sites/default/files/covid/covid19_special_ed_qa_updated_may_7.pdf">https://tea.texas.gov/sites/default/files/covid/covid19_special_ed_qa_updated_may_7.pdf</a></p> <p><u>TEA Outreach Campaign:</u>  TEA launched an RFP to find a vendor for outreach campaign but then abandoned project. No public outreach campaign to date.</p> <p><u>Targeted LEA Outreach to Parents Most Likely Impacted:</u>  Agency has not proposed rulemaking about the distribution of information on Child Find and FAPE.</p>	<p><u>TEA Outreach Campaign (2018):</u>  TEA’s unfulfilled RFP seeking a vendor for the Special Education Outreach Campaign.</p>

<u>Plan Section</u>	<u>Strategic Plan Promises</u>	<u>Perspective of Advocates</u>	<u>TEA Information</u>
	<p><u>Additional Services Guidance:</u> “TEA will develop guidance to school districts and charter schools about the award and provision of compensatory services.”</p> <p><u>Additional Services Note:</u> “For each student who should have been referred for an initial evaluation and was later found eligible for special education and related services, the student's ARD committee must determine whether additional services are required for that student, taking into account the supports and services previously provided.”</p> <p><u>Clarification and Guidance:</u> “TEA will provide clarification on the requirements of Rtl, Section 504, and dyslexia related topics....”</p> <p><u>Dispute Resolution:</u> “TEA will develop and make publicly available easily accessible and understandable brochures regarding available dispute resolution programs.”</p>	<p><u>Additional Services Guidance:</u> Compensatory services guidance document only recently provided and only in the context of COVID. General compensatory guidance document needed.</p> <p><u>Additional Services Note:</u> No public update on students who were excluded from special education services and ultimately identified and provided compensatory services.</p> <p><u>Clarification and Guidance:</u> No clear guidance for parents on difference between Rtl, IDEA and 504</p> <p><u>Dispute Resolution:</u> No update on brochures on dispute resolution programs for parents and families.</p>	
<b>Student and Family Engagement</b>	<p><u>Outreach Campaign to Identify, Locate, and Evaluate (CA: 2.a.):</u> “Outreach campaign is reiterated here to establish the critical importance of ensuring an accessible campaign that clearly informs families and provides actionable steps they</p>	<p><u>Outreach Campaign to Identify, Locate, and Evaluate (CA: 2.a.):</u> No progress to date.</p>	<p><u>Family Resources:</u> Market research completed in 2019.</p>



<u>Plan Section</u>	<u>Strategic Plan Promises</u>	<u>Perspective of Advocates</u>	<u>TEA Information</u>
	<p>could take.”</p> <p><u>Parent Brochures:</u> “TEA will create "user-friendly" definitions, flowcharts, etc. to assist LEAs and parents in understanding Child Find and the process for referral for an initial evaluation.”</p>	<p><u>Parent Brochures:</u> No family friendly guidance exists.</p>	<p><u>Student, Family &amp; Community Engagement Network:</u> Created a conflict resolution infographic for parents and educators. Facilitated 4 focus groups (2 in person, 2 virtual) to gather information regarding trends and needs from parents’ perspective and other stakeholders. Plan to present at least 4 parent training webinars to address concerns gathered from the webinar, deadline not listed.</p>
<b>Monitoring</b>	<p><u>Review &amp; Support Teams (CA: 4.a.):</u> “The Review and Support team will be a new unit housed in the TEA Office of Academics.”</p> <p><u>Review Process Development:</u> “TEA will develop a standardized process for conducting reviews, including development of documentation and reporting templates to be used.”</p> <p><u>Other Related Work:</u> “TEA may propose rule revisions to 19 Texas Administrative Code (TAC) 89.1050 to require LEAs to provide the Dispute Resolution Handbook and explain rights to parents when there is disagreement in the ARD committee.”</p>	<p><u>Review &amp; Support Teams (CA: 4.a.):</u> TEA has restructured and reorganized monitoring review and support teams.</p> <p><u>Review Process Development:</u> Limited information on TEA Monitoring Independent Audit.</p> <p><u>Other Related Work:</u> No rulemaking proposed to require LEAs to provide the Dispute Resolution Handbook to parents and families to date.</p>	<p><u>Differentiated Monitoring System:</u> Completed a special education monitoring pilot initiative in Spring 2019. Implement targeted on-site process beginning in Spring 2020.</p>

<u>Plan Section</u>	<u>Strategic Plan Promises</u>	<u>Perspective of Advocates</u>	<u>TEA Information</u>
<b>Technical Assistance Networks and Structures</b>	<u>Technical Assistance Networks and Structures:</u> "TEA will redesign the statewide networks."	<u>Technical Assistance Networks and Structures:</u> Technical assistance networks need to ensure accurate and helpful guidance is being provided to school districts regarding special education. TEA should confer with stakeholders in light of COVID-19 and assess the need for technical assistance across the state.	<u>Technical Assistance Networks and Structures:</u> TEA awarded grants for the ten networks identified in the strategic plan.

**FOR MORE INFORMATION**

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