

Commission on Special Education Funding

Region 4 Education Service Center:

Invited Testimony

June 27, 2022

Dr. Marina McCormick
Region 4 RDSPD Coordinator



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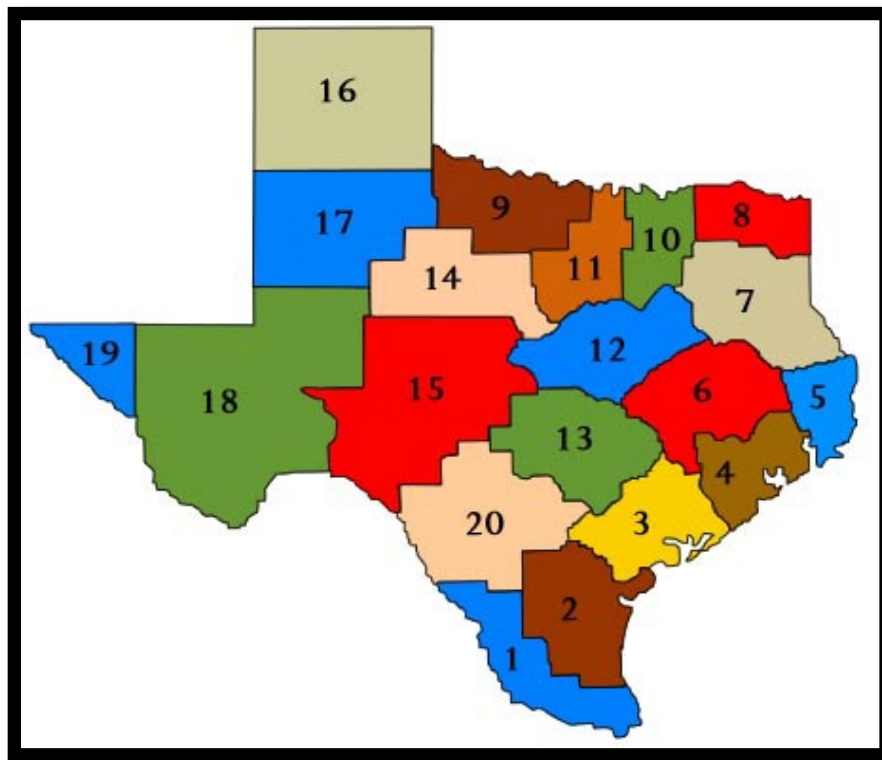
INTRODUCTION

Role of the Texas Education Agency (TEA) and the Regional Education Service Centers (ESCs) Regarding Regional Day School Programs for the Deaf (RDSPDs)

Region 4 Education Service Center (Region 4) is one of 20 regional education service centers (ESCs) established by the Texas Legislature in 1967 to assist school districts and charter schools in improving efficiencies and student performance. Region 4 serves a seven-county area comprised of 47 public school districts and 40 open-enrollment charter schools, representing more than 1.2 million students, 105,000 educators, and 1,500 campuses.

Regional education service centers are non-regulatory, intermediate education units. Texas Education Code, Chapter 8, gives schools the opportunity to voluntarily be served by and participate with a regional education service center. Figure 1.0 illustrates the boundary map of the 20 ESCs.

Figure 1. Texas Regional Education Service Centers Boundary Map



The purpose of regional education service centers as established by the Texas Legislature is to

- assist school districts in improving student performance,
- enable school districts to operate more efficiently and economically, and
- implement initiatives as assigned by the Texas Legislature or Commissioner of Education.

The Provision of RDSPDs

As stated in TEA's (2020) RDSPD and Shared Services Agreement (SSA) Procedures document:

"Texas Education Code (TEC) Chapter 30, Subchapter D requires the Texas Education Agency (TEA) to have a process of providing, on a statewide basis, a suitable education for students who are deaf or hard of hearing. Part of this process involves the establishment of regional day school programs for the deaf (RDSPDs) in each of the state's regions. Under 19 Texas Administrative Code (TAC) §89.1080, all local educational agencies (LEAs) shall have access to RDSPDs. Any student who has a hearing impairment that severely impairs processing linguistic information through hearing, even with recommended amplification, and which adversely affects educational performance shall be eligible for consideration for the RDSPD, subject to the recommendations of the student's admission, review, and dismissal (ARD) committee. See 19 TAC §89.1080.

Texas Education Code §29.007 authorizes LEAs to enter into written contracts to jointly operate their special education programs. These contracts are known as shared services arrangements (SSAs). Many LEAs find that sharing special education services among LEAs enables them to provide services more efficiently and effectively than would be the case if they provided the services individually. In addition to being able to jointly operate their special education programs in a SSA arrangement, LEAs may also enter into SSAs to jointly operate RDSPDs" (p. 2).

