



Special Education in Texas

STAKEHOLDER AND FOCUS GROUP ENGAGEMENT
US DEPARTMENT OF EDUCATION (ED),
OFFICE OF SPECIAL EDUCATION PROGRAMS (OSEP) MONITORING VISIT
FINDINGS AND CORRECTIVE ACTION OVERVIEW



Agenda

Overview

Larger Group Discussion – This will be your time to discuss with your colleagues. TEA will not be recording or collecting specific feedback throughout this initial discussion.

Break

Smaller Group Discussions to Solicit Focused Feedback
Regarding Proposed Plans for Individual Corrective Actions

Adjourn



ED, OSEP Monitoring Activities

- In an [Oct. 3, 2016 letter to Texas Commissioner Mike Morath](#), OSERS raised concerns regarding Texas' compliance with a number of requirements of *IDEA*.
- The [state responded to the letter on Nov. 2, 2016](#)
- During the week of Dec. 12 OSEP conducted a series of listening sessions in Texas.
- During the week of February 27, 2017, USED/OSEP performed a series of onsite monitoring visits to review Texas' compliance with the Individuals with Disabilities Education Act (IDEA).



Improvement Activities Completed as Described in TEA's November 2, 2016 Letter to OSERS

Activities completed

1. Letter to all school districts (a) reminding them of the child find obligations in IDEA and that Response to Intervention (RTI) strategies may not be used to delay or deny an initial evaluation; and (b) clarifying TEA's monitoring efforts with regard to preventing the over-identification of students with disabilities – [TAA dated November 17, 2016](#)
2. Evaluate whether any additional information should be added to the *Parent's Guide to the Admission, Review, and Dismissal Process* as well as what additional training and technical assistance the regional education service centers can provide to school districts regarding the child find process, RTI, and PBMAS

Activities completed (continued)

3. Review monitoring activities with regard to specific school districts discussed in the newspaper articles and follow up with those districts, as appropriate
4. Complete the multi-year transition plan for certain PBMAS special education indicators that integrates the four representation indicators into a single indicator to include additional racial/ethnic groups, disaggregation by disability categories, and calculations of significant disproportionality with continued input from stakeholder groups including the Continuing Advisory Committee for Special Education and the Texas Continuous Improvement Steering Committee for Special Education

Activities completed (continued)

5. Expand the amount of technical support available at TEA
 - During the hiring freeze, the Governor's office authorized the hiring of an additional ten staff members in TEA's Division of Special Education.
 - The individuals hired possess a great deal of expertise in various functional areas related to special education. Their primary function is to provide expertise and leadership as it relates to the provision of technical assistance to LEAs directly, through the ESCs, and through improvements to the existing statewide leadership grants projects.

Activities completed (continued)

6. Twenty-eight (28) ESC liaisons employed by the education service centers were added through IDEA-B discretionary funds.
 - The liaisons perform multiple functions with regard to improving outcomes for students with disabilities.
 - work closely with districts to develop innovative ways to address challenges in special education and will be integral to improving professional development practices throughout all 20 ESCs.
 - support implementing best practices to address issues such as significant disproportionality.
 - support implementation of the programmatic components of the Corrective Action Plan

Activities completed (continued)

7. Discontinue the use of PBMAS Indicator 10 for the purposes of interventions staging moving forward
 - Texas Legislature passed, and Governor Abbott signed, S.B. 160 and S.B. 1153
 - S.B. 160 prohibits the commissioner or agency from adopting or implementing a performance indicator in any agency monitoring system, including the PBMAS, that solely measures a school district's or open enrollment charter school's aggregated number or percentage of enrolled students who receive special education services.
 - S.B. 1153 requires districts to notice (defined in the bill) parents of each child, other than a child enrolled in a special education program, who receives assistance from the district for learning difficulties, including through the use of intervention strategies (defined in the bill)



Final OSEP Report of Findings January 11, 2018

ED, OSEP Monitoring Visit Findings

1. TEA failed to ensure that all children with disabilities residing in the State who are in need of special education and related services were identified, located, and evaluated, regardless of the severity of their disability, as required by IDEA section 612(a)(3) and its implementing regulation at 34 CFR §300.111.
2. TEA failed to ensure that FAPE was made available to all children with disabilities residing in the State in Texas's mandated age ranges (ages 3 through 21), as required by IDEA section 612(a)(1) and its implementing regulation at 34 CFR §300.101.
3. TEA failed to fulfill its general supervisory and monitoring responsibilities as required by IDEA sections 612(a)(11) and 616(a)(1)(C), and their implementing regulations at 34 CFR §§300.149 and 300.600, along with 20 U.S.C. 1232d(b)(3)(A), to ensure that ISDs throughout the state properly implemented the IDEA child find and FAPE requirements.

Corrective Actions

- The findings from that report require TEA to develop plans to address four corrective actions.
- TEA believes an integral part of the plan development process will be the gathering of input from stakeholders and other interested Texans.
 - Face-to-face visits will occur in all 20 Regional ESCs and local schools to solicit input and feedback from administrators, students, parents, and educators.
 - In addition to the face-to-face visits, a survey is available on the TEA website until February 18th, and an email address is available for individual comments.
 - Additionally, TEA staff will be interacting at multiple meetings and conferences at which input and feedback will be sought throughout the plan's development.

