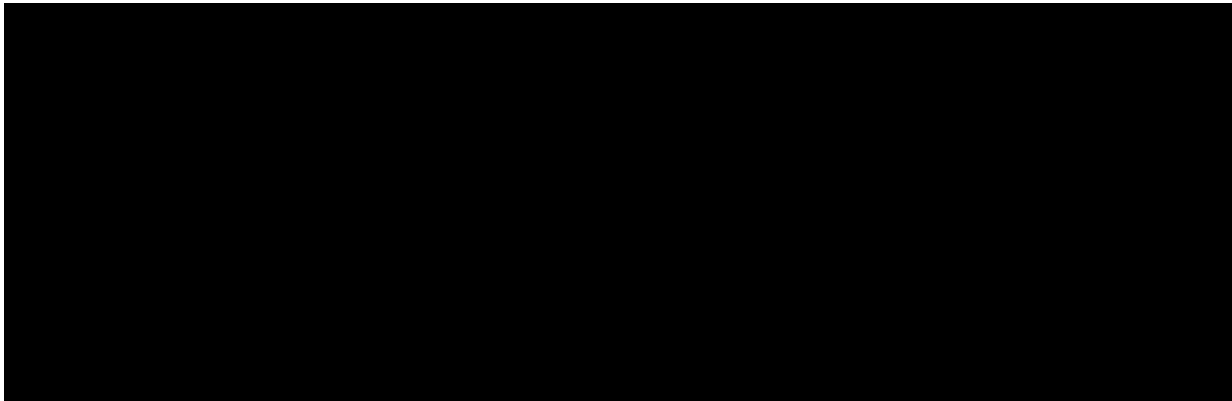


The following pages contain emails provided to the Texas Education Agency via the [TexasSPED@tea.texas.gov](mailto:TexasSPED@tea.texas.gov) mailbox between January 17, 2018 and March 5, 2018 in reference to the Draft Plan posted on the Agency's website on January 17, 2018. The emails are presented in the format in which they were received with the exception that personally identifiable information was removed to protect the identity of submitters, and any students with disabilities mentioned within.

Feedback opportunities are ongoing, and persons wishing to make initial or additional comments may continue to do so by sending an email to [TexasSPED@tea.texas.gov](mailto:TexasSPED@tea.texas.gov).

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** [REDACTED]  
**Date:** Monday, March 5, 2018 6:09:43 PM

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Additional feedback for draft plan  
**Date:** Monday, March 5, 2018 5:19:11 PM

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To whom it may concern:

We moved from California to Texas last July. Our son is in the autism spectrum (mild-to-moderate) and he was receiving "meaningful" and "appropriate" special education services in California. After moving to [REDACTED] area, we found that school districts do not provide "meaningful education" for children who are in the spectrum or have learning disabilities.

Our friends pulled out their child who has dyslexia to private school and we also pulled out our son from the school district to a private school after we have experienced how school district provides "merely more than de minimis" Neither district not TEA listen and communicate with parents. For TEA and school district, everything should be good in the paperwork for special education but the content in all paperwork does not focus on the "meaningful" educational benefits for children who have learning disabilities.

Based on our experience in California, I don't think TEA will improve their special education services with the draft plan they put it together. This action plan will not solve the root cause of the problem because Texas needs special education teachers, psychologists and proper resources to achieve this action plan. Without creating resources in the school districts, TEA and school districts push students and families into private programs. TEA and school districts will continue to produce paperwork that does not violate the federal codes instead of focusing on meaningful education.

It is also unfortunate that TEA does not plan anything to collaborate with private schools that have more experience on providing specialized education to students who have learning disabilities. Leveraging some experiences from these schools will improve the public education.

Regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [Schwinn, Penny](#)  
**To:** [TexasSPED](#)  
**Subject:** FW: TxSER Preliminary Recommendations for Draft Corrective Action Plan  
**Date:** Friday, March 2, 2018 7:53:21 PM  
**Attachments:** [TEA Corrective Actions - CA#1.pdf](#)  
[TEA Corrective Actions - CA#2.pdf](#)  
[TEA Corrective Actions - CA#3.pdf](#)  
[TEA Corrective Actions - CA#4.pdf](#)

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I believe this was already forwarded, but I wanted to be doubly sure.

Thanks,

**Penny Schwinn**

Deputy Commissioner, Academics  
Texas Education Agency  
1701 N. Congress Avenue  
Austin, Texas 78701

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**From:** [REDACTED]  
**Date:** Tuesday, February 13, 2018 at 7:36 AM  
**To:** "Schwinn, Penny" <Penny.Schwinn@tea.texas.gov>, "Porter, Justin" <Justin.Porter@tea.texas.gov>  
**Cc:** [REDACTED]  
**Subject:** Re: TxSER Preliminary Recommendations for Draft Corrective Action Plan

Good morning Penny and Justin,

While organizing my inbox this morning, I ran across this January 16th email addressed to you. It appears I did not attach the correct documents with TxSER's feedback to TEA's initial CAP draft. This is disappointing for a couple of reasons - (1) I failed to get you TxSER's comments in time for them to be considered while writing TEA's initial draft, and (2) it appears you have not reviewed these documents to-date or considered TxSER's input in the developmental stages of the CAP. This latter point is an assumption on my part since I never heard back from anyone at TEA regarding my mistake. Please let me know if I've jumped to the wrong conclusion.

I am now attaching the correct documents and am hopeful you will consider our feedback as both helpful and important as you continue to draft the CA Plan. I apologize for my mistake. Blessings,

[REDACTED]



[REDACTED]

Texans for Special Education Reform (TxSER)

[REDACTED]

[www.Texans4SPEDreform.org](http://www.Texans4SPEDreform.org)



[REDACTED]

***Texans for Special Education Reform envisions a state in which all individuals with disabilities are identified and receive an education that maximizes their future potential for post-secondary education, employment, community participation and independent living.***

On Tue, Jan 16, 2018 at 4:21 PM, [REDACTED] wrote:

Good afternoon Penny and Justin,

Texans for Special Education Reform appreciates the opportunity to present preliminary input to the Texas Education Agency in response to the U.S. Department of Education's request for a Correction Action Plan. We have attached our input to this email.

Though we agree with Governor Abbott's sense of urgency in addressing these issues for Texas children, we believe it is equally important to get the response right, and hope this is only the beginning of a thoughtful, collaborative effort involving Texans from the classroom to the Capitol.

At its essence, the state's Corrective Action Plan will be a statement of Texas values. It is critical that educators, families and students receive assurance from the TEA that they will develop and implement the Plan using the agency's own stated mission - *to improve outcomes for all public school students in the state by providing leadership, guidance, and support to school systems* - as its guide. Only through this commitment can TEA provide a Free and Appropriate Public Education (FAPE) to Texas students with disabilities as federal and state laws mandate and the U.S. Department of Education reaffirmed last week in its report.

We are hopeful that TEA is committed to providing the necessary guidance and support to our public school districts and to helping ensure that every Texas child, including those in foster care and children whose parents are unable or unwilling to advocate for them, receive the full protections and opportunities they need in order to access future education, community participation, independent living, and economic self-sufficiency. The proper supports for students require the proper supports for their schools.

We look forward to continuing to work with the Texas Education Agency in the weeks and months ahead to get this right.

Blessings, [REDACTED]



[REDACTED]  
Texans for Special Education Reform (TxSER)  
[512.789.3116](tel:512.789.3116)  
[www.Texans4SPEDreform.org](http://www.Texans4SPEDreform.org)  
[REDACTED]

***Texans for Special Education Reform envisions a state in which all individuals with disabilities are identified and receive an education that maximizes their future potential for post-secondary education, employment, community participation and independent living.***

| *living.*

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** CAP  
**Date:** Friday, March 2, 2018 8:36:39 AM

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We must consider removing dyslexia from a general education 504 as the first step. Dyslexia therapists doing testing are not trained well and do not know the process for referral to special education. Many dyslexia therapists and campus SPED assessment personnel do not even know each other. We have created a “norm” where most assessment personnel feel they are doing the right thing with students who are considered for dyslexia. We must look at the federal definition of SLD and put dyslexia back where it is supposed to be and continue to look at a continuum of services for these students.

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Answers to questions  
**Date:** Thursday, March 1, 2018 2:35:34 PM

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What are your concerns around Child Find?

My biggest concern around child find is the 21 year old limitation. There are alternative charter schools that take students as old as 25, and I had a student who was trying to get his diploma, but couldn't pass TAKS. If schools take students up to 25, then they should be covered. Also, I've never seen anything sent to my house or even posted from the district online about child find. I truly believe that districts should be required to post informative (non-vague) resources for students in and out of district.

It's always been unclear and unfair to me that a school must test a student if they see a problem, but if the teacher tells a parent "Hey I think your kind has a learning disability" they get in trouble. There should be protection for teachers who just want to help the parents understand why their child is struggling. I understand that they can request an evaluation, but the parent shouldn't be left in the dark for 3 months if they want to know what the teacher thinks.

What are your concerns around monitoring and FAPE (free appropriate public education)?

There isn't enough of it. There are students whose accommodations are being violated and parents don't know to fight it. There are parents who are told in IEP meeting to get an outside counselor because they don't know any better. I know that parents get their notice of rights, but there needs to be more for them to understand what schools can and cannot do.

Thanks for your time,

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Comments on the Corrective Action Plan  
**Date:** Thursday, March 1, 2018 10:30:46 AM  
**Attachments:** [image001.png](#)

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The Corrective Action Plan seems to be punishing Texas for following Congress' statement that too many students were being labeled as Special Education when they could be better serviced through the General Education. Congress stated, "...the education of children with disabilities can be made more effective by: Providing incentives for whole-school approaches, scientifically based early reading programs, positive behavioral interventions and supports, and early intervening services...." Furthermore, Congress stated that these general education interventions could "...reduce the need to label children as disabled in order to address the learning and behavioral need of such children." Therefore, Texas passed a law that "Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial, remedial, compensatory, response to scientific research-based intervention, and other academic or behavior support services. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a FIE." OSEP criticized Texas for using Special Education as a "last resort," but this was Texas law that followed Congress' statement.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Feedback for TEA feedback on Special Education  
**Date:** Wednesday, February 28, 2018 8:45:32 PM

---

Just participated in the Parent Focus Group at [REDACTED] ISD and the group was told additional feedback could be emailed. The following feedback is from the experience of a child who has been dealing with dyslexia and dysgraphia for 7 years.