All 20 regional educational service centers regularly support 53 RDSPDs across Texas through professional development and technical assistance. Of the 53 RDSPDs, only three have regional educational service centers that act as fiscal agents. This includes Regions 4 (Houston), 13 (Austin), and 15 (San Angelo).

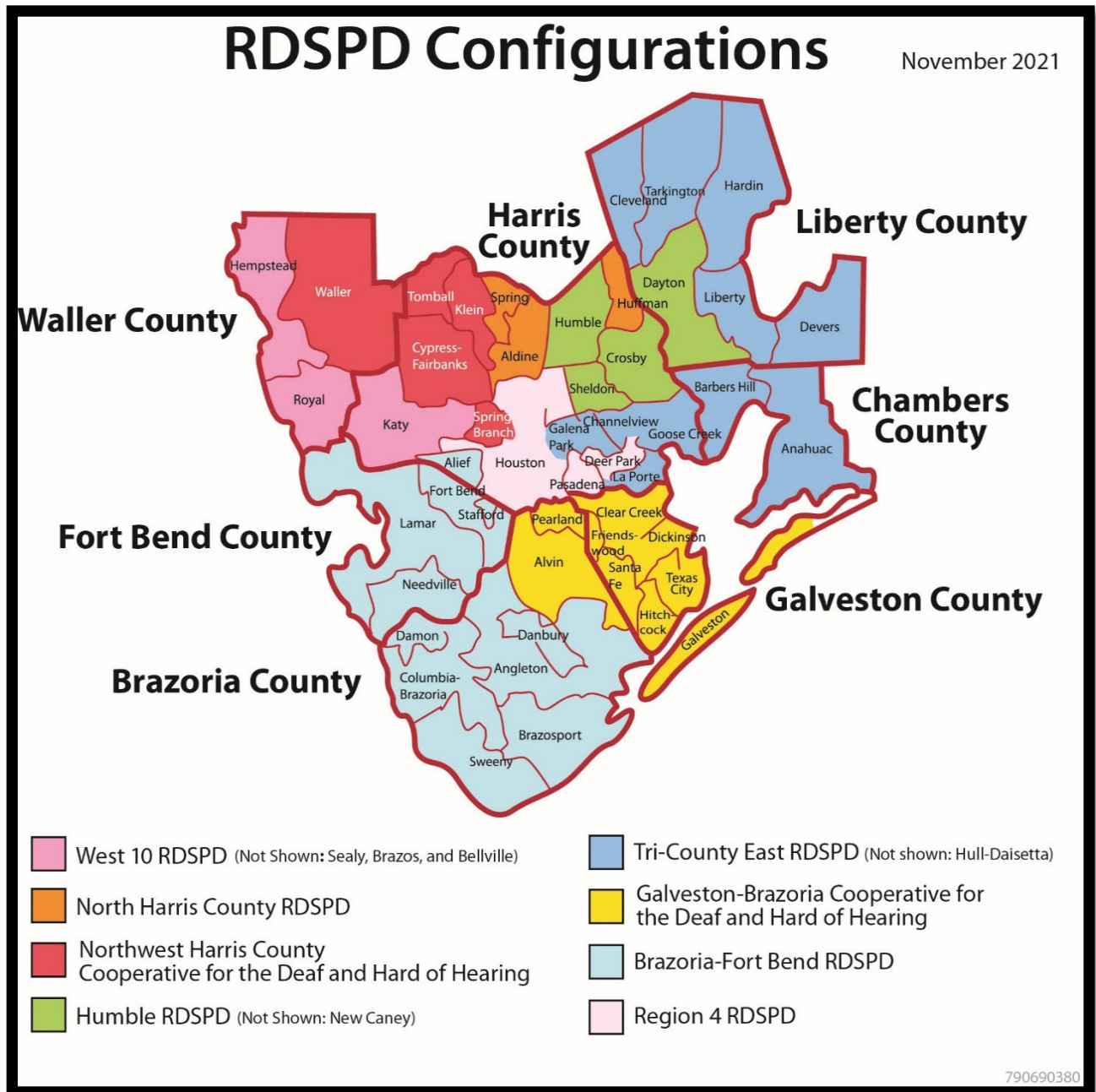
OVERVIEW OF THE REGION 4 RDSPD

The History of the Region 4 RDSPD

In the 2011–2012 school year, Region 4 ESC was approached by TEA to act as fiscal agent of a new RDSPD in the Region 4 area. As fiscal agent of the Region 4 RDSPD, Region 4 ESC was charged with fulfilling the agency's goals at the time of a) reducing the total number of RDSPDs across the state and b) promoting equity in services for students who are deaf, hard of hearing, and deafblind through sound fiscal and program management.

