



Special Education in Texas

UPDATE TO TCASE. FEBRUARY 2018



SCHOOL IMPROVEMENT



Current Special Education Support Infrastructure and Improvements

Quality of Statewide Leadership Projects

- TEA decentralized technical assistance in special education many years ago with the creation of a network of statewide leadership projects meant to address specific areas in special education such as behavior, deaf and hard of hearing, and low incidence disabilities. The same functions and projects have been substantially in place for over fifteen years.
- TEA plans for the leadership networks to remain in place for the 2018-2019 school year; however, TEA will require the networks to design and implement quantifiable, student outcome-based metrics to measure program effectiveness (as opposed to deliverable completion only).
- TEA will also require that existing resources be amended for consistency with state and federal law, as required.

Needs Assessment

- A needs assessment, with robust stakeholder input, will be an ongoing project in order to gather additional information related to the effectiveness of all projects planned for special education. This needs assessment may point to a need to redesign all or part of this infrastructure to increase effectiveness and improve outcomes for students in special education.
- The Needs Assessment, along with the planning activities detailed later, will construct the new SPED Strategic Plan.

Staffing – 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.

Staffing - Liaisons

- 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.
 - Liaisons 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.
 - Liaisons will support implementing best practices to address issues such as significant disproportionality.
 - Liaisons will support implementation of the programmatic components of the Corrective Action Plan, as outlined later.



Planned Improvements to the Special Education Support Infrastructure

New Support Grants

In Response to these themes in the data, TEA plans to release the following two opportunities in the spring of 2018:

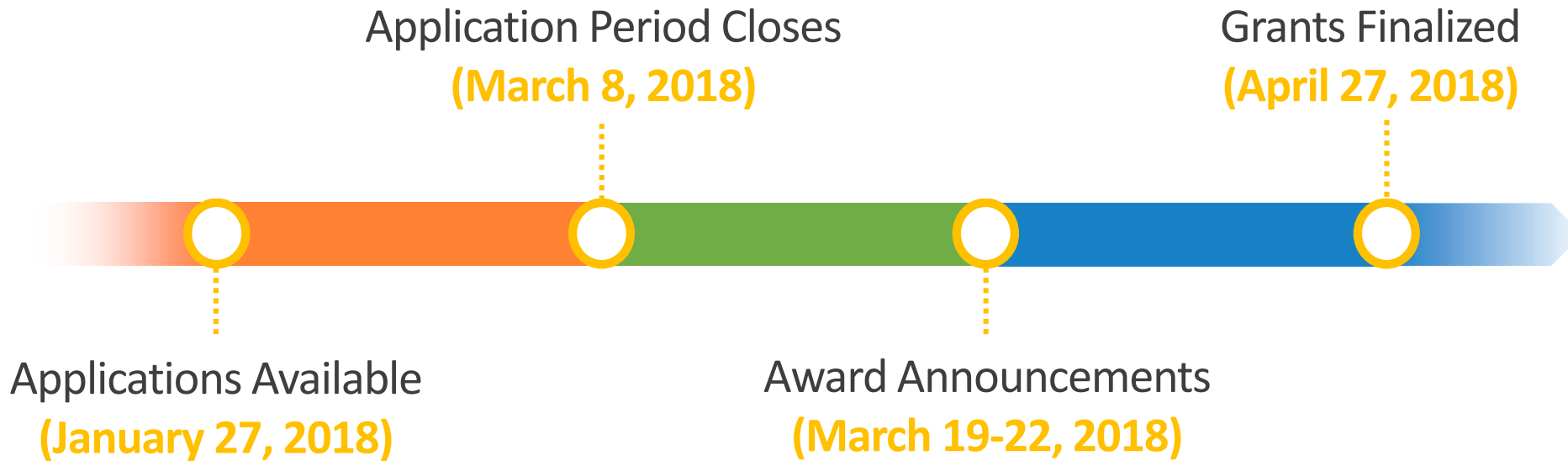
1. **Systemic Improvement for Professional Development.** The focus of this project will be to improve overall quality and consistency of professional development provided through state IDEA funds with particular emphasis placed on implementation.
2. **Stakeholder Engagement.** This will provide the infrastructure and facilitation necessary for TEA to gather meaningful feedback and input with regard to state supports for special education. TEA interaction will increase to more than 30 meetings with various stakeholders in 2018 above and beyond the stakeholder input planned for the OSEP corrective action plan described later in this presentation.

