

## TEA Plan and Response to the Monitoring Letter (INITIAL DRAFT PROPOSAL)

### TEA Proposed INITIAL DRAFT Plan US Department of Education Corrective Action Plan Request

In the pages below, TEA has outlined its initial thoughts to address the corrective actions required by the U.S. Department of Education. The Agency recognizes that this is a first draft, requiring substantial public comment and feedback. The purpose of the draft plan is to create a framework, from which the public may respond. This response may be to agree, disagree, propose alternatives, etc. As a reminder, this plan is intended to address the corrective actions as they relate to special education.

Please note that this plan assumes the following:

- **Significant Stakeholder Input:** TEA is committed to including significant stakeholder engagement in a meaningful way. This includes special education students, families, educators, advocacy groups, district and school officials, amongst others. This also means that there must be multiple, varied opportunities for stakeholders to provide this feedback. Texas cannot improve special education services in a way that students with disabilities deserve without concentrated collaboration amongst stakeholders in the special education community. It should be noted that the development of this plan is not the end of the feedback process. Regular feedback will be solicited throughout the plan's execution.
- **Transparency:** TEA will ensure that all milestones of drafting, research, approval and implementation of the corrective action plan are open and transparent. This draft plan is posted for public review. Following stakeholder feedback, the actual proposed plan will also be posted for public comment. Comments will be summarized for public review. Implementation milestones of the plan will be publicly reported as it is implemented in the coming years. TEA will also produce a bi-annual report on Special Education in Texas summarizing progress.

**Building on changes already begun at TEA (further described in Appendix B), this Corrective Action Plan provides the State of Texas the chance to make meaningful, lasting change in how we educate and support children with special needs. We are approaching this planning process with the seriousness that it requires and hope to solicit the kind of collective feedback, support, and collaboration that our students deserve.**

**Note: This is an INITIAL DRAFT plan.** As described further in Appendix C, this document is only an Initial Draft. TEA expects to receive comments on this Initial Draft, and from them, craft a PROPOSED PLAN. TEA expects to receive additional comments on that Proposed Plan, and from them, submit a FINAL PLAN to the U.S. Department of Education.

To provide feedback, or for information on how to participate in one of the forums planned, please email [TexasSPED@tea.texas.gov](mailto:TexasSPED@tea.texas.gov).

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### **Corrective Action One**

*Documentation that the State's system of general supervision requires that each ISD identifies, locates, and evaluates all children suspected of having a disability who need special education and related services, in accordance with section 612(a)(3) of the IDEA and its implementing regulation at 34 CFR §300.111, and makes FAPE available to all eligible children with disabilities in accordance with section 612(a)(1) of the IDEA and its implementing regulation at 34 CFR §300.101.*

### **Context**

TEA recognizes that it does not have the same staff or structures in place as many other states related to monitoring. To have effective supervision of the more than 1,200 LEAs and the students they serve, TEA must significantly increase its monitoring capacity, and ensure monitoring focuses on improvements for students, as opposed to exercises in rote compliance. There are currently 11.5 FTEs devoted to monitoring staff on the School Improvement team. These staff members are responsible for conducting SPED monitoring in selected districts. TEA recognizes that this is insufficient for effective support for the more than 500,000 students in various stages of the special education identification or service process.