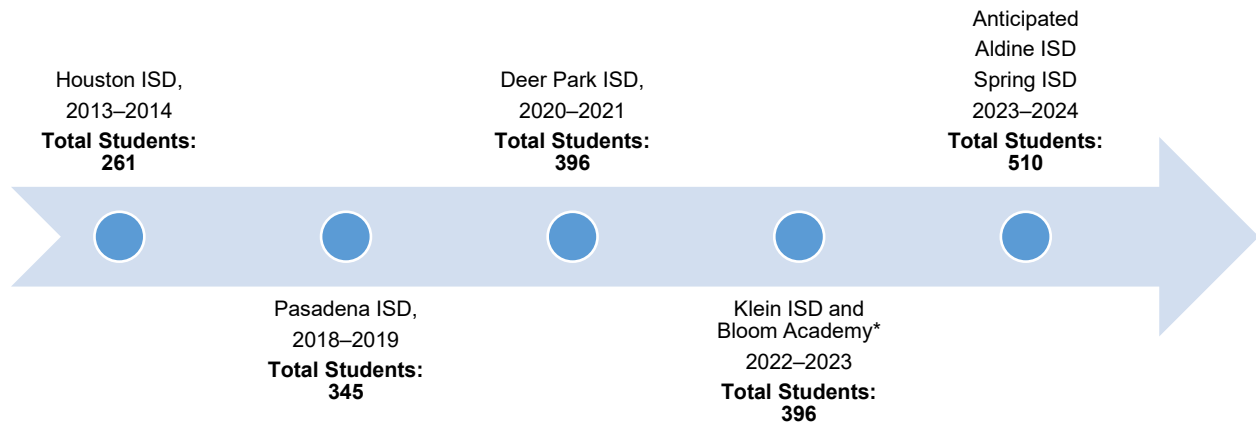
Currently, the Region 4 RDSPD is one of eight RDSPDs in the Region 4 ESC service area, as shown below in Figure 2. The program is one of the largest RDSPDs in the state, directly serving more than 400 students, birth to 22 years old, across three member LEAs: Houston, Pasadena, and Deer Park ISDs. The Region 4 RDSPD also supports five charter schools as non-members: DRAW Academy, Beta Academy, KIPP Public Schools, George I. Sanchez School, and Bloom Academy.

Figure 2. RDSPD Configurations in the Region 4 Service Area



The Region 4 RDSPD program is expanding in the next two years, with Klein ISD and Bloom Academy becoming member local education agencies (LEAs) in 2022–2023 and Aldine and Spring ISDs joining as member LEAs in 2023–2024. Figure 3 demonstrates how Region 4 ESC has consistently met TEA’s requests.

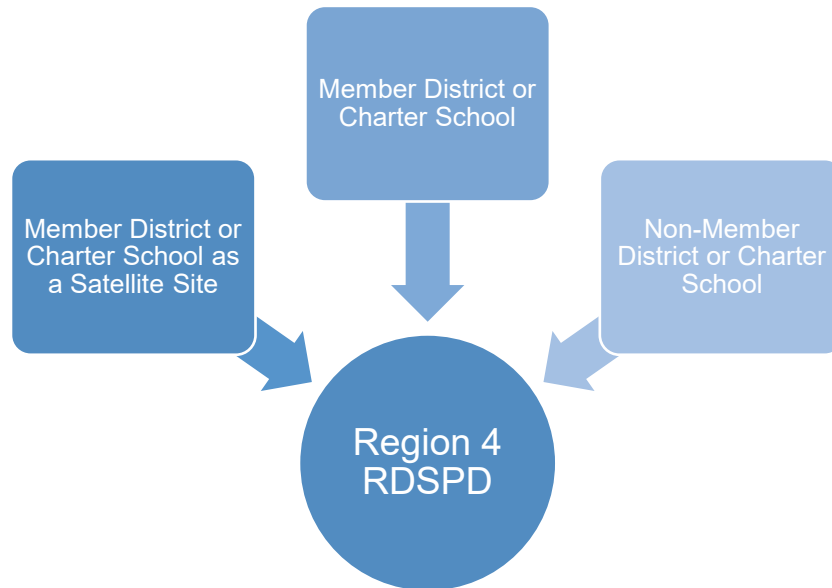
Figure 3. Program Expansion Timeline



*Note. Years highlighted in figure are not consecutive. Due to the pandemic, student enrollment declined in the 2021–2022 school year with only 370 students reported.