House Bill 21 of the 85th Texas Legislature

House Bill 21 of the 85th Texas Legislature

- The 85th Texas Legislature passed HB21, which sets aside state funds to go toward supporting innovative school-wide models that provide exceptionally effective services to students with autism and for students with dyslexia.

House Bill 21 Timeline





**United States Department of Education,
Office of Special Education Programs
2016-2017 Monitoring Visit Corrective Action
Plan Development**

USDE, OSEP Monitoring Visit Findings

- During the 2016-2017 school year, the United States Department of Education, Office of Special Education Programs performed a series of onsite monitoring visits to review Texas' compliance with the Individuals with Disabilities Education Act (IDEA).
- The final report was provided to TEA on January 10th, 2018.

USDE, 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.
- An integral part of the plan development process will be the gathering of input from stakeholders and other interested Texans.

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 1 Plan Overview

- 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

- *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 2 Plan Overview

- 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

- *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 3 Plan Overview

- 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.

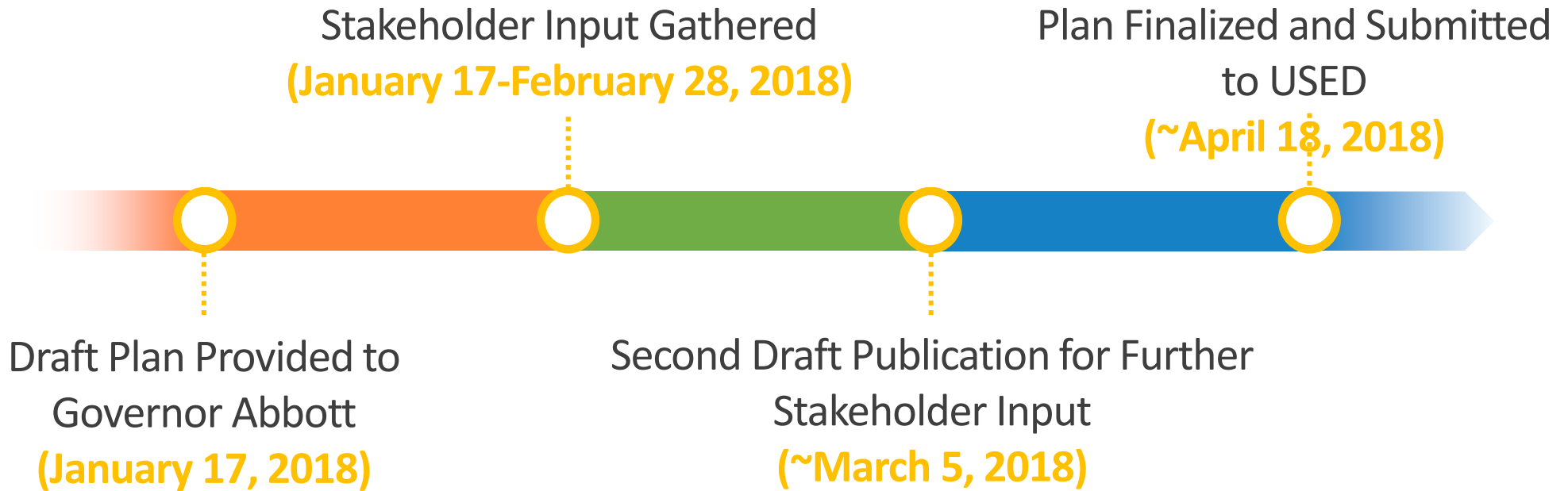
Corrective Action 4

- *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 educations and related services under the IDEA are receiving services and supports through RTI, Section 504, and State's dyslexia program.*

Corrective Action 4 Plan Overview

- 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.