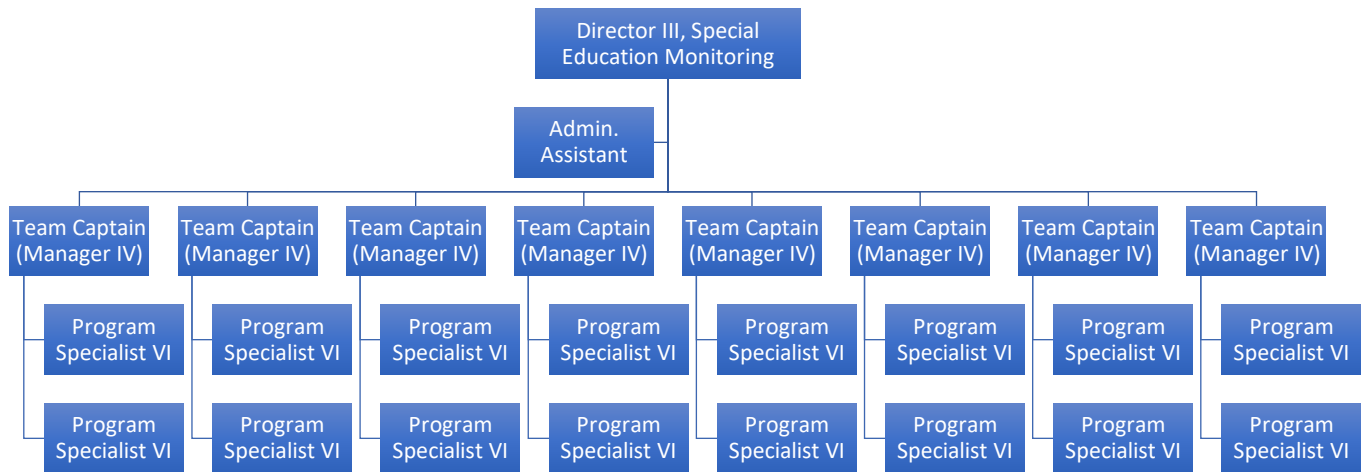
### **Plan**

To address these needs, TEA proposes the following actions:

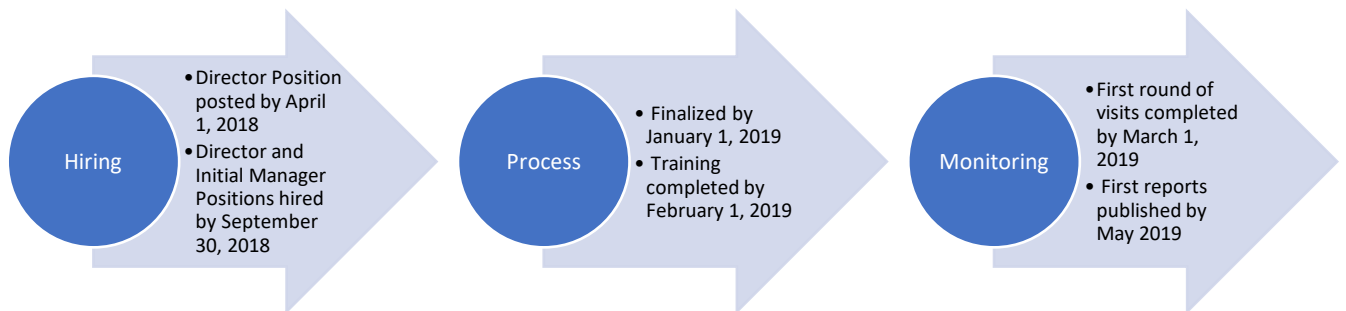
- Transition the Special Education monitoring duties from School Improvement to Special Populations (in the Office of Academics) as part of a new Review & Support Team. This will allow for significantly increased capacity and expertise.
- *Review & Support Team:* Increase the size of the Review & Support Team in Special Education to 25, plus an administrative assistant. This creates eight teams of three people. Each team would conduct 25 on-site reviews per year, ranging in length from 2-5+ days (pending district size and complexity). This structure allows for every district in Texas to receive a support visit at least once every six years. Additionally, teams will have portfolios of LEAs, and will review the data of those districts regularly through desk audits during the out years.
- An additional director will have shared oversight duties split between both this Review & Support Team and Escalation Team as described below in Corrective Action 4.
- *Process Development with Facilitator:* TEA will develop a process for these reviews, including all documentation and reporting templates used. The Review & Support Team will not narrowly focus on process and legal requirements, but rather be guided by an effort to support the most effective practices that lead to improved outcomes for students. The development of the review process will be done with significant stakeholder consultation, to ensure a process that is as effective for students as possible. TEA will contract with a third-party facilitator to ensure statewide stakeholder feedback is properly integrated into the review process design. Part of the process design will include an internal auditing mechanism to ensure processes are done with fidelity to the purpose of helping students, and avoid the bureaucratic tendency to focus solely on compliance. And part of the process will focus on the work to be done by the Escalation Team, as described in Corrective Action 4.