**Problem:** School districts delay screening for learning disabilities (specifically dyslexia) until halfway through 2nd grade. It is the only disability that is tested. By that point the student is so far behind, is frustrated, dislikes school, self esteem has been diminished and has already been label by their peers.

**Solution:** If there is suspected disability, testing/screening be given in Kinder upon request of parent or teacher, and appropriate intervention to begin immediately. If no apparent disability is detected at that time continued monitoring & additional screening at a future date.

**Problem:** Current intervention for struggling readers, called LLI, is 20 minutes at the back of classroom, with additional guided reading books assigned for homework.

**Solution:** Reading is the core skill that every other subject is built on/from. Currently, curriculum for science & history is repeated and built upon through elementary school grades. As a remedy, have struggling readers pulled from one of these classes twice a week to a small classroom to focus on basic reading skills and Phonics.

**Problem:** Delaying the start of Dyslexia classes until third grade, and providing little to no intervention until then.

**Solution:** If a child has been diagnosed with dyslexia, provide intervention prior to starting the dyslexia program that can help them, such as a focused phonics program.

**Problem:** Delaying 504 and any accommodations until student starts the "Official Dyslexia Program"

**Solution:** Let school administrator or special ed teacher allow certain accommodations before a 504 plan to prevent student frustration. Example: reduced spelling list.

**Problems:** Current guidelines for Dyslexia classes are not define thoroughly enough. School districts are offering the bare minimum so it doesn't impact budgets. Children with dyslexia are not being provide the same opportunity to an education as other students. Lack of substitute dyslexia teachers. We missed 28 days of dyslexia class one school year. That equates to a month and a half of classroom time, on a subject these kids get 2 yrs and only 2 yrs to learn.

**Solution:** Dyslexia classes must take place the same number of days as there are in a school calendar. Qualified dyslexia trained substitutes teachers must be provided when teacher is absent. Schools must budget accordingly to provide the same number of educational days as every other subject taught in the school.

**Problem:** Schools limiting Dyslexia programs to 2 years and only two years, regardless if a student has learned the processing skills or not. No additional help is offered unless you qualify for an ARD or you get placed in a reading lab that strictly focuses on the Reading STAARS.

**Solution:** At the completion of the dyslexia program if the student is still struggling, reading below grade level or has been deemed to have severe dyslexia, they must be offered additional dyslexia courses (perhaps a different program Take Flight, Barton, Wilson) and tutoring by the school district by a qualified dyslexia teacher.

**Problem:** Failing the reading STAARS and all the negative implications: retaking just to achieve the same results leading to frustration and low self worth; summer school where they have to take reading, math and science, when they only need help in reading. Dyslexia students are put in regular summer school classrooms with teachers who are unqualified to understand or work with their needs.

**Solution:** Test dyslexia students at their current reading level not their grade level. If a child with a learning disability fails STAARS test a 2nd time, automatically requiring summer school, then they should only attend for a focus on reading. Summer school for a dyslexia student should be taught in a small class setting for dyslexia students by a trained dyslexia teacher. If a district is unable to provide this they must provide a tutor.

**Problem:** So many teachers and administrators lack understanding of learning disabilities, making it unnecessarily difficult for everyone involved.

**Solution:** Educate the teachers and administrators on learning disabilities. Scottish Rite has an excellent hour video "Understanding Learning Disability, How Difficult Can it Be?" explaining how students with learning disabilities process info. Educators could be required to log on to a website at their convenience to watch it. A system could be set up so their district can see who has viewed it and get credit for it. Also, if an individual is going to college to earn a teaching degree, a couple courses specifically on learning disabilities and strategies should be required for their degree.

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** CAP Comments  
**Date:** Wednesday, February 28, 2018 5:28:11 PM

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As a parent of a Dyslexic student in Texas, I am writing to provide comments in addition to my 'online survey' comments.

**In regard to 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.*

**Comment:**

Would like to see that TEA provide explicit direction to all ESC's and LEA's including specific guidance that ALL students suspected of disability must be initiated through a FIE. This includes referrals for dyslexia, dysgraphia, dyscalculia and all related dyslexia disorders regardless of perceived severity. Currently, the practice at our LEA is that the parent is offer a dyslexia assessment OR a SPED assessment.

**In regard to 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.*

**Comment:**

TEA consider including in the revised Parents Guide to the ARD Process and the revised Texas Dyslexic Handbook documented guidance to ESC's and LEA's regarding a) All requests for evaluation moved to FIE process. b) Parents receive copy of Procedural Safeguards and Parent's Guide to the ARD Process. c) PWN within 15 days.

**In regard to 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 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) .*

**Comment:**

Again, any child suspected of disability regardless of severity be initiated through FIE. Where a child identified with Dyslexia be served as outlined in the Handbook and where said child may have co-morbid disability relating to writing, spelling, handwriting have access to specialized services protected by IDEA. That parents receive guidance on the identification and eligibility for Dyslexia and related SLDs. The preamble to to IDEA provides clarity regarding Child Find Section 300.101( c) and clarifies that a free appropriate public education (FAPE) must be available to any individual child with a disability who needs specialized instruction (special education and relates services) even though the child has not failed or



been retained in a course and is advancing.

**In regard to 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 the State's dyslexia program.*

**Comment:**

Given the state of Dyslexia and SPED outlined in DOE OSERs report, it is apparent that Texas has failed with the implementation of IDEA requirements. Lack of explicit guidance, LEAs have used their own interpretation and many students with identified or lack of identification have fallen through the cracks.

This is an opportune time for TEA to receive feedback from all Stakeholders to move forward towards compliance and ensuring all students with disabilities have access to their rights under IDEA.

Thank You.

Region 16 Constituent

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Additional public comment by DRTx on CAP  
**Date:** Wednesday, February 28, 2018 4:10:05 PM  
**Attachments:** [180301.DRTx handout CAP TEA stakeholders roundtable FINAL.pdf](#)

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Please see attachment as additional written comment on the special education corrective action plan.

[REDACTED]  
[REDACTED]

**Disability Rights Texas** | 2222 W. Braker Ln. | Austin, TX 78758  
512.407.2781 *direct* | 512.454.4816 *main* | 512.323.0902 *fax*  
[saleman@disabilityrightstx.org](mailto:saleman@disabilityrightstx.org) | [www.disabilityrightstx.org](http://www.disabilityrightstx.org)



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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Dyslexia concerns  
**Date:** Wednesday, February 28, 2018 3:55:43 PM

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Thank you for the opportunity to share our concerns and recommendations. I have heard that there is a conversation about moving dyslexia under Special Education. I understand that this is the case in many states. The following is how our dyslexia program is set up and why I believe it works.

1. Campus counselors are highly trained to assess for dyslexia identification. They receive training annually from Region 10 and Scottish Rite. The counselors on each campus also oversee all IAT meetings; therefore they are actively involved in RTI decisions and well informed of the interventions individual students have been provided.
2. All dyslexia teachers in [REDACTED] ISD are Language Therapists (ALTA).
3. The majority of students diagnosed with dyslexia are covered under 504. Several students are also identified under IDEA.
4. Maintaining the program under General Ed allows the process of identification to move faster. It also allows the committee flexibility to determine that the evaluation results are inconclusive and the student can enter the program for a 6-9 week trial period. Their response to the program included in the identification process.
5. IDEA students identified with dyslexia are served along with their peers in the Take Flight program as general education time.
6. The progress of students across the district is continually monitored through common assessment data submitted to the district RTI/Data Specialists in the C&I office.
7. Starting next school year, 6th-HS age students that previously completed Take Flight during elementary school completing Books 1-5 will be provided an opportunity to complete Books 6-7 which includes a study of Latin and Greek roots. This intervention will be provided by the Take Flight teachers during an academic support period 2-3 days a week.
8. Students are identified from Kinder up and Take Flight programs are available K-12.

Continued efforts to improve the program

1. Scheduled district-wide meeting in April 2018 with SpEd leads and Gen Ed specialists to review the progress of both students that were previously tested for dyslexia or SpEd and did not qualify. We will look specifically at the interventions these students were provided and their response. There will be discussion as to whether or not their instructional needs are being met and if not adjust instruction.
2. Highly train SpEd ELAR teachers in Wilson Method or Herman Method to provide intervention in phonemic and phonological awareness. There are a few students that lack the unexpectedness to be diagnosed with dyslexia but require interventions based on their assessment in these areas. Please note the net has been widened to capture more students in the dyslexia program. The goal is to match the right program for each student and monitor progress. Previously students that had low listening comprehension scores were diagnosed and would stay in the MTA program for up to 8 years without adjusting the intervention. These students made minimal progress and were not afforded opportunities to be exposed to other methods or programs such as Edmark.
3. Ensure all teachers K-2nd are fully trained in providing phonics instruction as part of the balanced literacy block.

4. Continue screening all K-2ndgrade students for dyslexia
5. Applying for Dyslexia Grant through TEA to add support in the identification of 3-4-year-old children at risk for dyslexia and provide researched-based interventions earlier to include those specific to oral language development.

#### Summary

It is possible for every district to provide Language Therapists to deliver instruction for students with dyslexia. Presently to move the dyslexia program under SpEd would add more stress to a program that will be focusing on the TEA corrective action plan. The [REDACTED] dyslexia program is working because we all work together, SpEd and General Ed. I hope that TEA will encourage districts to improve their dyslexia programs as a general education program for now and update the dyslexia handbook as needed. Dyslexia should not be the first stop before SpEd recommendation nor should a SpEd identified student be denied dyslexia identification through general education.

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

*“Stand aside for a while and leave room for learning, observe carefully what children do, and then, if you have understood well, perhaps teaching will be different from before.” – Loris Malaguzzi*

#### Statement of Non-Discrimination

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Comments on Corrective Action  
**Date:** Wednesday, February 28, 2018 11:57:51 AM

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I am a 504/Special Education Coordinator, and the proposed corrective action plan is alarming to me. First off, the total funding projection is almost \$85 million, and none of this is allocated to students.