Membership and Non-Membership Options in the Region 4 RDSPD

Figure 4. Options for Membership and Non-Membership in the Region 4 RDSPD



There are three ways an LEA can access services from the Region 4 RDSPD, as shown in Figure 4 above. Each option is further defined below.

Member district or charter school as a satellite site: The LEA provides and receives services and supports on behalf of the Region 4 RDSPD. The LEA is charged a per-pupil tuition fee for students served by the program.

Member district or charter school: The LEA receives services and supports from a Region 4 RDSPD satellite site. The LEA is charged a per-pupil tuition fee for students served by the program.

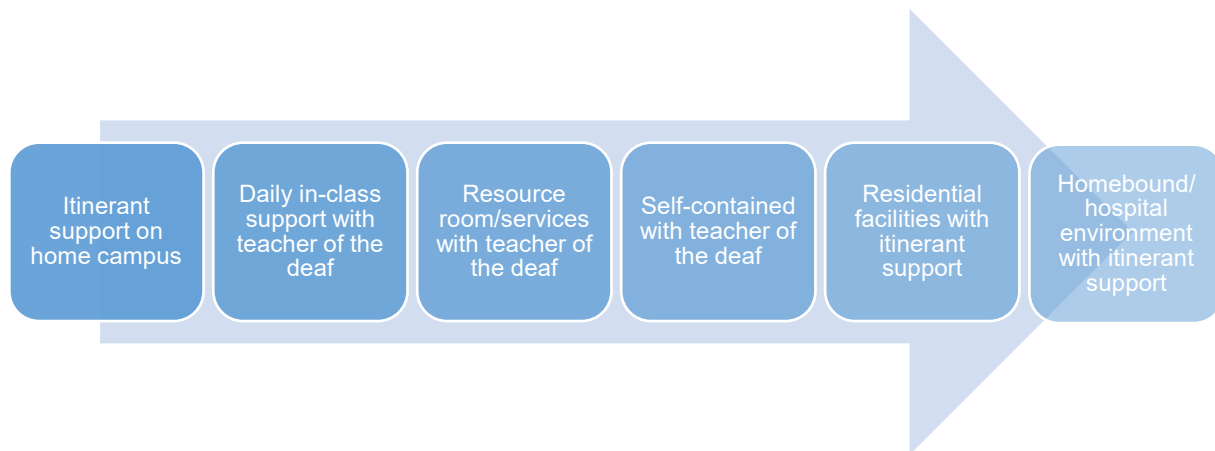
Non-Member district or charter school: The LEA receives specific services and supports from a Region 4 RDSPD satellite site. The LEA is charged for services according to the program's fee schedule, which is established annually by the Management Board.

An LEA must submit a formal written request to the Program Coordinator by August 1 for membership consideration for the following school year. The request is then presented to the Region 4 RDSPD Management Board, reviewed, voted on, and approved or denied. A copy of the fully executed SSA, including any configuration changes, is sent to TEA by June 1.

DESCRIPTION OF REGION 4 RDSPD SERVICES

Instructional Arrangements and Settings

Figure 5. Region 4 RDSPD Instructional Arrangements and Settings from Least to Most Restrictive



Other instructional arrangements and settings include

- Early Childhood Intervention (ECI) (birth to 2 years),
- nonpublic day schools,
- vocational adjustment classes/programs, and
- state-supported living centers.

Early Intervention Services

Families who have infants and toddlers, ages birth to 2 years, with hearing loss can receive Region 4 RDSPD services from a certified teacher of the deaf in their home or in their natural environment. These services are provided under Part C of the Individuals with Disabilities Education Act of 2004 (IDEA-C). The local Early Childhood Intervention (ECI) agency is responsible for coordinating services. A certified teacher of the deaf

who works with parents, infants, and toddlers is referred to as a deaf education parent advisor.

An Individual Family Service Plan (IFSP) is coordinated by the ECI agency. A certified teacher of the deaf must participate at the child's initial and annual IFSP meetings. The teacher also must participate in the IFSP meetings if there will be discussion related to deaf education. The parent advisor provides updates regarding the child's progress and participates in goal setting for the child and family. Services are recommended based on the following six items:

1. Discussions with the family about evaluation and assessment results
2. Parent interviews
3. Information from other sources (e.g., child care providers and medical professionals)
4. Child and family needs
5. Child's participation in family and community activities
6. Family routines and interests

Beyond participating in the annual IFSP meetings, the parent advisor also provides in-home instruction and support for families and their children. Additional support can take the form of ongoing assessment and transition assistance from the home to the school. Parent advisors are unbiased in their approach as they provide families with information regarding all available programs and supports, including communication modalities, for their child with hearing loss.