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- Teams will: (a) require unrestricted access to the school and staff; (b) the flexibility to make both unannounced and scheduled visits to schools and districts; and (c) the ability to review all necessary records and conduct confidential interviews with stakeholders (including staff). The purpose will be to have an authentic understanding of the district’s strengths and areas of growth, to make fast corrections and link districts to strong technical support options.
- Adjust the PEIMS data collection components to ensure adequate information for monitoring, while maintaining strong controls on data privacy.
- TEA will explore having a diverse team of reviewers, including peer reviewers, students with disabilities, sped educators, etc.
- All monitoring reports will be publicly reported for full transparency. LEAs will have 30 days to respond to any published reports.
- The existing parent survey process will be aligned to the year that districts are reviewed.



**Timeline**



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### ***Outcomes***

As a result of this work, TEA expects the following outcomes:

- 100% of LEAs will receive a Review & Support Team visit at least once every six years.
- 100% of LEAs will have a published monitoring report by August 31, 2024.
- 100% of LEAs will receive a desk audit on established metrics, student outcomes, and process implementation at least once every three years.

### ***Funding***

This request will likely have the following costs:

- \$2.2M: Cost of 26.5 additional Review & Support staff members (annually)
- \$0.1M: Cost of travel (~\$5,000 per person, annually)
- \$0.5M: Cost of Technical Assistance/Facilitation Vendor (one time)

**TOTAL: \$2.3M annually, and \$0.5M one-time**

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### **Corrective Action Two**

*A plan and timeline by which TEA will ensure that each ISD will (i) identify, locate, and evaluate children enrolled in the ISD who should have been referred for an initial evaluation under the IDEA, and (ii) require IEP Teams to consider, on an individual basis, whether additional services are needed for children previously suspected of having a disability who should have been referred for an initial evaluation and were later found eligible for special education and related services under the IDEA, taking into consideration supports and services previously provided to the child.*

### **Context**

Some students in Texas who deserve special education services may have not received them. It is the responsibility of TEA to develop and execute a process that: identifies, locates and evaluates children who were not evaluated and should have been; ensures that they are assessed as quickly as possible; and determines if any compensatory services are required.

### **Plan**

Below is an outline of the steps that will be taken to address each issue:

- *Outreach Campaign to Identify, Locate, and Evaluate:* TEA will contract with a third party to create and execute an outreach campaign to inform families and LEAs of their rights and responsibilities. This campaign will require LEAs to provide information to every family in the district, and will target specific districts or families based on key indicators. The contractor will also provide templates for LEAs to use as they identify students. This plan must include strong partnership with the Parent Training and Information Center, among others. An outreach campaign should include letters, emails, public service announcements, town halls and individualized parent support with ISD staff (to explain to them the details laid out in the campaign and what, if any, steps they can take for their child). Outreach efforts should be available in English and Spanish, as well as targeted languages for all online materials to ensure broad reach in the state.
- A call center will be expanded, as discussed in the response to Corrective Action 3.
- TEA will require every district and charter school to identify all students who were in RtI for 6+ months, only had a Section 504 plan, or were exclusively in a dyslexia or dyslexia-related program. Schools must connect with the parents of these identified students not yet in special education and notify them of the corrective action plan and opportunity for a special education evaluation. The cost of identifying and conducting assessments for students suspected of having a disability has always been the responsibility of the district, which will continue.
- TEA's Special Education team will update guidance for clarity and will lead a series of trainings for LEAs on conducting assessments for any parent or appropriate party who requests it. Specific guidelines will be put into place around a formal process for these students, and districts must report these outcomes to TEA on a periodic basis. TEA will include monitoring of this process through the teams outlined in Corrective Actions One and Four.
- *Compensatory Service Delivery:* For students who are found to have needed services and did not receive them, the LEA is responsible for providing compensatory services. TEA

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will create a fund to support some of those efforts. Additionally, TEA will go through an RFQ process to establish pre-qualified lists of vendors throughout the state who can provide LEAs with direct assistance in a variety of areas, to increase the availability of student support services. TEA will also create a process to help districts evaluate the effectiveness of certain service areas, including those provided under shared services arrangements.