In addition, it is unthinkable to test all RtI and 504 students for special education who have been served for 6 months or longer in one of these two umbrellas. There should be a systematic process to identify the students a district truly suspects a disability that would warrant a special education referral. Our district has around 1900 Section 504 students. We are already developing a process to implement that is based on documentation from multiple data sources. Many students have already been tested for special education and did not qualify. Again, a systematic process should be in place for Child Find.

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** RE: TPS Comments on TEA Proposed Initial Draft Plan for US DoE Corrective Action Plan Request  
**Date:** Wednesday, February 28, 2018 10:41:28 AM  
**Attachments:** [TPS Comments on Draft TEA Corrective Action Plan 2-16-18.pdf](#)  
**Importance:** High

---

Good morning –

Can you please confirm receipt of our comments? I have not heard back and want to verify they have been taken into consideration. I've reattached for your convenience.

Best,

---

[REDACTED]  
Texas Pediatric Society, the Texas Chapter of the AAP  
P: (512) 370-1516 | C: (214) 686-2272

---

**From:** [REDACTED]  
**Sent:** Friday, February 16, 2018 4:24 PM  
**To:** 'TexasSPED@tea.texas.gov' <TexasSPED@tea.texas.gov>  
**Subject:** TPS Comments on TEA Proposed Initial Draft Plan for US DoE Corrective Action Plan Request  
**Importance:** High

To whom it may concern:

Please see the attached comments from [REDACTED] related to the TEA Proposed Initial Draft Plan in response to the US DoE Correction Action Plan Request. If you have any questions or comments, please don't hesitate to reach out to me.

Please confirm receipt of these comments at your convenience.

Best,

---

[REDACTED]  
Texas Pediatric Society, the Texas Chapter of the AAP  
401 W. 15th St., Ste. 682 Austin, TX 78701  
P: (512) 370-1516 | F: (512) 473-8659 | C: (214) 686-2272  
[clayton.travis@txpeds.org](mailto:clayton.travis@txpeds.org) | [www.txpeds.org](http://www.txpeds.org) | Follow TPS on Twitter @TXPeds

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Date:** Wednesday, February 28, 2018 8:33:49 AM

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Spend the money on diags and sped teachers, not monitors! Spend money that directly serves kids! Nothing will help except that.

[REDACTED]

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** FAPE  
**Date:** Tuesday, February 27, 2018 8:22:07 PM

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TEA put indicator 10 (also known as the “cap”) into place to monitor/limit the number of students identified as meeting special education criteria across eligibility criteria categories. TEA appears to have misinterpreted federal law, which may have led to the denial of FAPE in some cases [in the cases where specific school districts or specific district employees complied to the TEA cap].

TEA and employed TEA representatives are funded by the state of Texas. Therefore, the state of Texas legislature and the Federal government needs to explain/define and interpret the laws to TEA and TEA employed representatives to prevent violations and denial of FAPE in the future.

TEA was designed to monitor matters related to special education across the state, but whom is responsible for monitoring and training TEA and TEA’s employed representatives on the Federal and State laws? TEA made the mistake by putting indicator 10 in place. However, the Texas school districts are going to bear the burden of the corrective action – personnel resource issues, funding issues, probable compensatory service issues – in cases where it is determined that FAPE was denied, etc.

TEA will likely obtain an increased state budget to monitor school districts. However, TEA (the state special education monitoring body) is the organization that caused the federal violation by putting indicator 10 in place.

Whom will reprimand TEA? How did TEA determine the cap presented in the first place (where is that data)?

My concerns surrounding FAPE is that I do not believe that TEA or TEA employed representatives understand what the denial of FAPE means. However, TEA has been assigned and given a budget by Texas State Legislators to address the corrective action surrounding Texas ISDs probable denial of FAPE. How can TEA be solely responsible for the corrective action of Texas ISDs when TEA created the indicator 10, which lead to violations under OSEP.

The state of Texas needs a Special Education Counsel made of up of knowledgeable, certified and licensed special education personnel that currently work for Texas ISDs to monitor the corrective action plan and to monitor TEA, the TEA budget allocation and to serve as a liaison/mediator between the State Legislator, TEA and Texas ISDs.

Most Texas ISDs and Texas ISD employees have a lack of trust of TEA and employed TEA representatives, at this time. TEA is funded by the State of Texas Legislature and this too is leading to a lack of trust between Texas ISDs and Texas ISD employees with the State of Texas Legislature. It appears that the Texas State Legislature gave TEA a budget to create indicator 10 (the “cap”) to limit funding to public schools for special education services.

A separate Special Education Counsel that differs from TEA and is not funded by the Texas State



Legislators is need to restore trust and proper monitoring of FAPE.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Stakeholder Feedback Regarding OSEP Report  
**Date:** Tuesday, February 27, 2018 3:19:03 PM

---

To whom it may concern,  
As an LSSP in Texas for 17 years, many challenges stand out with regards to evaluations and eligibilities. To be brief, I'll list two problematic areas:

1) The requirement to determine an appropriate eligibility by the age of six, when students from other States transfer to us under eligibilities such as "developmental delay" that can be carried in a particular state until the age of nine.

2) The construct of eligibility for initial placement is often, if not always because of the IEP/ARD programs used in the state, guide the committee to determine "eligibility" at the beginning of meetings - rather than after hearing the needs of the student and the proposed plan of support. The plan of support may result in a lack of educational need after hearing the services...but eligibility is often the first thing discussed. This seems to "put the cart before the horse".

Thanks.

--

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** FW: CAP Feedback  
**Date:** Tuesday, February 27, 2018 2:28:24 PM

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FYI

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**From:** [REDACTED]  
**Sent:** Tuesday, February 27, 2018 9:46 AM  
**To:** Special Education <SpecialEducation@tea.texas.gov>  
**Subject:** CAP Feedback

In regards to the Corrective Action Plan to be implemented by LEAs under guidance of the TEA, it would be most appropriate, given what the LEAs know of the reason for the initiation of the 8.5% indicator, that only those districts that had a special education percentage at that level or less be included in the proposed corrective action plan.

Having all districts, even those with special education percentages steadily above the 8.5, participate in the onerous activities currently in the draft CAP, is unreasonable.

Regards,

From: [REDACTED]  
To: [TexasSPED](#)  
Subject: Respuestas  
Date: Tuesday, February 27, 2018 2:10:51 PM

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la principal barrera es la falta de informacion a los padres de familia de ninos especiales,ya que por ejemplo sobre la visita de representantes de TEA a EL PASO TEXAS,no se le inform a ni un solo padre de familia, tan solo Disability RIGHTS lo hizo saber a solo 3 personas.Las escuelas son la unica barrera entre nosotros y las instituciones que realmente serian capaces de tomar en cuenta las necesidades y de hacer efectivos los derechos de los mas vulnerables,siendo estos los seres con capacidades diferentes.

2.- una de las soluciones puede ser el exigir la escuela de la debida informacion por medio de hojas enviadas en las mochilas de los estudiantes cada vez que halla un taller o un evento tan importante como el que tuvo lugar y al que desgraciadamente en espanol solo acudimos tres personas y en ingles me parecio ver no mas de cinco. En la actualidad la mayoria de los ciudadanos cuentan con correo electronico,por lo que se podria hacer una lista para abarcar a mas personas a tener la informacion tiempo.Otro modo es que las escuelas cuentan con nuestras direcciones y deberian mandar cartas por correo. 3.- TEA debe considerer seriamente el hacer visitas ocasionales sin previo aviso para verificar si las escuelas estan verdaderamente cumpliendo con su comision de informacion .

Respuesta 2.- TEA De nueva cuenta la barrera principal son las mismas escuelas quienen al ser avisadas de una visita y del proposito de la misma disfrazan y esconden las necesidades fundamentales de las personas con capacidades diferentes por cuestiones egoistas y basandose en su propio interes de quedar sin mancha para seguir recibiendo fondos que realmente jamas utilizan en su totalidad para lo que son destinados.

2.- Como solucion para asegurarse de que se esta dando la educacion y atencion digna,apropiada y justa a la altura de los recursos que reciben las supervisions deberian hacerse sin previo aviso,monitorear alternativamente el desempeno de cada una de las personas a cargo OJO que no se hiciera ni se aceptara ningun trato especial entre la persona que haga el monitoreo, con la persona que va a estar del lado opuesto, el personal debe ser neutral,serio y con el unico objetivo de ayudar a aquellos que de una manera u otra no pueden levantar su voz para recibir las ayudas, dichas sean estas las que la ley como IDEA les otorga y que sus familias desconocen

. 3.- Me gustaria que TEA considerara el objetivo de

proporcionar a cada familia que tiene un miembro con capacidades diferentes con un libro-folleto de la ley IDEA, ya que es de gran beneficio y nos anima a hablar ante aquellos que nos dicen en nuestra cara que somos unos ignorantes y que ellos son los especialistas en la educacion, quienes al final nos tienen a todos en un Rincon, callados y moviendo la cabeza positivamente pero viendo lo cruel , injustos e inhumanos que son con nuestros seres queridos, que aparte del peso que llevan aun tienen que ser usados para que otros reciban un buen salario creyendo ante el espejo que merecen.

AGRADESCO INFINITO LA ATENCION QUE SE SIRVAN PRESTAR A LA PRESENTE, AL MISMO TIEMPO QUIERO DEJAR EN CLARO QUE MIS COMENTARIOS NO ABARCAN AAL 100/00 DE LAS INSTITUCIONES ESCOLARES QUE PRESTAN SERVICIOS EDUCATIVOS ESPECIALES HE BASADO MI OPINION NEGATIVA POR CUESTIONES PERSONALES VIVIDAS EN [REDACTED]

[REDACTED] . EN ESTE MOMENTO ESTOY POR ENVIARLES TODA LA DOCUMENTACION CORRESPONDIENTE PARA CORROBORAR MI PALABRA ANTE USTEDES. POR OTRO LADO QUIERO FELICITARLOS POR [REDACTED]

[REDACTED] EN EL MISMO DISTRITO ESCOLAR YA QUE SIN DUDA TODOS Y CADA UNA DE LAS PERSONAS QUE LABORAN EN ELLA, LO HACEN DE CORAZON PONIENDO TODO SU ESFUERZO POR QUE CADA ALUMNO SE SIENTA COMO LO QUE ES; UN SER HUMANO

MARAVILLOSO.