Currently, the Region 4 RDSPD has three parent advisors employed by Houston and Deer Park ISDs who support families across Houston, Pasadena, and Deer Park ISDs. Beginning July 1, two additional parent advisors will begin serving families in Klein ISD. The program collaborates with four Early Childhood Intervention agencies in the greater Houston area.

Itinerant Services

Students aged 3–22 years can receive itinerant support from a certified teacher of the deaf. The itinerant teacher primarily helps students who are deaf or hard of hearing access the general education curriculum and instruction in the general education setting. Services focus on the student's development in communication and language, listening, literacy, and compensatory skills.

Itinerant teachers for students who are deaf or hard of hearing also support campus administration and their students' teachers through a collaborative partnership. The itinerant teacher can offer training and guidance on how best to include the student who is deaf or hard of hearing in the general education setting. For children in more restrictive placements, the itinerant teacher can offer more specialized assistance to the student's special education teacher, who may be unfamiliar with strategies related to deafness. Campus administrators also benefit from the itinerant teacher's knowledge in relation to a student's social and behavioral needs.

The Region 4 RDSPD has 17 itinerant teachers of the deaf employed by Houston, Pasadena, and Deer Park ISDs who support students across the program's member LEAs and non-member charter schools. Beginning July 1, three itinerant teachers of the deaf employed by Klein ISD will be added to serve the program.

Cluster-Site Services

A cluster site is a campus where resources and staff are consolidated in order to provide services for students who are deaf or hard of hearing. Students who attend a cluster site typically require daily direct services from a certified teacher of the deaf. The site usually is centrally located and offers various instructional settings for students. Such settings include but are not limited to in-class support, co-teachers, resources, and self-contained classrooms. Region 4 RDSPD currently has nine cluster site locations in both Houston and Pasadena ISDs, with cluster site classes available to all eligible Region 4 RDSPD students based upon individual need. In the 2023–2024 school year, the program will expand to 13 cluster site locations with four sites in Aldine ISD.

Specialized Services as Part of the Region 4 RDSPD

The Region 4 RDSPD provides two unique special education services for students who are deaf or hard of hearing with significant additional needs. The program offers a Sensory Team comprised of two teachers of the deafblind and one certified orientation and mobility specialist. While the two teachers of the deafblind are funded by the Region 4 RDSPD, the certified orientation and mobility specialist is funded by Houston ISD. The following services are provided by the Sensory Team:

- Initial evaluations and re-evaluations for special education eligibility and services
- Direct and indirect instructional services
- Professional learning, including coaching and technical assistance
- Community outreach

The Region 4 RDSPD's Sensory Team has been recognized by both the Council for Exceptional Children's Division of Visual Impairments and DeafBlindness and Texas DeafBlind Outreach for being an exemplar model in supporting students who are DeafBlind.

In addition to the Sensory Team, the Region 4 RDSPD hosts a complete vertical feeder pattern (i.e., preschool through grade 12) for students who are deaf or hard of hearing with significant additional needs. Region 4 RDSPD Skills for Learning and Living (i.e., Life Skills) classrooms are provided on two cluster site campuses in Houston ISD. Three teachers of the deaf offer daily intensive instruction focusing on academic, functional, and vocational skills.

Both of these specialized services are available to all member LEAs as part of the Region 4 RDSPD.

REGION 4 RDSPD FUNDING

Region 4's Responsibilities as Fiscal Agent

As stated in the Texas Education Agency's (2020) Regional Day School Program for the Deaf (RDSPD) Shared Services Agreement (SSA) Procedures, "The RDSPD SSA must designate a fiscal agent that will be responsible for conducting specified administrative duties for the RDSPD SSA. The fiscal agent may be a member LEA [Local Education Agency] or an Education Service Center (ESC)" (p. 2).

Region 4 as fiscal agent spearheads the Region 4 RDSPD Management Board and designates a Program Coordinator whose role and responsibilities are both outlined by the program's SSA and by the Management Board. As fiscal agent, Region 4 is responsible for applying for, receiving, collecting, expending, and distributing all funds, regardless of source, in accordance with the budget adopted by the RDSPD Management Board. Region 4 provides accounting services, accounting reports, and other services required by the Region 4 RDSPD SSA.

Region 4 also is responsible for preparing the comprehensive budget for the Region 4 RDSPD SSA. The budget includes the salaries and expenses of member district satellite site personnel who provide services for the Region 4 RDSPD as well as Region 4 RDSPD operating expenses. Region 4 accesses the total state and federal allocations, and as a result, Region 4 prepares and submits any reports or applications required by federal and/or state law. Region 4 also manages the local budget for the program, invoicing member LEAs for their respective local contributions to the program.