OSEP Corrective Actions Development Timeline



Stakeholder input

TEA recognizes that, in order for any plan of this kind to have the intended impact, significant input and ongoing feedback must be gathered from stakeholders.

- In-person visits to all 20 Regional ESCs
- All of these visits will incorporate time in the ESC and in local schools to solicit input and feedback from students, parents, and educators.
- In addition to the face-to-face visits, a survey is available on the TEA website to gather input from as wide a range of perspectives as possible across Texas.
- TEA leadership is meeting on a bi-weekly basis with representatives from the special education advocacy community.
- Additionally, TEA staff will be interacting at multiple meetings and conferences at which input and feedback will be sought throughout the plan's development.

Financial Update

²⁸ Contents

1. Education laws passed during the 85th Texas Legislature.
2. School finance laws passed during the 85th Texas Legislature.
3. Updates from the Texas Education Agency.
 - Key facts about education in Texas.

1. Education laws passed during the 85th Texas Legislature

- **Special education (10 separate bills).**
- A–F accountability system (HB 22) and school improvement (HB 2263).
- School boards (SB 1566).
- Innovative grant programs, including P-TECH (SB 22) and Math Innovation Zones (SB 1318).
- Instructional materials (SB 1784, SB 801, HB 3526, HB 810).
- Teacher preparation and certification (HB 2039, HB 3349).
- Inappropriate student relationships and student protection (SB 7).
- District/charter partnership (SB 1882).
- Prekindergarten.
- Minutes of operation and instruction (HB 2442).
- Career and technical education and dual-credit courses.

Special session laws and laws not passed

New laws:

- District and charter school facilities
- Grants for autism and dyslexia
- Creation of a school finance commission

Laws were not passed to address:

- Major school finance reform
- Teacher pay and retention programs

. . . but these topics will not go away. . . .

See TEA Legislative Briefing Book for all education-related legislation:

*[tea.texas.gov/Reports_and_Data/Legislative_Reports/
Legislative_Briefing_Book/](http://tea.texas.gov/Reports_and_Data/Legislative_Reports/Legislative_Briefing_Book/)*

2. School finance laws passed during the 85th Texas Legislature

- Career and technical education, cyber security, and apprentice programs eligible for funding.
- School district and charter school facilities funding increased.
- Small-sized district adjustment funding increased.
- New instructional facilities allotment (NIFA) funding expanded.
- Hardship grants made available to eligible districts.
- Texas Commission on Public School Finance authorized.