SIN MAS.

ATENTAMENTE

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** TEA and SBEC changes  
**Date:** Tuesday, February 27, 2018 11:30:37 AM

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Corrective Action Plan addressing professional development is NOT sufficient. This is still a reactive response and we need to become proactive and look at teacher programs and certification programs at the collegiate level. SBEC and TEA must look at innovative changes to an antiquated system that focuses heavily still on pedagogy and systems instead of teaching what the current research is showing. Evidence practices as common pedagogy, utilizing the scientific approaches within behavior analysis and in depth look at brain development in relation to learning and TEKS skill requirements.

Both TEA and SBEC must work to change culture and attitude in regards to general ed and special ed. It is too segregated still and services for children with disabilities will not improve until all educators understand and accept that they are accountable for all students, regardless of disability.

Until we proactively focus on new and future educators, we will continue doing damage control and never get ahead of the issue.

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Responsibilities and Timelines...dated 2/26/2018  
**Date:** Tuesday, February 27, 2018 10:14:17 AM

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In my opinion most educators in Texas do not have a firm understanding of dyslexia, the RTI process, Section 504 and Special Education Services. I would recommend a mandated training on each subject for all educators. A web based training could be developed. It is difficult to recognize a potential disability and initiate/provide services without an understanding of the disabilities and the processes/programs. This training should also be mandated in university and alternative educator education programs.

Thanks for everything you do for us!

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** corrective action plan  
**Date:** Tuesday, February 27, 2018 8:08:19 AM

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To whom it may concern,

I have reviewed the corrective action plan and I have a lot of concerns about the extra money and staff that TEA will be requiring for this plan. Where does this money come from? Also, if this same amount of money were earmarked and used to help special education students get identified and provide services/materials, services would be improved in all districts.

This corrective action plan appears to put more pressure on already stretched thin budget and personnel of the school districts. Adding additional assessments and compensatory services to school districts that are already having enough trouble keeping up with the workload that is needed to find and service special education, 504, dyslexia students, etc.

I request that TEA look at solutions for assisting schools to have enough funding to do the job that has been set forth by TEA. TEA needs to revisit some of their guidelines and compliance issues to see if they are reasonable. For example, is the writing of services by speech and related services per week a reasonable expectation? Would per month be more reasonable? Would per month be more in line with what ASHA and other associations related to services are recommending on a national level? There needs to be some room to make up services for therapists due to unforeseen circumstances.

I also request that TEA consider looking at how charter schools are affecting our public schools. With charter schools often refusing to take special needs students or only taking those with minor special needs, that leaves our public schools with a larger population of students with high needs to serve. There should be some attention paid to this as the students with the most needs remain in the public schools with less funding as charter schools take some of the public school funding away from the public schools.

I think now is an excellent time for TEA to look over all practices, not just those that have been called to attention by the Department of Education. We all need to work together to assist our students to reach their capacity.

Thank you for your time and consideration,

[REDACTED]



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Fwd: Corrective Action Plan  
**Date:** Monday, February 26, 2018 10:18:17 AM

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Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** February 26, 2018 at 10:15:11 AM CST  
**To:** [texas.sped@tea.texas.gov](mailto:texas.sped@tea.texas.gov)  
**Cc:** [Mike.Morath@tea.texas.gov](mailto:Mike.Morath@tea.texas.gov)  
**Subject:** Corrective Action Plan

I am really at a loss by the corrective action plan developed by TEA for Special Education. My district as well as others have wrote plans for years because we were over the PBMAS cap for sped, because we determined we would do what is right by the children of our districts-period. In spite of the state regulation that tried to limit services to these children.

The corrective action plan developed by TEA will not work to improve services for students in districts, if you want to make a difference fund additional support staff for districts. We need diagnosticians, mental health professions and other support specialist. We DO NOT need additional oversight which means additional red tape and paperwork for already overworked sped employees. I am completely offended that the state would consider spending this additional funding for administrative monitoring instead of on the children receiving additional services. It is difficult for districts to acquire support professionals now, find money to help districts get these services for students.

In addition, sending notices to parents saying that their children should have been tested, and now can be is also an insult. Parents wanting SSI money might request this additional testing to gain money, but most parents know testing is always available at their request.

Please correct your plan to reflect support for the children in Texas instead of additional TEA monitoring staff.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan Feedback  
**Date:** Monday, February 26, 2018 9:46:59 AM

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Good Morning,

After reviewing the Corrective Action Plan, there are some points I am concerned about:

- Corrective Action 1:
  - “requires that each ISD...” , so why is TEA hiring additional people and training them, instead of working with the ISDs to train them?
  - Visits only once every six years, why is this not reviewed more often?
  - None of the funding allocated goes back into ISDs to help with training to identify, locate and evaluate
  - Wouldn't it be more cost-efficient to train ISDs to be sure to follow the Correction Action 1?
- Corrective Action 2:
  - Under Compensatory Services Delivery, most ISDs were only following the rule provided by TEA, and knowing this change is coming, why are funds not being allocated to help with this?
  - If the LEA is responsible for providing compensatory services, what is the allocation of \$25M being used for ~ definitely not putting money back into the schools
- Additional Funding:
  - Currently, no additional funding will be put back into SPED at the school level
  - Rule that 52% of the state SPED funding allocation is put back into SPED, should be revised to at least 75% or more of the allocation MUST be used to SPED and the remaining be used for general operating costs (ethically, 100% should be used for SPED)

Thank you for taking the time to read the feedback and I am hopeful the next DRAFT will incorporate changes the ISDs are seeing as a need.

--

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Work hard. Be nice.**

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan Feedback  
**Date:** Monday, February 26, 2018 9:29:51 AM

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Good Morning,

Upon looking at the financials in the corrective action plan, there is currently no additional funding that will be put back into special education at the school level. In order to remediate this situation, my feedback is to change the rule that a minimum of 52% of the state special education funding allocation is put back into special education. My recommendation is that 75% or more of the allocation MUST be used for special education and the remaining 25% be used for general operating costs. Ideally, 100% of this funding should be used for special education. This would ensure that additional students who are identified can have a robust option for services because more applicable funding will be available.

Thank you for taking the time to read this feedback.

...



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*The mission of [REDACTED] is to enable students from underserved communities to develop the knowledge, skills, and character necessary to graduate from college, lead in their communities, and command their future.*

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan Feedback  
**Date:** Monday, February 26, 2018 7:32:54 AM

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Texas Education Agency –

Thank you for the opportunity to respond to the U.S. Department of Education Corrective Action Plan. I am extremely dedicated to the students and families of children with disabilities. I have been an educator for the past 22 years, serving both as a general education teacher, special education teacher, and for the last 6 years, a special education administrator. I have been fortunate enough to have served in these capacities in a number of varied settings in five states. I accepted my current position as [REDACTED] [REDACTED] one year ago this month. Over the last year, I have engaged in many conversations with staff, parents, and other stakeholders regarding issues related to Child Find and the “cap” put in place in Texas. I appreciate TEA’s willingness to be transparent and engage in collaboration as we move forward on improving special education services in Texas.

Please see below for feedback –

- **Corrective Action One –**

**Monitoring and Supervision** - I agree that TEA should have a monitoring system in place. I believe the PBMAS has value and allows for Districts to monitor compliance indicators. However, I recommend the TEA audits should have a heavier weight on substantive issues rather than procedural. Specifically, tools similar to the Student Level Review document used in the Special Education Residential Facilities Intervention and Guidance and Resources that focus on student ARDs/IEPS over a three-year period may have more of an impact. This type of review would allow TEA to conduct a deeper focus on what the school district has provided the student, and how the student has progressed, and how the district responded if the student did not make progress. In addition, student outcomes should also be considered including progress on state assessment and other data sources that indicate the student’s reading and math grade levels. This information will provide a more in-depth and meaningful picture of a district than surface level procedural data. The utilization of self-audits for school districts to monitor and adjust on a consistent basis can help to drive the purpose of these visits TEA will be conducting. TEA monitoring also noted “unrestricted access” which may sound scary to our families. I suggest TEA create different types of Notification to parents if they will be conducting visits in classrooms, asking for FERPA protected information, etc.

**Corrective Action Two**

**Child Find** – I do not believe the District should have to notify every parent of students who were receiving RTI support, Dyslexia services/504 or a special education referral. Perhaps Districts should be required to create a Child Find document that reviews data on these students and if the students are not making progress, THEN be required to notify parents of their right to a special education evaluation. We created something like this in FBISD and it was very helpful.

We need more guidance on how we would identify a student who is much older (23+) and how we would determine the need for “specialized instruction” for eligibility purposes. The idea of providing compensatory services to a student who has successfully graduated from high school but cannot be successful in society is frightening. TEA will need to clearly define how compensatory services will be determined and not leave up to district decision making. This will only cause friction between parents and districts, not to mention logistical issues with providing these services.

We have a shortage of evaluators, especially LSSPs. TEA should collaborate with higher education to help form more “grow your own” programs that are located in areas with shortages. We are evaluating as fast as we can, but we need evaluators. Many of the LSSP programs limited their cohorts to a small number, and in many cases, we are hiring LSSP interns who have not had quality training at their LSSP program. As TEA focuses efforts on training and clarifying the Full Individual Evaluation eligibilities, please include higher education in your trainings.

- **Corrective Action Three-**

**Dyslexia program** – Please consider ending the Dyslexia Program in Texas. This has created a tremendous problem, as the program requires “Specially Designed Instruction” under 504, which is not appropriate. I believe if a child needs Direct, Explicit, Systematic instruction on reading, this type of instructional delivery model should be provided under IDEA. The current Dyslexia program causes mass confusion for parents and educators.