### Timeline



### Outcomes

As a result of this work, TEA expects the following outcomes:

- 100% of LEAs will receive materials that can be used to present their statutory and professional requirements to their local school boards, and materials to publish information on their websites.
- 100% of LEAs will receive guidance and information related to their legal responsibilities under state and federal law, including the identification of all eligible students and subsequent compensatory service guidelines.

### Funding

- \$3M: Outreach Campaign
- \$25M Compensatory Services Fund (over a five-year period)

**TOTAL: \$28M over 5 years**

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### **Corrective Action Three**

*A plan and timeline by which TEA will provide guidance to ISD staff in the State, including all general and special education teachers, necessary to ensure that ISDs (i) ensure that supports provided to struggling learners in the general education environment through RTI, Section 504, and the State's dyslexia program are not used to delay or deny a child's right to an initial evaluation for special education and related services under the IDEA; (ii) are provided information to share with the parents of children suspected of having a disability that describes the differences between RTI, the State dyslexia program, Section 504, and the IDEA, including how and when school staff and parents of children suspected of having a disability may request interventions and/or services under these programs; and (iii) disseminate such information to staff and the parents of children suspected of having a disability enrolled in the ISD's schools, consistent with 34 CFR §300.503(c) .*

### **Context**

The purpose of this corrective action is to create resources to give to LEAs. The information will include differences between IDEA, Section 504, Response to Intervention (RtI) and dyslexia or dyslexia-related needs, services, and requirements. LEAs will be required to provide this information to parents, so that parents can better differentiate the purposes of special education, Section 504, and RTI. Further, parents will be informed about the complete set of pathways that may be appropriate for students with dyslexia.

### **Plan**

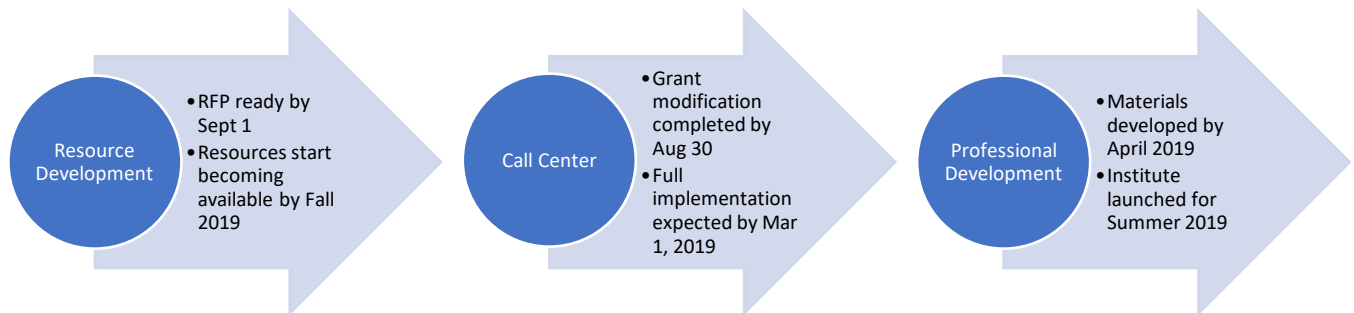
The following is the plan to address this concern, and to provide for a long-term plan of action:

- *Resource Development:* TEA will release an RFP specific to the creation of a suite of resources intended to be shared with the parents of children suspected of having a disability. These resources will describe the differences between RTI, the State dyslexia program (for dyslexia or dyslexia-related needs), Section 504, and the IDEA, and would be developed in conjunction with extensive stakeholder feedback. This will include how and when school staff and parents of children suspected of having a disability may request interventions and/or services under these programs. This may include timelines, forms, relatable and understandable translation of federal and state statute, etc. It will be available as both an online and paper resource. The RFP will require the awardee to develop a robust system of dissemination of these resources to the intended audience.
- TEA will revise the *Texas Dyslexia Handbook* to clarify the difference between dyslexia and dyslexia-related services, IDEA, Section 504, and RtI, and ensure clear guidance in the field, especially as it relates to dyslexia and dyslexia-related disabilities being eligible for IDEA.
- *Call Center:* As part of the current improvement plan to support state infrastructure and technical assistance in special education, and in coordination with the above resources to be developed, TEA will enhance and expand the grant program funding for a statewide call center. This expansion will allow for a higher level of individualized customer service to effectively provide a single point of contact for parents requiring assistance navigating the special education evaluation process. TEA will include the trends and other interesting data points in the biannual report (noted in the appendix).