Region 4 also may purchase goods and services necessary to administer and operate the Region 4 RDSPD SSA. All nonconsumable instructional materials purchased with Region 4 RDSPD funds are deemed property of Region 4 RDSPD. Finally, Region 4 as fiscal agent may negotiate contracts with outside service providers for special education and related services for students with disabilities served by the Region 4 RDSPD.

Federal and State Grants Related to the RDSPD

According to Texas Education Code §30.087, the "cost of educating students who are deaf or hard of hearing shall be borne by the state and paid from the foundation school fund." Independent school districts and institutes of higher education are encouraged to assist RDSPDs by providing "property or services" for any educational activities for students who are deaf or hard of hearing. Examples of such services include professional development and research.

The following federal and state grants supplement the Region 4 RDSPD budget:

- State Deaf
- IDEA-C Early Childhood Intervention
- IDEA-B Discretionary Deaf

State Deaf

State Deaf funds are attained through student attendance for all students who are eligible for special education services as students who are Deaf and Hard of Hearing (DHH), served by a RDSPD teacher for a minimum of 45 minutes one time per week, and are full-time equivalents (i.e., census-based and attendance-based funding model). Full time attendance would equal one full-time equivalent. Absences reduce the amount of funding (TEA, 2022).

Since the 83rd Legislature Budget Board (2022), State Deaf funding appropriated for RDSPDs across the state has remained steady for the past ten years, as demonstrated by the table below. There was a one percent increase between 2017 and 2018 of \$320,953.

Table 1. 83rd through 86th Legislature Budget Board Appropriations for RDSPDs

Year	Budget
2012	\$33,133,200
2013	\$33,133,200
2014	\$33,133,200
2015	\$33,133,200
2016	\$33,133,200
2017	\$32,897,620
2018	\$33,218,573
2019	\$33,218,573
2020	\$33,218,573
2021	\$33,218,573

Note. Texas Legislative Budget Board. (2014–2021). *State budget by program*. Retrieved on June 13, 2022 from <http://sbp.lbb.state.tx.us/>

According to Texas Education Code §30.087, the Commissioner shall allocate funds to each program (i.e., RDSPD) based on the number of weighted full-time equivalent students served. For the past five years, federal and state grants on average have accounted for 33% of the Region 4 RDSPD’s operating funds with member LEAs’ local contributions accounting for the remaining 67%. Though the Region 4 RDSPD’s student enrollment has increased since the 2018–2019 school year, the total federal and state grant funding received by Region 4 ESC to support the Region 4 RDSPD has only slightly increased, as demonstrated by the table below.

Table 2. Federal and State Funding for Region 4 RDSPD

Year	Amount	Percent of Total Operating Funds	Total Region 4 RDSPD PEIMS Count	Notes
2018	\$2,630,727	36%	345	Pasadena ISD joined the program.
2019	\$2,663,620	33%	334	
2020	\$2,708,949	31%	396	Deer Park ISD joined the program.
2021	\$2,898,903	33%	387	
2022	\$2,928,325	30%	412	Klein ISD and Bloom Academy joined the program.

Note. Region 4 Education Service Center. (2022). *Region 4 RDSPD comprehensive budgets, FY19-FY23*. Houston: Region 4 Education Service Center.

IDEA-C Early Childhood Intervention Grant

Early intervention services are critical for children who are deaf or hard of hearing in order to develop age-appropriate communication, language, listening, and literacy skills. Children who are deaf or hard of hearing who receive early intervention before they are six months old are more likely to be kindergarten-ready than those who receive later intervention (Meinzen-Derr, Wiley, Grove, Altaye, Gaffney, Satterfield-Nash, Folder, Peacock, and Boyle, 2020).

For the past four years, the total IDEA-C Early Childhood Intervention appropriation for 53 RDSPDs was \$85,373 (Texas Legislative Budget Board, 2021). RDSPDs receive approximately \$200 per student, ages birth to 2 years, who are served by a parent advisor (i.e., a teacher of the deaf assigned to work with parents and caregivers and their children, ages birth to 2) and reported in the Texas Public Education Information Management System (PEIMS).