TEA should also work with higher education to ensure all special education teachers are provided training

in an Orton Gillingham based approach to reading during their college teacher training. Districts are spending so much money on training teachers in this approach when they should receive this during their college course work. In addition, there is a need to provide training to general educators on inclusive practices, DI and UDL, Special Ed 101, etc. but this additional training will be difficult if TEA does not provide funding to districts to pay teachers for this training. We will have to add 1-2 days to teacher contracts to provide this type of training.

- **Correction Action Four** -

What is meant by school districts that have "special needs?" What data will TEA utilize to make this determination? If this is strictly based on low special education representation, TEA should consider any recent increases in special education identification and other positive changes that may have been made prior to determining a district requires this type of oversight. More clarity on this issue would be appreciated. Some districts have worked extremely hard to ensure appropriate identification of students and that should be taken into consideration.

Thank you for allowing me the opportunity to give input. I would be very interested in serving on stakeholder/task force meetings as we work collaboratively to improve services for our children.

[Redacted signature block]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** USDE Corrective Action Plan  
**Date:** Sunday, February 25, 2018 6:58:10 PM

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Hello,

I am currently a 4th grade teacher in Texas. I am an advocate for Special Education, not only as a teacher, but as a parent as well. My daughter has a learning disability, and currently receives accommodations through Special Education.

One important aspect that I feel would be highly beneficial to the education program is adding more support staff to assist students with disabilities. Often times, one paraprofessional administers to a child for 15-30 minutes twice a week. Also, there is usually one to two aides in elementary schools. I have seen first hand that a child's accommodations are not properly and efficiently being implemented because of the lack of support teachers and special education teachers receive.

I would like to receive further information on ways I can advocate for this to be implemented and included in the corrective action plan.

Thank you in advance,

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Re: Notice: TEA Teacher and Service Provider Focus Group Meetings  
**Date:** Saturday, February 24, 2018 10:58:31 AM

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Dear Texas SPED,

Thank you for soliciting our thoughts! I have been a social studies teacher for almost 10 years. I am so special education certified for the past 3-4 years. I have worked in [REDACTED] and [REDACTED]. What I have noticed is that pull-outs stopped and there was a switch to co-teaching. But there is no real training on how to be co-teachers in a regular ed classroom.

Depending on the SCHOOL district and also school regular ed teachers may be trained on-the-job regarding SPED policies and procedures. Since there is an overrepresentation of Black and Hispanic students, move to do RTI Response-to-intervention process before referring to SPED. But the process time is not equal across schools and school districts. Teachers are stressed with classroom and other duties, and PLC times do not always adequately allow time to implement RTI. RTI Team need to meet more frequently and clear instructions/framework.

Also, there needs to be adequate numbers of SPED paraprofessionals for general and SPED classrooms. There are not enough and too many are covering lunch duty, hall duty, or classes.

Sincerely,

[REDACTED]

----- Original message -----

**From:** TexasSPED <TexasSPED@tea.texas.gov>  
**Date:** 2/23/18 11:06 AM (GMT-06:00)  
**To:** [REDACTED]  
**Subject:** RE: Notice: TEA Teacher and Service Provider Focus Group Meetings

The survey for soliciting comments has closed. However, you may send your comments [texassped@tea.texas.gov](mailto:texassped@tea.texas.gov)

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**From:** [REDACTED]  
**Sent:** Thursday, February 22, 2018 10:45 PM  
**To:** [REDACTED]  
**Cc:** TexasSPED <TexasSPED@tea.texas.gov>  
**Subject:** Re: Notice: TEA Teacher and Service Provider Focus Group Meetings

Dear [REDACTED],

I am very disappointed. This email was not sent out at least 2-weeks earlier, not at 9:46 pm on a Thursday night. It is hard finding substitutes. Also, it is past the due date to complete the survey. I have checked my email mailbox and couldn't find any other emails from your dept.

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

----- Original message -----

From: Special Education Services <[SpecialEducation@houstonisd.org](mailto:SpecialEducation@houstonisd.org)>

Date: 2/22/18 9:46 PM (GMT-06:00)

To: [REDACTED]

Subject: Notice: TEA Teacher and Service Provider Focus Group Meetings



Dear Teachers:

During the 2016-2017 school year, the United States Department of Education, Office of Special Education Programs (OSEP) 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 10, 2018.

The findings from that report require TEA to develop a plan 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.

TEA will be conducting a series of focus group meetings targeting district leaders, families, teachers and service providers, and students. These meetings will be held in all 20 Education Service Center (ESC) regions in the state prior to the final plan being submitted to OSEP on April 18, 2018.

ESC [REDACTED] is assisting TEA in providing notice to **interested educators** of the following meeting opportunity(s) and registration directions. Each one-hour meeting will be structured to solicit targeted feedback from participants regarding TEA's initial draft plan. These meetings are closed to media and the general public to protect the privacy of students and families.

Interested participants may only register/attend one identified focus group session.

Focus Group Membership Requirements	Teachers and/or service providers to include both general and special educators who are currently employed in a public school district or charter school located within the region where the meeting is being held
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Selection and Registration	Register at [REDACTED] Meetings will include up to 25 participants each with registration spots being allocated on a first come, first served basis.
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TEA Educator Focus Group Meeting Agenda		
Location(s) Region [REDACTED]	Date(s) February 26, 2018	Time(s) 9:00-10:00
Agenda	Time	Purpose/Outputs
Welcome and Overview	15 minutes	Concise information given to group to <ul style="list-style-type: none"> <li>• understand of areas cited and requirements for corrective actions</li> </ul>
Small Group Targeted Discussions	30 minutes	Targeted questions that will result in <ul style="list-style-type: none"> <li>• formalized written feedback</li> <li>• idea consensus into formalized written feedback</li> </ul>
Closing Remarks	15 minutes	Close conversations and communicate next steps

Stakeholders are invited to provide general comments and feedback on the plan the [USDE Corrective Action Draft Plan Online Survey](#) by February 18, 2018 or by emailing TEA at [TexasSPED@tea.texas.gov](mailto:TexasSPED@tea.texas.gov) at any time during the plan's development.

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action plan  
**Date:** Friday, February 23, 2018 12:15:47 PM

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To Whom it Concerns: Corrective Action Plan Suggestions from an ALTAread.org member.

- 1) Keep both 504 and SPED as ways to serve Texas students with dyslexia and related disorders
- 2) Ensure that those working with children with dyslexia and related disorders have received training equivalent to a CALT/CALP/LDT/LDP
- 3) Support TEA school district accountability visits for both SPED and 504
- 4) Need state dollars allocated for pupil funding for dyslexia and related disorders

Even though I work in a private school setting, many of our accommodations for students with dyslexia come directly from the Texas regulations (504 and IDEA). At my school, we annually screen all prekindergarten, kindergarten, primer, first, and second grade students for speech/language and emerging reading skills. This enables us to track and intervene early when a student is flagged with a need. It's an expense we are willing to bear, and a service we provide to parents.

I would hope more public schools would screen all students early and not wait until a child develops a real academic problem.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

"Believing in the limitless potential of girls, [REDACTED] develops resilient, confident women who are educated and inspired to lead lives of purpose and impact."

**From:** [REDACTED]  
**To:** [TexasSPED](mailto:TexasSPED)  
**Subject:** Re: Corrective Action Plan  
**Date:** Thursday, February 22, 2018 7:31:42 AM

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Thank you so much for reviewing my input. Please continue to advise the legislature of the need for improved funding for special education. I had the opportunity to hear Ms. Schwinn at TCASE recently, and I greatly appreciated her address. However, it was extremely hard to hear her state that improved funding to districts is not necessarily the answer to providing increased numbers of evaluations and student services, when TEA is proposing taking \$84.5 million of current and future IDEA funds primarily to hire personnel at the state level. IDEA funds should be used for students, and the students need more diagnosticians, LSSPs, SLPs, OTs, teachers and paraprofessionals. State officials will not be able to meet their needs, the expectations of their parents, and the dictates of the USDE.

Thank you so much for your consideration.

[REDACTED]

On Wed, Feb 21, 2018 at 2:17 PM, TexasSPED <[TexasSPED@tea.texas.gov](mailto:TexasSPED@tea.texas.gov)> wrote:

Thank you for your comments. Your feedback and suggestions have been received and are considered valuable and an integral part of the corrective action plan development process.

**From:** [REDACTED]  
**Sent:** Monday, February 19, 2018 4:06 AM  
**To:** TexasSPED <[TexasSPED@tea.texas.gov](mailto:TexasSPED@tea.texas.gov)>  
**Subject:** Corrective Action Plan

I am writing to express my concern with the corrective action plan. When I listened to the parents who spoke to the USDE during their meetings in Texas, overwhelmingly they stated that they wanted more evaluations; they wanted evaluations sooner; and they wanted more services for their children once they were placed in special education. Unfortunately, this plan primarily calls for more state level personnel. More personnel is needed on the district level to provide the evaluations that the parents want and expect from this action. Monitoring is important, but at least 85% of the \$84.5 million special education dollars allocated for this plan

should go directly to the students. Please do as the parents ask. Please allocate the majority of this funding for evaluation staff so that districts are better able to address the needs of the children of Texas.

Please also consider the impact of unnecessary monitoring. Preparing for a monitoring visit takes weeks or months of effort as districts pull vital personnel from student services to compile the data and prepare the multiple compliance documents that TEA requires. Please use on-site monitoring only when districts have numerous substantiated special education complaints or when accountability issues require intervention.

Please also issue guidance on when and how to use Section 504 plans, dyslexia services, and RtI. The corrective action plan makes these sound like undesirable choices. Many students are very successful with the accommodations and interventions provided by these plans. Please do not require that students who are experiencing success must be evaluated for special education just because they have been served by one of these plans for 6 months or more. Evaluations should be provided when the student has a suspected disability and appears to need more specialized instruction.

Thank you so much for your consideration of these requests.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** USDE Corrective Action Plan  
**Date:** Wednesday, February 21, 2018 2:17:03 PM

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You would like "stakeholders" to respond to the USDE corrective action draft plan, however, as a college graduate I still do understand what was being conveyed on your website so really do not even know where to start to respond. Maybe if you put it in terminology that the parents who have not been exposed to all the data before could have a clue of what you are saying.