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- *Professional Development:* TEA will create and execute on statewide professional development for all educators (general education, special education, and others), structured initially as a training institute for teachers around the state, and to include ongoing follow up. The content of this professional development will include elements both for inclusive practices and instructional techniques as well as broader identification and related Child Find practices. The content development will be informed by the perspectives of educators, special education students, and field experts. All participants will be required to demonstrate content proficiency and implementation before being noted as having participated in the full program.
- *Dyslexia/504 Support:* As a note, the Special Education Division will include one staff member specifically dedicated to dyslexia/dyslexia-related guidance, support, and technical assistance. There will be an additional staff member specifically dedicated to Section 504 guidance, support, and technical assistance. Monitoring activities listed in Corrective Actions One and Four will include monitoring for effective implementation and application of dyslexia/dyslexia-related, IDEA, Section 504, and Rtl.

### Timeline



### Outcomes

As a result of this work, TEA expects the following outcomes:

- 100% of LEAs are provided the required guidance documents and resources.
- 100% of LEAs receive guidance to post this information on their web sites.
- Once developed, 80% of families feel the tool is easy to use, helpful, and supportive.

### Funding

This request will likely have the following costs:

- \$0.15M: Dyslexia/Dyslexia-related and 504 Support FTEs
- \$1.5M: Call Center
- \$2.5M: Resource development (one-time)
- \$23M: Professional Development (\$15M one time and \$2M per year after that)

**TOTAL: \$3.65M per year and \$17.5M one-time**



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### **Corrective Action Four**

*A plan and timeline by which TEA will monitor ISDs' implementation of the IDEA requirements described above when struggling learners suspected of having a disability and needing special education and related services under the IDEA are receiving services and supports through RTI, Section 504, and the State's dyslexia program.*

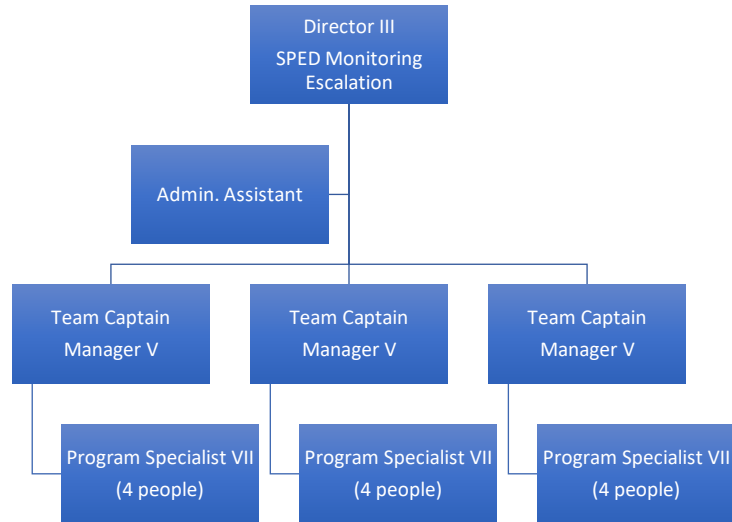
### **Context**

In Texas, there are districts with more specific needs for support to improve their current special education practices and processes, as outlined in the USDoE report. These districts require direct technical assistance beyond what would be provided with normal Review and Support Team activities. TEA proposes the launch of a Special Education Escalation Team – a team devoted to LEAs with more specific needs.