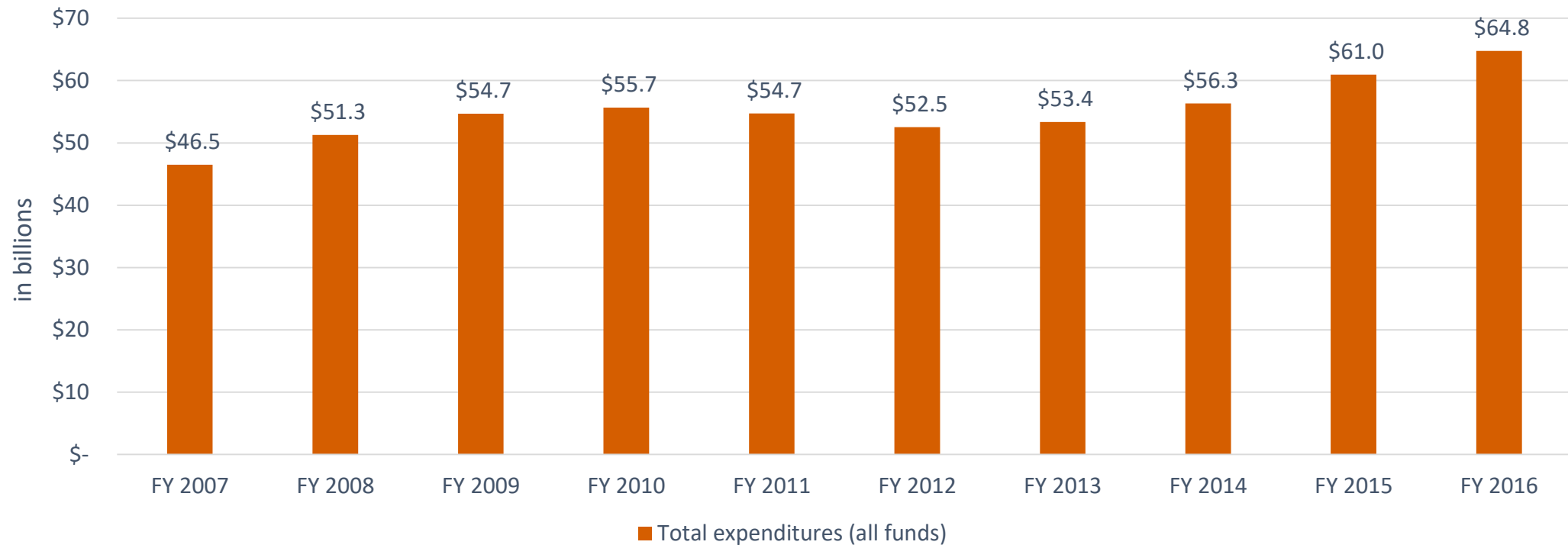
Texas Commission on Public School Finance

Established by HB 21, the commission must shall develop recommendations to address issues related to the public school finance system, including

- The purpose of the public school finance system and the relationship between state and local funding in that system.
- The appropriate levels of local maintenance and operations and interest and sinking fund tax effort necessary to implement a public school finance system that complies with the requirements under the Texas Constitution.
- Policy changes to the public school finance system necessary to adjust for student demographics and the geographic diversity in the state.

The commission must submit its report to the governor and the legislature in December of 2018.