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** 504 and Special Education  
**Date:** Wednesday, February 21, 2018 12:36:05 PM

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I agree very strongly with this section of initial draft.

It is essential to have one person for dyslexia and another person for other 504 support.

- *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.

Stake holder

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Cc:** [REDACTED]  
**Subject:** Corrective action plan feedback [REDACTED]  
**Date:** Wednesday, February 21, 2018 11:22:54 AM

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The [REDACTED] would like to offer the following feedback with regards to the state's draft corrective action plan:

We commend the support proposed in the corrective action plan, as well as the funds allocated to compensatory services. However, we think it important that the plan also help districts address some root challenges to offering timely and high quality special education services, namely: (1) funding to hire and retain diagnosticians, (2) updating special education weights in the stat school finance formula, and (3) funding and training for dyslexia specialists to serve not only newly identified early elementary students but also a backlog of older students who have gone undiagnosed.

In all efforts to conduct outreach and offer education and resources to parents, it is important that resources and outreach be conducted in multiple languages and that those who conduct outreach have a proven track record of engaging families at risk of lower participation, including low-income families and Hispanic, African-American, and Asian families.

[REDACTED]

Sent from my tablet



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** 504 and Special Education Feedback  
**Date:** Wednesday, February 21, 2018 10:32:24 AM

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Dear TEA,

I appreciate and thank you for the tremendous effort you have taken in trying to gain feedback from stakeholders. I do have a few thoughts on this matter. A couple of my children have benefited from the programs available through our local school district. In reading through the TEA initial draft of USDE Corrective Action Plan, I was glad the TEA is looking to improve the program. Just in my school district, [REDACTED], I have seen a great improvement from when my daughter's went through the program to now having my grandson in the program.

There are a few things I encountered as a parent of a special needs students. What stands out to me is the funding for these proposals at the local level. I could not ever figure out why I had so much trouble getting our local school to test my children for reading problems when they started struggling at a young age. My mother and sister, who where employed in the education system explained it to me, local schools do not get state funding for dyslexia programs. So this leads me to: **there is not enough funding given to compensatory funds for ISDs in TEA budget. For the schools to accomplish the task you are requiring of them, there needs to be more funding given to them from the state. I believe this is one of the main focuses the TEA budget should be focused on.**

**Why so much money given to call center?** When I used the call center years ago, this may have changed, it was just a service to tell me how to go about navigating through the system. It was not very helpful. **If the local school district doesn't have the money for more students in their program isn't going to work.** Also, people don't usually find out about the call center in my experience, so why so much money spent on it? **I think the money would be more wisely spent in internet resources that parents access for information about serviced and on paper handouts. That would mean that the TEA Resource Development or Outreach would be an ongoing thing and not put off on local schools the fund the continuing of this information after the first year.** My I say as a side note, as a parent, it would be helpful to if whenever an acronym is used the first time in a document that it is also written out.

In my experience, the parents and the teachers have the best knowledge as to whether a student is struggling. **It would be good if there were a resource where a teacher could anonymously say if he/she feels the students needs in his/her classes are being met. It could be a school or district survey. I think that would be away to have a quick general check on a school or district.** Lastly, I think that the local school districts should be able to submit the third party vendors for services and then the state make sure they are a credible vendor to provide services to our special needs students when needed.

Thank you once again for giving parents the opportunity to give TEA feedback. TEA plays an important role in the checks and balances of ISDs in Texas.

Sincerely,



Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Stakeholder Input to TEA's Corrective Action Plan, Initial Draft  
**Date:** Wednesday, February 21, 2018 9:27:24 AM  
**Attachments:** [image002.png](#)

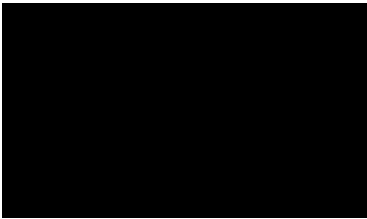
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Having review and support teams go out to school districts once every six years is not enough. In six years a child has made it through all of elementary school for better or worse.

This is too long particularly for a school district that is struggling to meet the needs of its students. Every three years would be better and would prevent students for falling through the cracks. To that end, perhaps the teams should be doubled in size.

Finally, in addition to the escalation team the individual school districts should have a mechanism for tracking parent complaints and concerns, via a hotline or parent resource center. The districts should keep a log of these cases along with their response for the escalation team to review.

Thanks,



**Please consider the environment before printing this e-mail**

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan for IDEA  
**Date:** Wednesday, February 21, 2018 8:38:55 AM

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To whom it may concern,

I am writing regarding TEA's corrective action plan in response to OSEP's findings on Texas' compliance with the Individuals with Disabilities Education Act (IDEA). I tried to complete the survey but believe it has been taken off line. I was only yesterday made aware of this action plan, and I have a child who has been in 504 for approximately 8 years for dyslexia. I recently have another child in middle school who has been put on a 504 plan for migraines. I'm not sure why I did not receive the information and survey earlier in the year, but regardless I wanted to send my response. I agree with the corrective changes. I do not believe the TEA should set a cap on the number of students who can participate in IDEA as that would potentially exclude students in need. I believe teachers, especially in elementary school, need continued training in identifying students with disabilities, but also in high school and middle school. My daughter with dyslexia was in high school diagnosed with ADHD. This diagnosis dramatically affected her school; since being put on ADHD medicine her grades in high school improved dramatically. My daughter with migraines has benefitted GREATLY from 504 accommodations. If she did not have these accommodations my daughter, currently in GT/LEAP Science and English and PreAP Math would be failing even though she understands the material. She would have failed solely because she can not keep up with the amount of daily schoolwork and homework even though she understand the content.

Thank you!

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Fwd: Additional comments on draft corrective action plan  
**Date:** Wednesday, February 21, 2018 12:25:05 AM

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To whom it may concern:

I am a parent leader and advocate in the dyslexia community, working closely with parents and my district to advocate for students, as well, I am a volunteer in schools for early reading, English language acquisition and adult literacy, and studied academic language therapy at SMU. I have been involved with dyslexia in Texas for 21 years, and seen the positive progress made. I wish to offer the following comments in addition to my survey comments made on the corrective action plan.

Dyslexia evaluations are not merely screenings as the OSEP represented: they are brilliant because districts and parents **do not have to do an FIE to determine that a child has dyslexia. Jack Fletcher, among others, asserts that testing is not as important as instruction.** To return the system for dyslexia to a time when an FIE was standard is simply unjust.

Over the years, the TEA and SBOE have strengthened the guidance regarding SPED evaluations and placement and 504 plan accommodations and services. It is actually quite good. I would like to stress to TEA that SPED evaluations were once the way dyslexia had to be identified in the State of Texas, and it was a total failure.

I do not believe that times have changed so much that SPED should be the point of entry to a dyslexia program in a singular way again. The identification of SLD - even assuming dyslexia is a single category of disability in Texas - is three pronged. Most students would not meet criteria for all three prongs. Moreover, dyslexia is addressed through instruction - the provision of the right kind of instruction, which is a factor in determining eligibility (if the issue is inadequate instruction rather than SLD).

Quite often, I see the opposite; students are receiving SPED but are never evaluated for dyslexia -- their speech or OT issues are picked up, but no one ever thinks to check for dyslexia and they cannot read at grade level.

I have worked with parents where children are in SPED, and when the offer of services for dyslexia is made under SPED, it is for a half hour two times per week and does not meet the intense criteria under the State dyslexia law, but was sufficient under IDEA. Once parents are educated, they know what to refer to within the existing handbook - even when ARD staff do not.

There must be a consensus around level of functioning or weakness that requires students be evaluated through SPED services: parents need to understand the trigger point for SPED and should **also be knowledgeable about and** keep in mind that ARD committees differ from a mere program or support, but have a lot of power regarding placement, dismissal criteria and goals. The level of mastery considered acceptable is often lower in SPED than for regular education programs, and the variation and education of teachers for dyslexia under SPED in

Texas varies. Our system here is largely mainstream and should remain so.

Likewise, there are instances where the expertise necessary for a student isn't in regular ed, where SPED is the best placement because there are related conditions, or very severe dyslexia that requires year-round services, or speech or other related services. The student should follow the expertise he or she needs.

There is a deep belief among many parents that SPED is better, that there is more knowledge of reading, better supports, more "cadillac" services there. Parents and educators can, indeed, provide access to services under 504 as a matter of accommodation and access. The issue comes when the services lie in SPED, and will not be shared to help students. The wall between the two needs to be permeable in service to the child's needs, especially when there is already a disability - if dyslexia is considered to rise to SLD.

I truly believe that the indicator was an attempt to keep too many students from being identified where identification was a way to ameliorate their education - where SPED was a last ditch placement for **students with dyslexia who were not identified early, or served correctly with appropriate dyslexia instruction.** They never received correct, appropriate services within SPED either. I work with adults in an adult literacy program - and the room is filled with students who were placed in SPED but not a dyslexia program....because resources, professional development, training, programming, were not believed to work or acknowledged. Assessment was not understood or too expensive: SPED was the eventual destination. Today, I am not sure the denial would be the same, but the access to assessment in many communities is still a challenge.

Inclusion criteria for underidentified communities such as ELL, African American and other minority groups is essential. Parents within those communities need the opportunity to understand processes for referral and when to be concerned about their child's progress so they can become better advocates.

What parents do want is help for related conditions: ADHD, school-related anxiety, executive function, dyscalculia, dysgraphia and disordered written expression, speech, or occupational therapy. When further suspicion is raised or help is requested, SPED is often denied out of hand without any process (by school counselors, quite often). Any plan to revise this system needs to include professional development and certification for K-12 school counselors.

There is not an adequate progress measure for students in most dyslexia programming. RISD requires a high level of mastery but others do not. When a student is unable to advance through the program, some kind of alarm bell should be rung, and a SPED eval should be suggested.

Thank you for the opportunity to provide feedback on the draft corrective action plan.



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Feedback for Corrective Action Plan per USEA  
**Date:** Tuesday, February 20, 2018 11:09:55 PM

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TEA staff,

The following are my proposal ideas to help with enhancing fair and equitable educational support for special education under Autism and Dyslexic services.