ESC as Fiscal Agent Grant

Historically, the Texas Education Agency (TEA) has extended its support of the Region 4 RDSPD by providing additional funding in the form of the ESC as Fiscal Agent grant. This grant assists Region 4 ESC as fiscal agent by providing for the following:

- Program coordinator’s salary, including benefits
- Secretary’s salary, including benefits

- Educational specialist, including benefits
- Instructional supplies
- Assistive listening devices (ALDs)
- Communication access (e.g., interpreting and captioning)
- Professional development
- Indirect costs (e.g., business office accounting and reporting)

Since the 2017–2018 school year, Region 4 ESC has been awarded \$373,947 each year for its ESC as Fiscal Agent grant.

PEIMS Reporting

Funding calculations are based on the data reported in the Texas Public Education Information Management System (PEIMS). Funding received from federal and/or state grants is considered to be supplemental revenue. PEIMS data must be reported for each student served by the RDSPD.

- The fiscal agent for the RDSPD often is the district where students attend classes. However, in the case of the Region 4 RDSPD, Region 4 Education Service Center serves as the RDSPD fiscal agent. Students attend classes in their home districts or at a Region 4 RDSPD cluster site campus.
- The 10011 and 41163 records are of particular importance to the RDSPD.
 - The 10011 record links SSA member districts to a fiscal agent.
 - The 41163 record details special education eligibility, instructional setting, and related services.

Federal and state funding for a RDSPD is generated when a student receives services from an RDSPD teacher for a minimum of 45 minutes one time per week (TEA, 2021).

Member LEA Local Contributions

Texas Education Code §30.085 states that “local resources shall be used to the fullest practicable extent in the establishment and operation of the regional day school programs for the deaf”. It is important to note that not all RDSPDs calculate their member LEAs’ local contributions in the same way as such calculations are determined by the RDSPD’s SSA. For the Region 4 RDSPD SSA, the process is outlined below. Once the comprehensive budget is established, all costs over and above the amount of state and/or federal funds allocated for the Region 4 RDSPD are divided among the Region 4 RDSPD member districts. Member districts are responsible for these costs, referred to as a shortfall amount. The Region 4 RDSPD’s local budget comprises the shortfall amount.

The budgetary shortfall is then divided by the total number of students receiving RDSPD services in order to calculate a per-pupil tuition rate. Member districts are billed using the per-pupil tuition rate based on the number of students they have individually identified in the October PEIMS Snapshot as receiving RDSPD services. Figure 6 provides the formula used by the Region 4 RDSPD SSA.

Figure 6. Region 4 RDSPD SSA Per Pupil Tuition Formula

- 1) Total comprehensive budget – Total grant funding = Program shortfall
- 2) Program shortfall / Total Region 4 RDSPD student count = Per pupil tuition
- 3) Per pupil tuition x Member LEA’s total number of Region 4 RDSPD students = Member LEA’s local contribution

Local Contributions on the Rise

Region 4 ESC has historically applied the ESC as Fiscal Agent grant as a way to reduce the per pupil tuition for students, thereby reducing the local contributions of its member LEAs.

Member LEA local contributions vary from year to year depending on several factors, including

- total comprehensive program budget,
- total federal and state grant funding received,
- total shortfall amount (i.e., total member LEA local contributions required),
- total Region 4 RDSPD student enrollment,
- annual per-pupil tuition amount, and
- total member LEA Region 4 RDSPD student enrollment.

For smaller member LEAs, especially charter schools, RDSPD local contributions can create a significant financial obligation. Table 3 shows a five-year comparison of federal and state funding received as compared to local contributions made for the Region 4 RDSPD budget.

Table 3. 2018–2023 Federal and State Grant to Local Contribution Comparison for Region 4 RDSPD

School Year	Total Comprehensive Budget	Total Federal and State Grants	Program Shortfall (Local Contributions)	Total Region 4 RDSPD PEIMS Count	Per Pupil Tuition
2018–2019	\$7,256,508	\$2,630,727	\$4,625,781	345	\$13,408
2019–2020	\$7,993,122	\$2,663,620	\$5,329,502	334	\$15,957
2020–2021	\$8,758,554	\$2,726,085	\$6,032,469	396	\$15,234
2021–2022	\$8,611,640	\$2,898,903	\$5,712,737	387	\$14,762
2022–2023	\$9,575,568	\$2,928,325	\$6,647,243	412	\$16,134

Note. Region 4 Education Service Center. (2022). *Region 4 RDSPD comprehensive budgets, FY19-FY23*. Houston: Region 4 Education Service Center.

Member LEAs utilize federal, state, and local funding sources to support all student programming. On average, member LEAs must contribute additional funds to the Region 4 RDSPD to address the 70% budget shortfall for the program. Table 4 shows the 2020–2021 funding source percentages for the Region 4 RDSPD’s five member LEAs. While four member LEAs have flexibility in determining how to pay for their Region 4 RDSPD local contribution, Bloom Academy Charter School’s local contribution to the Region 4 RDSPD must come from state grant funding.