### **Plan**

- *Escalation Team:* TEA will create the Special Education Escalation Team in the Office of Academics. The team will consist of 12 field specialists, plus 3 supervisors and one administrative assistant, and a director of the unit.
- An additional director will have shared oversight duties split between both this Escalation Team and the Review & Support Team as described in Corrective Action 1.
- In the first three years, TEA expects that the majority of the Escalation Team's work will focus on those districts with the most clear or self-reported gap between students who are identified with special needs and those who should have been previously identified. This team will spend a significant amount of time in these high-needs and prioritized districts, until the point at which the critical and urgent issues have been addressed. These districts will remain on a more frequent monitoring schedule until they meet expectations.
- This team will also be the escalation pathway for the Special Education Review & Support Team. Any district who receives a negative Special Education monitoring report will be referred to the Special Education Escalation Team, who will begin intensive technical assistance.
- Until the Escalation Team is in place, the School Improvement team will focus existing monitoring activities on currently identified high needs LEAs
- *Technical Assistance Vendors:* TEA will also help ensure a variety of third party technical assistance providers are available to districts. TEA will centrally procure and negotiate pricing for those service providers so they are available as districts have needs.

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### Timeline



### Outcomes

As a result of this work, TEA expects the following outcomes:

- 100% of LEAs demonstrating SPED identification gaps will receive Escalation Team support by August 31, 2021.
- 80% of LEAs receiving Escalation Team support will have a cleared, approved monitoring report within three years of identification.

### Funding

This request will likely have the following costs:

- \$1.4M: Cost of 17.5 escalation team members (annually)
- \$0.1M: Cost of travel (\$5,000 per person, annually)
- \$1.5M: Cost of the Technical Assistance Vendors (one-time)
- **TOTAL: \$1.5M annually and \$1.5M one-time**

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**APPENDIX A: Financials**

		<b>Y0</b>	<b>Y1</b>	<b>Y2</b>	<b>Y3</b>	<b>Y4</b>	<b>Y5</b>
<b>Corrective Action 1</b>	<i>Director IV (0.5)</i>	17,000	67,500	67,500	67,500	67,500	67,500
	<i>Director III (1)</i>	30,000	110,000	110,000	110,000	110,000	110,000
	<i>Manager IV (8)</i>	158,400	792,000	792,000	792,000	792,000	792,000
	<i>Program Specialist (16)</i>	240,000	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
	<i>Admin. Asst. (1)</i>	10,000	40,000	40,000	40,000	40,000	40,000
	<i>Travel Costs (\$5,000 per person)</i>	25,500	132,500	132,500	132,500	132,500	132,500
	<i>Technical Assistance Vendors</i>	0	500,000	0	0	0	0
<b>Corrective Action 2</b>	<i>Outreach Campaign</i>	0	3,000,000	0	0	0	0
	<i>Compensatory Services Fund</i>	0	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
<b>Corrective Action 3</b>	<i>Resource Development</i>	0	1,250,000	1,250,000	0	0	0
	<i>Dyslexia/Dyslexia Related and 504 Support FTEs (2)</i>	40,000	150,000	150,000	150,000	150,000	150,000
	<i>Call Center</i>	682,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
	<i>Professional Development</i>	0	15,000,000	2,000,000	2,000,000	2,000,000	2,000,000
<b>Corrective Action 4</b>	<i>Director IV (0.5)</i>	17,000	67,500	67,500	67,500	67,500	67,500
	<i>Director III (1)</i>	30,000	110,000	110,000	110,000	110,000	110,000
	<i>Manager IV (3)</i>	59,400	297,000	297,000	297,000	297,000	297,000
	<i>Program Specialist (12)</i>	180,000	900,000	900,000	900,000	900,000	900,000
	<i>Admin. Asst. (1)</i>	10,000	40,000	40,000	40,000	40,000	40,000
	<i>Travel Costs (\$5,000 per person)</i>	16,500	87,500	87,500	87,500	87,500	87,500
	<i>Technical Assistance Vendors</i>	0	1,500,000	0	0	0	0
<b>TOTALS</b>	<b>Annual Total</b>	<b>1,515,800</b>	<b>31,744,000</b>	<b>13,744,000</b>	<b>12,494,000</b>	<b>12,494,000</b>	<b>12,494,000</b>
	<b>Five + Planning Year</b>	<b>\$84,485,800</b>					

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### **APPENDIX B: Other Actions**

In addition to the corrective actions listed above, TEA has begun or will begin implementation of the following to drive additional progress for special education students.

