

July 18, 2018

TO THE ADMINISTRATOR ADDRESSED:

SUBJECT: **ACTION REQUIRED** Special Education Corrective Action Response Requirements and Timelines

This letter provides notice to local education agencies (LEAs) of required actions described in the corrective action response (CAR) TEA submitted to the United States Department of Education (USED) Office of Special Education Programs (OSEP) on April 23, 2018.

TEA recommends that LEA leadership staff who have not already done so, read the CAR as submitted to OSEP. The entire document can be found at the following link:

[April 23rd Corrective Action Response](#)

Of the fifteen essential corrective actions listed in the CAR, the four described here require LEAs to act between now and the end of the calendar year. Through these corrective actions, TEA will ensure that LEAs throughout the state properly implement their IDEA child find and FAPE requirements. They are paraphrased below:

Corrective Action 1.b. – This corrective action requires TEA to ensure that LEAs annually confirm that their local special education policies and practices are in compliance with federal and state requirements.		
LEA Action	Timeline for Completion	Method for Submission
<p>LEAs will be required to submit assurances as part of the process for obtaining their IDEA formula and discretionary funds. These assurances will clearly convey that the LEA’s special education policies, procedures, and programs are consistent with state and federal special education requirements.</p> <p>The Legal Framework for the Child-Centered Special Education Process produced by ESC Region 18, through a grant from TEA, has multiple resources available to assist LEAs that would like to review their local special education policies before submitting these assurances. LEAs may find the Timeline Decision Tree particularly useful when reviewing their child find and evaluation processes.</p>	<p>Summer 2018 and annually thereafter</p>	<p>eGrants assurances page</p>

<p>Corrective Action 2.a. - This corrective action requires TEA to ensure that LEAs annually distribute information to every enrolled student's family regarding the following:</p> <ul style="list-style-type: none"> • child find and FAPE requirements under IDEA • parent and students' rights under IDEA • contact information necessary to request an initial evaluation for a student they suspect of having a disability 		
LEA Action	Timeline for Completion	Method for Submission
LEAs must review the revised Student Handbook Statement and assure that they have provided this revised information to the families of each student in the LEA by including the information in the student handbook or by another means as required in the Texas Education Code.	November 1, 2018, and annually thereafter	Assurance statement certified and submitted through Region 18 Education Service Center (ESC) Legal Framework portal; LEAs will be provided specific directions from their regional ESC by September 1, 2018 for access to and requirements for submission.
<p>Essential Corrective Action 2.c. - This corrective action requires LEAs to collect and retain requests for evaluation data that includes the reason for the request and whether additional services are needed including the timeline for implementation. This information will not be collected by TEA until the summer of 2019 but LEAs are being notified now so that they may put local measures in place to collect the information throughout the 2018-2019 school year.</p>		
LEA Action	Timeline for Completion	Method for Submission
<p>Data required to be collected include the:</p> <ol style="list-style-type: none"> 1. total number of requests for evaluation made during the 2018-2019 school year by either a parent or a public agency beginning on July 1, 2018 through June 30, 2019; 2. total number of requests made in which the reason for request indicates a claim that the child should have been referred for an initial evaluation prior to the 2018-2019 school year; and 3. total number of children found eligible and the Admission Review and Dismissal (ARD) committee determines additional services are needed, taking into consideration supports and services previously provided <ol style="list-style-type: none"> a. subtotal number for types of services to include four (4) categories for reporting; related services, supplementary aids and services, program modifications, and supports for personnel (students may count in multiple categories if identified in the IEP) b. subtotal number for timelines for implementation to include two (2) categories for reporting; up to six (6) months, or more than six (6) months up to one (1) year (students may count in multiple categories if counted in multiple types of services described here.) 	Collection July 1, 2018 – June 30, 2019 and annually thereafter	TEA secure portal - specific information will be provided through additional correspondence from TEA regarding reporting directions to begin June 1, 2019.

Corrective Action 3.c. - This corrective action requires TEA to ensure that all LEAs share resources with the parents of children suspected of having a disability that describe the differences between response to intervention (RtI), the state dyslexia program (for dyslexia or dyslexia-related needs), Section 504, and special education.		
LEA Action	Timeline for Completion	Method for Submission
TEA will provide LEAs with the resources described in this corrective action by September 1, 2018. LEAs will be required to assure that they have shared the resources with the families of all children in the LEA suspected of having a disability.	November 1, 2018 and annually thereafter	Assurance statement will be certified and submitted through Region 18 Education Service Center (ESC) Legal Framework portal. LEAs will be provided specific directions from their regional ESC by September 1, 2018 for access to and requirements for submission.

For questions regarding any of the information contained in this document, please contact TEA's Division of Special Education.

Contact Information

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