Table 4. 2020–2021 Region 4 RDSPD Member LEAs’ Funding Source Percentages

Member LEA	Member LEA Local Funding Percentage	Member LEA State Funding Percentage	Member LEA Federal Funding Percentage
Houston ISD	86.46%	11.26%	1.49%
Pasadena ISD	33.77%	58.39%	7.13%
Deer Park ISD	81.0%	15.87%	2.19%
Klein ISD	48.79%	48.0%	2.35%
Bloom Academy	0%	71.8%	0%

Note. Texas Education Agency. (2021). *2020–2021 Actual financial data reports*. Retrieved on June 13, 2022 from https://rptsvr1.tea.texas.gov/school.finance/forecasting/financial_reports/2021_FinActRep.html

CONSIDERATIONS

Special Education funding presents both challenges and opportunities. Predictably, solutions have proven to be quite complicated. With that in mind, we respectfully offer the following considerations to equitably enhance RDSPD funding to help LEAs better meet the needs of their students.

Conduct a comprehensive review of various special education funding models to determine next steps.

Currently, Texas uses a census-based and attendance-based funding model to appropriate RDSPD funding. As outlined in the brief, the Region 4 RDSPD serves a wide-range of student needs from early childhood to intensive levels of support for students with significant challenges. While the census-based and attendance-based funding models limit adverse fiscal incentives and are easy to understand, they do not account for significant differences for RDSPDs serving students with higher-cost services. To enhance RDSPD funding, the Legislature may consider evaluating other special education funding models with regards to appropriate fiscal incentives, the transparency and ease of implementation, and the alignment of funds to actual cost of instruction.

Review the state budget's total appropriation for RDSPD programming in order to reduce the per pupil tuition rate for member LEAs to better meet the individual needs of their students.

According to 2021–2022 PEIMS data, 7,129 students have been identified as eligible for special education services as students who are deaf or hard of hearing. RDSPDs serve the majority of these students. Texas Education Code §30.087 indicates that the state shall bear the cost of educating students who are deaf and hard of hearing. The total state appropriation for RDSPD funding has remained steady for the past ten years while local contributions continue to rise. LEAs are responsible for providing special education services and supports for students who are deaf and hard of hearing. RDSPDs were created by the Texas legislature to help leverage all existing financial and instructional resources to assist LEAs in providing these services; however, local contributions are becoming increasingly challenging without additional assistance from the state.

Review the total amount of funding in the state budget for early childhood intervention services for students who are deaf, hard of hearing, and deafblind.

Early childhood intervention is critical for improving outcomes for students who are deaf, hard of hearing, and deafblind. Currently, the Texas Health and Human Services Commission (HHSC) has been appropriated \$147,026,246 for early childhood intervention services, with only \$85,373 appropriated to 53 RDSPDs for such services (Texas Legislative Budget Board, 2021). Consider revising the HHSC budget to appropriate additional federal and state funding to RDSPDs to provide early intervention services in coordination with HHSC.

Review the ESC as Fiscal Agent grant to support the work of providing equitable financial and special education services for member LEAs and their students as part of their respective RDSPDs.

Region 4 ESC is directly responsible for providing financial, instructional, and professional leadership for the Region 4 RDSPD. Unlike an LEA acting as fiscal agent for a RDSPD, Region 4 ESC does not receive funding associated with Average Daily Attendance (ADA). As the program expands in both member LEAs and student enrollment, the need for support for staff, parents, students, and community agencies increases as well. The ESC as Fiscal Agent grant is utilized by Region 4 ESC to employ a Program Coordinator, Educational Specialist, and a Secretary for the Region 4 RDSPD. The grant provides for contracted services, instructional supplies, and assistive technologies for students as well as ongoing professional learning for staff. Even though the program has expanded in the past five years, Region 4 ESC's allocation for the ESC as Fiscal Agent grant from TEA has remained unchanged. In order to ensure equity across all member LEAs per the agency's request, additional resources are needed.

Conduct a review of RDSPD SSA local contribution formulas and consider developing a standard formula for calculating member LEAs' local contributions to be included in every RDSPD's SSA.

In order to promote equity for all member LEAs as part of a RDSPD, it may be beneficial for the state legislature to develop one standard formula for the calculation of member LEAs' local contributions that would be required as part of RDSPD SSAs. In this brief, only the Region 4 RDSPD SSA's member LEA local contribution formula was provided. An examination of all 53 RDSPDs' SSAs would most likely demonstrate the statewide variance in local contribution calculations and would assist the legislature in identifying a more equitable path forward.

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