- Given TEA's prior actions to expand its special education support team by 39 FTEs statewide, TEA will begin staff training across the agency so that all TEA staff provide consistent responses to stakeholders. These trainings will occur quarterly.
- TEA will explore possible changes to teacher certification and credentialing as it relates to requiring a demonstrated proficiency in areas related to special education.
- TEA is restructuring grant agreements with Educational Service Centers (ESCs) to be outcomes-oriented. Further, as part of the grant requirements, there will be close document review and approval of all ESC materials to ensure guidance in the field remains clear.
- TEA is moving forward with the posting and hiring of a Special Education Director.

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### APPENDIX C: Stakeholder Engagement Plan Outline

This outline is based on the following timeline assumptions:

- That TEA needs to operate with a healthy balance of urgency and thoughtfulness.
- This initial Draft Plan is available now and we will be accepting public comment through February 18, 2018.
- The Proposed Plan will be available on or around March 1, 2018. Additional public comment will be accepted through March 31, 2018.
- The FINAL State Corrective Action Plan, pending conversations with USED, will be submitted on or around April 18, 2018.

<b>Stakeholders</b>	<b>Engagement Opportunities</b>	<b>Goals</b>
<i>Special Education Students</i>	<ul style="list-style-type: none"> <li>• Focus groups in each region</li> <li>• State survey</li> <li>• Emailed feedback</li> </ul>	At least 100 special education students will provide feedback.
<i>Families</i>	<ul style="list-style-type: none"> <li>• Focus groups in each region</li> <li>• State survey</li> <li>• Emailed feedback</li> </ul>	At least 500 parents will respond to the survey
<i>Special Education Educators</i>	<ul style="list-style-type: none"> <li>• Focus groups in each region</li> <li>• State survey</li> <li>• Emailed feedback</li> </ul>	At least 500 teachers will respond to the survey
<i>General Educators</i>	<ul style="list-style-type: none"> <li>• Focus groups in each region</li> <li>• State survey</li> <li>• Emailed feedback</li> </ul>	At least 500 teachers will respond to the survey (inclusive of above).
<i>School Administrators</i>	<ul style="list-style-type: none"> <li>• Focus groups in each region</li> <li>• State survey</li> <li>• Emailed feedback</li> </ul>	At least 500 administrators will provide feedback or respond to the survey.
<i>District Administrators</i>	<ul style="list-style-type: none"> <li>• TCASE mid-winter</li> <li>• ESC visits (2)</li> </ul>	80% of district SPED Directors and/or Superintendents and/or CAOs respond to survey and/or provide feedback.
<i>ESCs</i>	<ul style="list-style-type: none"> <li>• 2 visits (Jan/Feb and in March)</li> <li>• State survey</li> <li>• Emailed feedback</li> </ul>	<ul style="list-style-type: none"> <li>• 100% of ESC SPED Directors provide feedback</li> <li>• 100% of ESC Executive Directors provide feedback</li> <li>• 100% of ESC CORE Group provide feedback</li> </ul>
<i>SPED Advocacy Groups</i>	<ul style="list-style-type: none"> <li>• CAC will have 2 meetings</li> <li>• Advocacy Council will have 6 meetings</li> </ul>	100% of advisory group participants have the opportunity to provide meaningful feedback
<i>School Boards</i>	<ul style="list-style-type: none"> <li>• Notice and TAA</li> <li>• State survey</li> <li>• Emailed feedback</li> </ul>	100% of School Boards are notified of the USED LETTER requirements and the opportunity to provide feedback
<i>Elected Officials</i>	<ul style="list-style-type: none"> <li>• Briefings</li> <li>• State survey</li> <li>• Emailed feedback</li> </ul>	At their discretion.
<i>General Public</i>	<ul style="list-style-type: none"> <li>• State survey</li> <li>• Emailed feedback</li> </ul>	At least 2,500 total public comments and/or survey responses

A specific calendar of engagement opportunities will be posted on TEA's website beginning the week of January 22 and updated throughout the plan development period.