Aggregate annual school district expenditures over 10 years

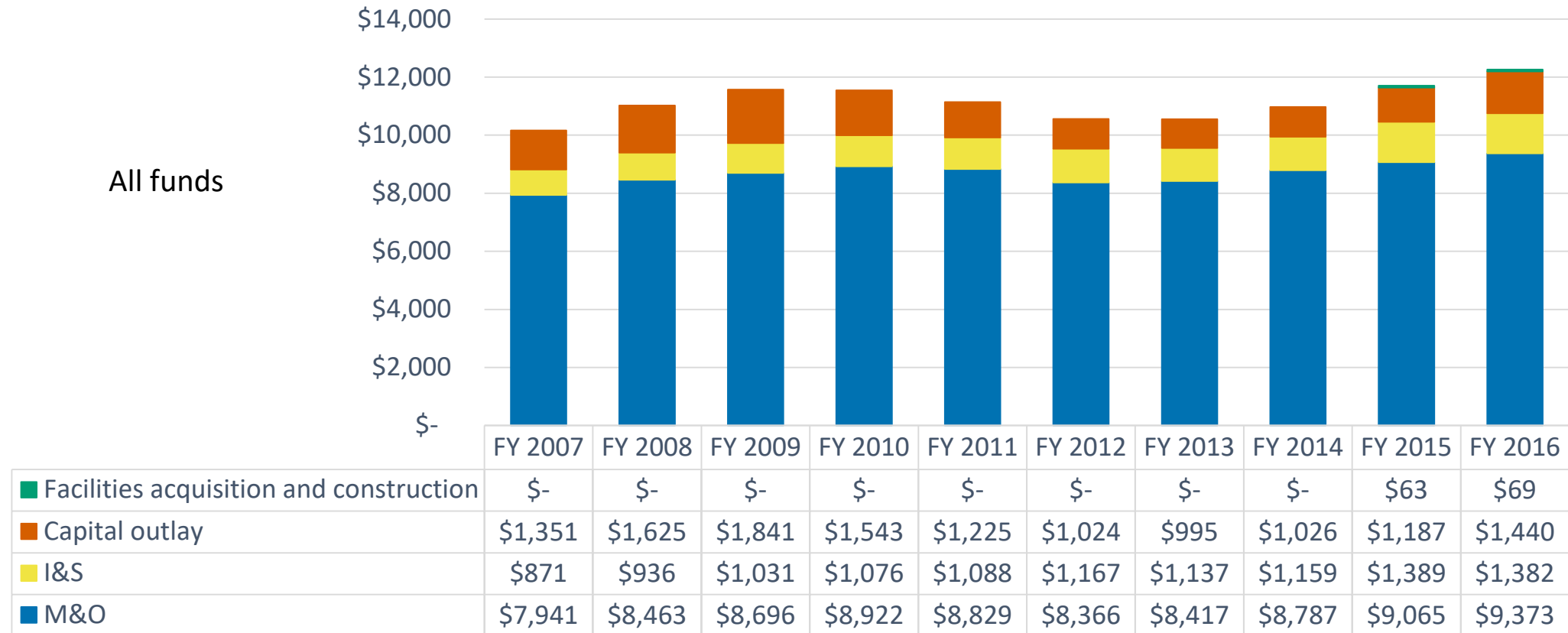


School district expenditures from state, local, and federal funds have increased by \$18.3 billion annually (39.3 percent) from \$46.5 billion in FY 2007 to \$64.8 billion in FY 2016.

- All funds generally includes all state, local, federal (including all title programs and the Federal Free and Reduced Lunch Program), and other funds.
- Expenditure data taken from TEA PEIMS online data, which can be found at <http://tea.texas.gov/financialstandardreports/>.
- PEIMS budgeted financial data reports do not include revenues or expenditures for education service centers (ESCs). They also exclude revenues, expenditures, and student counts for Texas Youth Commission schools.
- PEIMS expenditure data includes capital outlay expenditures.