1. Do not discriminate against Students with disabilities who do not pass state exams, STARR. By not allowing students to qualify in magnet schools programs to build a skill or trade.
2. Allowing students of special education who are behind in reading, math, and writing, but not limited to all core subjects. These students should be allowed to received compensatory services to catch them to grade level profromance by having ISD's LEA directly involved in receiving private tutoring like Scottish Rite or LindamoodBell for Dsylexic students and or similar programs. All students will continue programs until caught up before and after school intervention to include summer school/extended school year.
- 3 All students who were affected by results of fraudulent promotion or placement, 504, RTI, and etc will be tested in all areas under Full Individual Evaluation to include Dyslexic, Dyscalculia,Dysgraphia, and Dyspraxia . Evaluate students with Irlen Snyderome as well.
4. All funding for ISD will be accountable in aspects by LEA and reported back to TEA and US Department of Education to ensure monies is spent in accordance to special education, RTI, 504, and Dyslexic students. Spent on private tutoring, private schools, special programs, and students will be accessed on improvements.
5. After all data is collected and reviewed by schools TEA will follow up to any random students in any ISD around Texas to assess improvement and students files under IDEA to ensure federal laws are followed and educational support is implemented. A special education report card will be reviewed on an annual basis by Texas Legislators and Governor involved in a successful process in Special Education and truly No Student left behind to ensure all schools are in cohesion with the Proposal implementation finalized by US Education Agency. The Governor will send the annual assessment to US Education Agency for the next ten years to show comparables in Texas as well as other states in the US.

Thank you,

[REDACTED]

[Sent from Yahoo Mail for iPhone](#)

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Feedback on Initial Draft of USDE CAP  
**Date:** Tuesday, February 20, 2018 10:02:23 PM

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Below are my comments on each bullet point; these are my personal comments on my perspective as an ESC employee. Please feel free to contact me if you would like any clarification.

I have numbered my feedback by the proposed actions in each Corrective Action, using numbers to represent the bullet points where the proposals exists in the current draft. For example, the third bullet under Corrective Action 3 is numbered as 3.

### **Corrective Action 1:**

1. Moving the individuals who monitor the special education programming into the same division as the team that writes the guidance will be very beneficial. There have been several instances where ESCs have been contacted by a program monitor to ask where we got guidance we gave an LEA and showed it to them on the TEA website and/or referred them to a statewide network/project that they were unaware existed. Additionally, LEAs have shown monitors this guidance during their visits. It is imperative that these individuals have at least a minimum knowledge of special education program requirements in order to be able to adequately monitor and ask appropriate conversations of an LEA.
2. The number of visits per year should be based on need. Frequency of visits to a specific LEA should also be based on need. However, a minimum number of years between visits to each LEA could potentially be beneficial, as long as the visits are focused on student performance and not solely compliance driven.
3. It is imperative that the person hired for this position is very knowledgeable and experienced in special education programming within Texas, as many of the aspects of the Corrective Action Plan are specific to state laws/rules (i.e., Texas law/rule not specifically identifying dyslexia as a specific learning disability, whereas many states do identify it as a specific learning disability). Additionally, given the timelines in this plan, there is not time for someone to have a steep learning curve of Texas rules, special education jargon (i.e., ARD), and infrastructure (i.e., our LEA structures of over 1200 independent entities in our state, etc.) A steep learning curve could potentially delay the effective implementation of this plan and further jeopardize Texas' service to students with significant learning delays and a potential disability/identified disability.
4. A focus on effective practices that lead to improved outcomes for students is important, but is also a bit challenging given the many different local terminologies used within each LEA (for class names, instructional settings, instructional methodologies, etc.) Use of the existing statewide networks to look at effective practices already identified and existing statewide publications that have already been vetted by TEA as well as increasing use of national tools such as IDEAS That Work could be very beneficial and cost effective. Consolidating links to these resources in one place on the TEA website would be a beneficial start rather than trying to create new things. (Escalation Team addressed in Corrective Action 4.)
5. The potential issues with unannounced visits include disruptions to teacher schedules (i.e., finding substitutes when interviewing teachers), inadvertently visiting during times that are not conducive to seeing "regular" instruction (6- or 9-week exams, unit tests, semester exams, benchmarks, field trips, etc.) While seeing the regular instruction without a "show" is very beneficial, having a team arrive unannounced can even cause difficulties in simple things like finding an office space/extra desk/table for the team to use in some buildings.
6. PEIMS collection of additional data could be helpful IF it is not burdensome and is beneficial to seeing student progress. However, since this Proposed Action does not state what potential adjustments are being proposed, it is hard to give input. If state assessment scores could somehow be integrated into PEIMS, that might be beneficial. Additionally, if an indicator of prior special education assessment/request for assessment was indicated that would be beneficial. Use of existing SPP 11 data for initial evaluations that were completed to collect any type of DNQ data could also be beneficial if the intent of this was purely to look at students who may potentially be impacted by this CAP.



7. A peer review team could be beneficial; training would be integral to ensure the recommendations they make are not what they have seen as effective in their district but may not necessarily follow the law/rule exactly. Students with disabilities could be beneficial to the process of the developing what the review program looks like, but I am unsure how they would participate in the reviews unless it was within their own LEAs (i.e., how would absences be handled from their home school if they were at another LEA, how would confidentiality be handled, what training would they have to give input, etc.)
8. Monitoring reports being publicly reported could be beneficial for LEAs in identifying trends, being proactive, etc., but it depends on the structure and information provided in these reports. LEAs already have a timeline for responding to the report as well as a structure for disagreeing and requesting consideration, so this piece of the Proposed Action (30 days for LEAs to respond) is not a significant change. In prior years, some LEAs have waited in excess of 12 months to receive their monitoring report, so TEA also needs a structured timeline for sending the report to the LEA. In many cases, at the very least it is the summer of following school year before the LEA receives their report, and often many actions have already taken place in the LEA that may or may not have had additional impact on what may have been required by TEA in their initial report. The delay in receipt of the report by the LEA sometimes makes the required actions not very timely.
9. Aligning the parent survey to the year districts are reviewed is only helpful if the data will be received and used in a timely manner along with the review. Currently, the data for the parent survey is typically received no earlier than mid Fall of the school year after the survey is sent out. So, this timeline would not make the parent survey data useable until the following school year. Will the parent survey timelines be adjusted to account for this? What about other SPP data; will it be used as well as part of this review process or only SPP 8/parent survey? If only the parent survey, why?

## **Corrective Action 2**

1. An outreach campaign may be helpful, but how will it be different than existing Child Find outreach activities rather than targeting specific districts or families based on key indicators? What would make it more effective than existing brochures, flyers, etc. that are already produced/published? Our ESC prints and distributes to all LEAs flyers and posters in English and Spanish, so will this standardize the language statewide? Why use a contractor when the existing ESC structure allows for much more direct contact with LEAs, existing expertise, and more standardized TEA contact and control/adjustment of information? Partnering with existing PTIs may help ensure we all have a consistent language. However, as PTI staff turns over, what is the plan to ensure they remain up to date?
2. The state has several existing call centers: TEA's Parent Call line, each ESC's parent call line (which is required to be printed in the Procedural Safeguards), and the Call Center referred to in the grant in this Proposed Action. This is at least 22 phone numbers in the state. Has information been collected from these call centers regarding a need for expansion?
3. Rather than focus on an arbitrary amount of time in a program, a focus on (1) students who were denied testing by reviewing Prior Written Notices; and (2) students in these identified programs who are not making adequate educational progress seems like it would be more effective. Also, clarification of this language to "an opportunity to request a special education evaluation" would be clearer than "an opportunity for a special education evaluation," as not all of these students may qualify for a special education evaluation. Since criteria for qualification under Section 504 is generally limitation of a life function, if the life function limited is not learning and is not affecting the student's educational progress, the student may not need a special education evaluation, regardless of the amount of time in Section 504 (i.e., asthma, a physical disability that does not impact educational progress, etc.)
4. A standardized/centralized training is beneficial. However, a TEA team cannot effectively lead this training for all LEAs in Texas by August 2019, even with the staff expansions proposed. Will TEA train ESCs to present this training within their regions? How will follow up support be handled? How will new LEA staff members be trained if TEA are the sole trainers?
5. Traditionally, there has been a one-year timeline for the special education complaint/due process system in Texas (with the new exception in TAC effective 2/15/2018 for active duty military parents). Will this one-year timeline be upheld or is the plan for LEAs to have to locate students back from when the 8.5% was originally put into place in PBMAS? Also,

traditionally, the PMI/SI Division at TEA has not required compensatory services of students who already graduated, with the rationale that if they graduated, they were not denied FAPE. Will this still be the case? If LEAs will have to find students who graduated/left school many years prior, funds will need to be appropriated for this Proposed Action beyond service delivery, as LEAs do not have the staff to locate graduates (especially graduates/leavers who are overage/not recent) who may have been impacted. This cost goes way above and beyond service delivery and should not be shouldered by the LEAs' existing funds or the compensatory services appropriation in the proposed CAP. Additionally, the use of outside/independent vendors has the potential of inconsistent guidance throughout the state as well as direct guidance to LEAs that does not necessarily align with best practice, but instead aligns with the consultant's experience. This has happened numerous times, regardless of TEA vetting. The use of ESCs for this support allows TEA to adjust guidance quickly, if needed, and ensure that the LEAs get the information quickly and consistently, as well as ensure the same guidance is used throughout the state and not dependent on a vendor's profit margin (e.g. recommendation of their own products) or their own independent experience. Regarding the effectiveness process, there are many ESC products and statewide network products already created (that are reported to TEA each August) that address this. Rather than creating new products, creating a webpage or database that links to existing TEA vetted products and IDEAS That Work or other national databases would save money. Then a review could be done to determine what products are missing rather than starting over.