Corrective Action 1

- *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.*

Corrective Action 2

- *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.*

Corrective Action 3

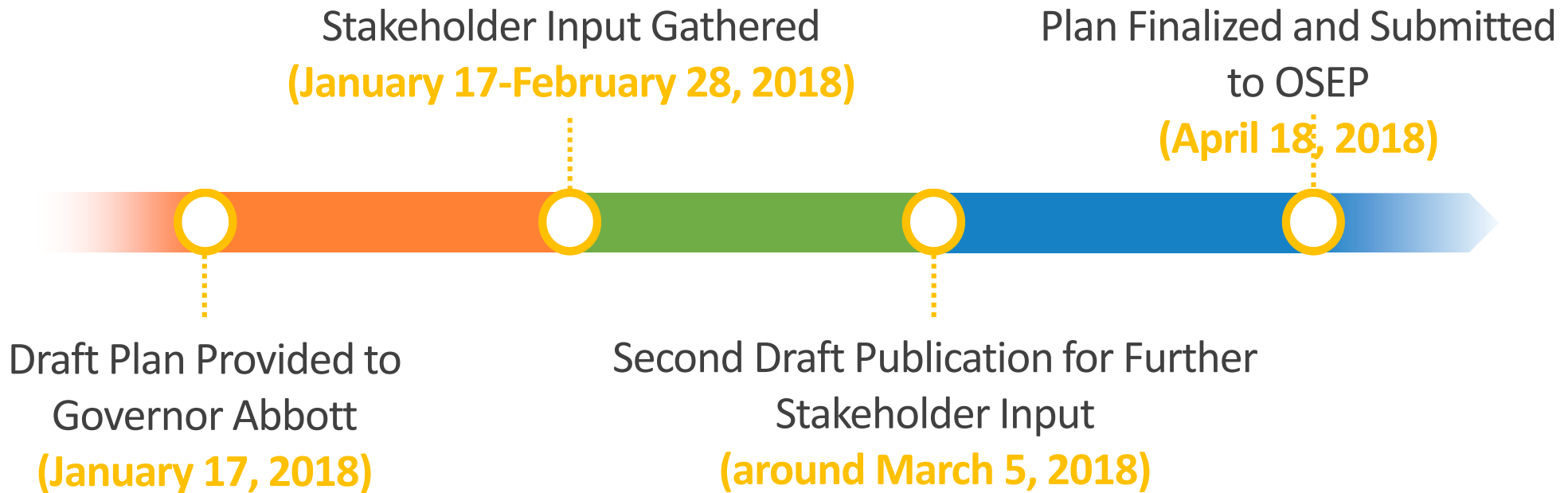
- *A plan and timeline by which TEA will provide guidance to ISD staff in the State, including all general and special education teachers, necessary to ensure that ISDs (i) ensure that supports provided to struggling learners in the general education environment through RTI, Section 504, and the State's 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 for 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 program; and (iii) disseminate such information to staff and the parent of children suspected of having a disability enrolled in the ISDs schools, consistent with CFR §300.503(c).*

Corrective Action 4

- *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 State's dyslexia program.*



OSEP Corrective Actions Development Timeline





Discussion Opportunity

What Thoughts or Ideas would you like to share with each other?

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https://padlet.com/steven_prater1/cacrr1



Corrective Action 1 Plan Overview

*to document the State's system of general supervision of
Child Find 34 CFR §300.111 and provision of
Free Appropriate Public Education 34 CFR §300.101*

- Increase the size of the Review & Support Team in Special Education to 26. This structure allows for every district in Texas to receive a support visit at least once every six years, plus an annual desk audit.
- 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.
- TEA will contract with a third-party facilitator to ensure statewide stakeholder feedback is properly integrated into the review process design.
- Adjust the PEIMS data collection components to ensure adequate information for monitoring, while maintaining strong controls on data privacy.



Corrective Action 2 Plan Overview

plan and timeline for ensuring each ISD complies with Child Find for children enrolled in the ISD who should have been referred under IDEA; and require IEP teams to consider whether additional services are needed for children previously suspected and later found eligible, taking into consideration supports and services previously provided

- 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.
- A call center will be expanded.
- 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.
- *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 will create a fund to support some of those efforts.



Corrective Action 3 Plan Overview

plan and timeline TEA will provide guidance that RTI, Section 504 and Dyslexia program are not used to delay or deny initial evaluation under IDEA; provide information on differences; and disseminate information to staff and parents of children suspected of disability

- 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, Section 504, and the IDEA, and would be developed in conjunction with extensive stakeholder feedback.
- TEA will revise the *Texas Dyslexia Handbook* to clarify the difference between dyslexia and dyslexia-related services, IDEA, Section 504, and Rtl, and ensure clear guidance in the field, especially as it relates to dyslexia and dyslexia-related disabilities being eligible for IDEA.
- 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.



Corrective Action 4 Plan Overview

plan and timeline TEA will monitor ISD's implementation of IDEA requirements under Correction Actions 1-3

- TEA will create the Special Education Escalation Team in the Office of Academics (12 FTEs).
- This team will be the escalation pathway for the Special Education Review & Support Team (Corrective Action 1). 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.
- 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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