Average annual school district expenditures per student over ten years

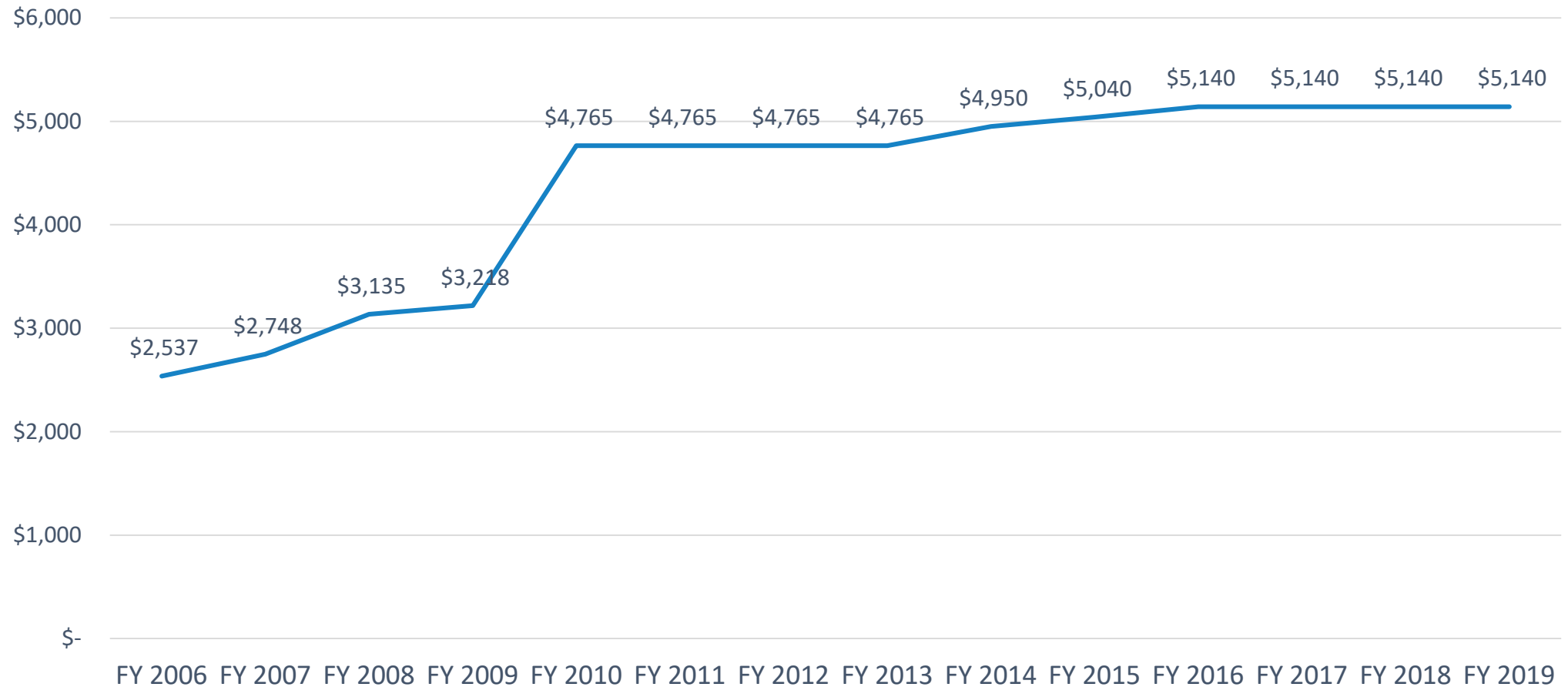
Expenditures per student (all funds) have increased by \$2,102 (20.7 percent) from \$10,163 in FY 2007 to \$12,264 in FY 2016.



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Basic allotment per student

The foundation of the school finance system is the basic allotment per student.



Additional funding for student characteristics

Tier I includes funding weights to deliver additional funding according to student characteristics.

Program	Funding Weight
Regular program	1.00
Special education	various weights for each instructional setting
Career and technology (CTE)	1.35
Advanced CTE	\$50 per each eligible CTE course
Gifted and talented	0.12 (capped at five percent of district ADA)
Compensatory education	0.20
Pregnancy related services	2.41 (part of compensatory education)
Bilingual education	0.10
Public education grant	0.10
New instructional facility allotment	\$1,000 per student in ADA in the new facility
High school allotment	\$275 per high school student in ADA

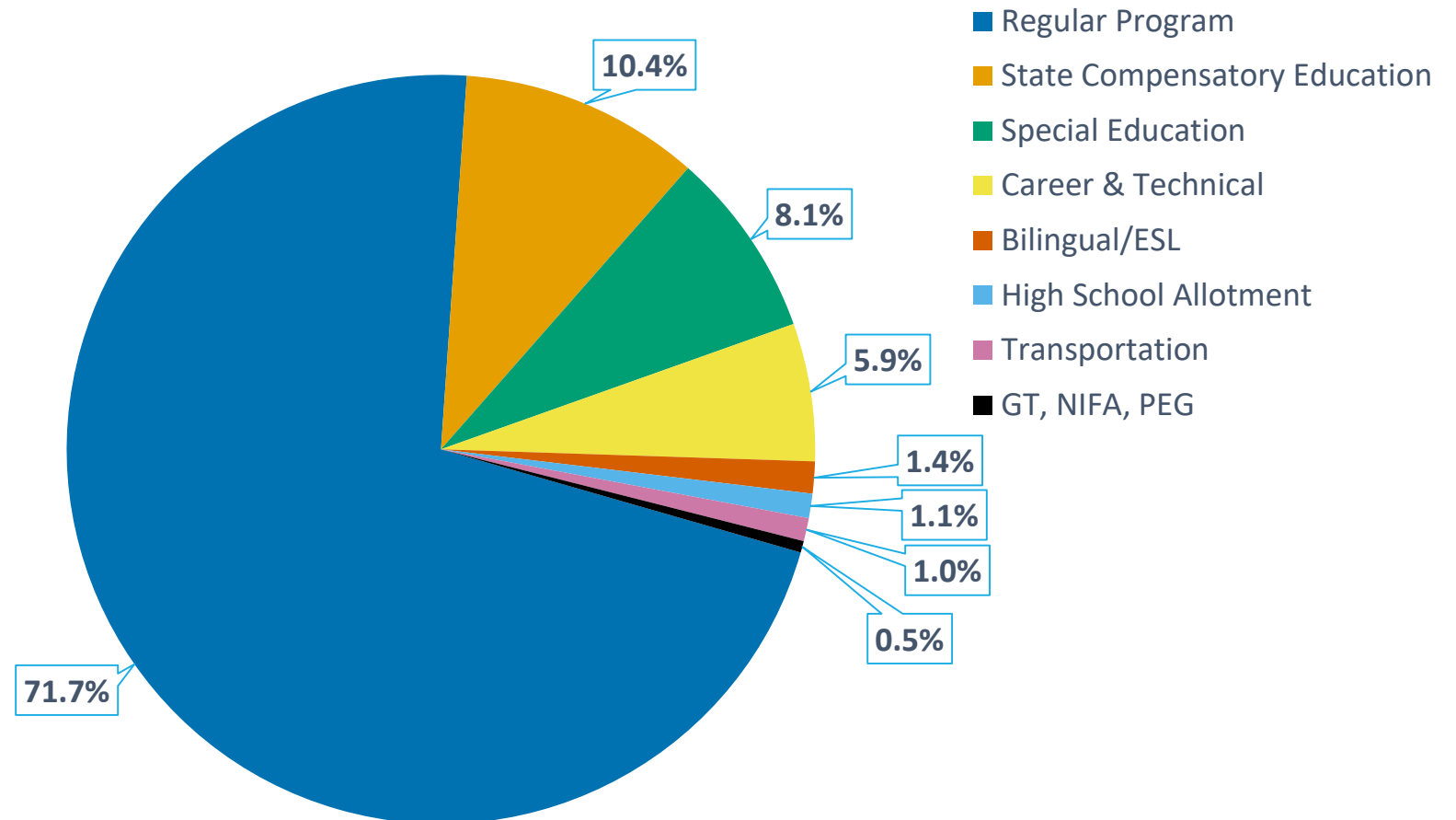
How compensated weight affects the basic allotment

- 2019 basic allotment = \$5,140
- Compensatory education weight = .2
- Formula to determine total amount provided for compensatory education per student:
 - $\$5,140 \times .2 = \$1,028$

Tier I entitlement details for fiscal year 2018

The largest component of the school finance system is the Tier I entitlement. The regular program allotment makes up about 72 percent of the Tier I entitlement.

For fiscal year 2018, the regular program allotment makes up \$26.6 billion out of the total Tier I cost of \$37.1 billion.



Tier I formula amounts for a typical district

Program	Formula Amount	Percent of Total Tier I Funding
Regular program allotment	\$9,050,000	72.4%
Special education adjusted allotment	\$880,000	7.0%
Career and technology allotment	\$775,000	6.2%
Gifted and talented adjusted allotment	\$60,000	0.5%
Compensatory education allotment	\$1,275,000	10.2%
Bilingual education allotment	\$40,000	0.3%
Public education grant	\$0	0.0%
New instructional facility allotment	\$0	0.0%
Transportation allotment	\$280,000	2.2%
High school allotment	\$140,000	1.1%
Total cost of Tier I	\$12,500,000	100.0%

3. Updates from TEA: new organizational chart