### **Corrective Action 3**

1. Regarding the RFP, there are many ESC products and statewide network products already created (that are reported to TEA each August) that address this. Rather than creating new products, creating a webpage or database that links to existing TEA vetted products and IDEAS That Work or other national databases would save money. Then a review could be done to determine what products are missing rather than starting over. While some of these resources may not exist, many do and are scattered throughout the state on many different ESC and statewide network websites. The use of an RFP for outside/independent vendors has the potential of unnecessary costs and inconsistent follow up support throughout the state as well as direct guidance to LEAs that does not necessarily align with best practice, but instead aligns with the consultant's experience. This has happened numerous times, regardless of TEA vetting. The use of ESCs for this support allows TEA to adjust guidance quickly, if needed, and ensure that the LEAs get the information quickly and consistently, as well as ensure the same guidance is used throughout the state and not dependent on a vendor's profit margin (e.g. recommendation of their own products) or their own independent experience. It is virtually impossible for independent consultants/outside vendors to be aware of all statewide guidance and for TEA to communicate these updates regularly to such. Additionally, copyright constraints keep independent consultants/vendors from using some TEA products, including statewide network products, as they are limited to use by public schools and profit cannot be made on their use.
2. The Texas Dyslexia Handbook was recently updated and does refer to Dyslexia and special education services as not being exclusive. However, there are still many parents who do not understand that dyslexia services, in and of themselves, are not provided through special education and that a student does not have to qualify special education services to receive dyslexia services. So, this is an area that needs to be further clarified. However, the use of the Handbook, in and of itself, has proven to not fully get the word out. So, this information might also be included in the Outreach Campaign (Corrective Action 2), if that proposed action continues.
3. The state has several existing call centers: TEA's Parent Call line, each ESC's parent call line (which is required to be printed in the Procedural Safeguards), and the Call Center referred to in the grant in this Proposed Action. This is at least 22 phone numbers in the state. Has information been collected from these call centers regarding a need for expansion? Moving forward with this proposed action should be dependent on data from existing calls.
4. Required professional development on special education is lacking in our state. Teachers must have a minimum of 30 hours of GT training, beyond their certification (and update this with at least 6 hours annually) to teach a student who is gifted but are not required to have any training beyond their certification to teach a student with a disability. If this could be done similar to the Summer Reading/Literacy and Mathematics Academies where a TOT

model is shared with ESCs or even similar to the DTC training, this would be very helpful and would likely reduce the \$23M proposed cost associated with this action. The use of outside/independent vendors has the potential of unnecessary costs and inconsistent follow up support throughout the state as well as direct guidance to LEAs that does not necessarily align with best practice, but instead aligns with the consultant's experience. This has happened numerous times, regardless of TEA vetting. The use of ESCs for this support allows TEA to adjust guidance quickly, if needed, and ensure that the LEAs get the information quickly and consistently, as well as ensure the same guidance is used throughout the state and not dependent on a vendor's profit margin (e.g. recommendation of their own products) or their own independent experience. It is virtually impossible for independent consultants/outside vendors to be aware of all statewide guidance and for TEA to communicate these updates regularly to such. Additionally, copyright constraints keep independent consultants/vendors from using some TEA products, including statewide network products, as they are limited to use by public schools and profit cannot be made on their use.

5. TEA having a Section 504 and Dyslexia specialist would be helpful for the state. This would help streamline information to ESCs and ensure ESCs are providing consistent, relevant, up to date information to all LEAs in the state. Additionally, perhaps AskTED could include a Dyslexia and 504 contact for LEAs to allow ESCs to ensure they have the correct point of contacts in the LEAs.

#### **Corrective Action 4**

1. The TEA monitoring team for special education will need to be expanded. What data indicates the need for an escalation team before the initial monitoring team is hired? Could these individuals, if data indicates the need for the additional 12-16 people, simply be part of the monitoring team, and TEA revisit the need for an escalation team based on data once the monitoring team has started work? Is this based on an effective model in another state?
2. As noted on Corrective Action 1, Proposed Action 3, it is imperative that the person hired for this position is very knowledgeable and experienced in special education programming within Texas, as many of the aspects of the Corrective Action Plan are specific to state laws/rules (i.e., Texas law/rule not specifically identifying dyslexia as a specific learning disability, whereas many states do identify it as a specific learning disability). Additionally, given the timelines in this plan, there is not time for someone to have a steep learning curve of Texas rules, special education jargon (i.e., ARD), and infrastructure (i.e., our LEA structures of over 1200 independent entities in our state, etc.) A steep learning curve could potentially delay the effective implementation of this plan and further jeopardize Texas' service to students with significant learning delays and a potential disability/identified disability.
3. What data will districts be asked to analyze to identify these gaps? If this is state assessment data (e.g., results of students served in special education and those served by 504 and/or dyslexia but not in special education), this data excludes certain grades. Other district progress monitoring data (such as benchmarks) will vary significantly and will require extensive conversations to determine if this is a valuable data point. If it is student progress data, it should include more than just state assessments (grades, retention/promotion, etc.) For LEAs that have purchased or created data-desegregation software systems (such as Eduphoria), this data will be much easier to organize and provide than for those who do not have such systems. Regardless, this will be data and time intensive, and has the potential to allow for very subjective interpretations. Thus, if this action is continued, it needs clear guidance and potentially funding for staff time to find and analyze this data.
4. How is a negative monitoring report defined? In reviewing all PBMAS monitoring reports (and RF monitoring reports when those were separate) in our region for approximately the last 8-10 years and have never seen one without required actions. These reports have never focused on or spotlighted the high points/positives in LEAs, as that was not the purpose, since onsite visits were driven by student data needing to be improved. How will TEA identify the initial LEAs to visit? If, as Corrective Action 4, Proposed Action 3 seemingly suggest, TEA is starting the onsite visits with LEAs identified with having gaps, then it would seem that likely all/most reports would identify/focus on necessary improvement. Corrective Action 1, Proposed Action 8 states LEAs have 30 days to respond to reports that will be published publicly; this suggests that LEAs will be responding to TEA required actions rather than receiving a report that is "positive" in nature with no required actions.
5. Does this Proposed Action mean the focus will remain on "currently identified high needs

LEAs" as they exist under our current monitoring system (PBMAS)? Or is it referring to the system that is being newly developed under this Corrective Action Plan? If it is referring to the new system, see comment on previous bullets.

6. The use of outside/independent vendors has the potential of unnecessary costs and inconsistent follow up support throughout the state as well as direct guidance to LEAs that does not necessarily align with best practice, but instead aligns with the consultant's experience. This has happened numerous times, regardless of TEA vetting. The use of ESCs for this support allows TEA to adjust guidance quickly, if needed, and ensure that the LEAs get the information quickly and consistently, as well as ensure the same guidance is used throughout the state and not dependent on a vendor's profit margin (e.g. recommendation of their own products) or their own independent experience. It is virtually impossible for independent consultants/outside vendors to be aware of all statewide guidance and for TEA to communicate these updates regularly to such. Additionally, copyright constraints keep independent consultants/vendors from using some TEA products, including statewide network products, as they are limited to use by public schools and profit cannot be made on their use.

Thank you for taking the time to gather varied stakeholder feedback from throughout our State.



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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Additional Comments  
**Date:** Tuesday, February 20, 2018 8:31:16 PM

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I have read the draft proposal, and I have taken the survey; however, I worry that the proposal only scratches the surface. I write to you as the mother of two identified children, one with autism, and as a teacher of children with multiple disabilities. These are my concerns:

- For those children who were adversely effected by the percentage cap and have since graduated or dropped out, how will their needs be addressed? My son falls into this category. The lasting effects are a great hindrance to his future.
- For the students I teach, the amount of time per week (or less) they receive related services, such as OT and PT, is far less time than needed to see measurable, lasting progress. Furthermore, PT and OT are by-in-large not carried over into the classroom, further ensuring that progress does not happen. Mobility and communication are CRITICAL skills for my students. If mobility and communication are not made PRIORITIES for my students, they and their families will be negatively impacted for a lifetime.
- I am sure there is an effective way to teach children with ASD social skills. Simply placing them in a general education setting, be it for part or all of the day, is NOT teaching social skills. The hallmark of autism is that these individuals struggle to learn social skills. Social skills instruction should be explicit, with a clear and measureable scope and sequence.
- Training for teachers and paraprofessionals serving students with multiple disabilities is sorely lacking. The topics most commonly addressed are behavior, communication, T-TESS, STAAR and how to meet the many “legal” requirements. My paraprofessionals are always quick to notice that the instructional strategies presented to us at workshops are demonstrated as being provided one-on-one, which is not representative of our reality. The result, in my district, is that turn over is very high among those serving children with multiple disabilities. The teachers and support staff start out ill equipped to serve these students, who have exceedingly complex and diverse needs, do not receive adequate and timely training, do not have knowledgeable supervisors to help them, and do not stay long enough to become proficient. Because there is a lack of continuity between leaving and receiving teachers, the children stagnate or, even worse, regress. The students and their families pay the ultimate price.
- Best practices dictate that those serving the student meet, plan and collaborate together. It is not uncommon for one of my students to have a teacher and two paraprofessionals, to receive OT, PT, speech, VI intervention, AI intervention, O&M and APE, and to be in need of extensive and progressive assistive technology. I have never had all those serving even one of my students meet altogether. This compromises the services being provided by segmenting them rather than augmenting them.

Thank you for your time and consideration.

Sincerely,

[REDACTED]

Sent from Windows Mail

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Special Ed TEA plan  
**Date:** Tuesday, February 20, 2018 8:20:03 PM

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I am interested in providing my feedback on the TEA correction plan for Special Education. I understand (and agree) that Texas must improve and correct how students are served under the Special Ed umbrella. My concern is how the transition is implemented. If 504 students are shifted into Special education, a plan for how their FIE is created and developed is imperative. This shift would create an undue burden on school districts and diagnosticians, and TEA needs to create a plan to alleviate that burden. Also, TEA needs to consider a plan for how to increase special ed certifications for existing educators. An increase in students served in Special Education will require a carefully considered plan for increasing the amount of Special educators without a significant money burden on individual school districts. Thank you for your time and consideration,

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[REDACTED]

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** corrective action plan feedback  
**Date:** Tuesday, February 20, 2018 5:43:51 PM  
**Attachments:** [image003.png](#)

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TEA,

Thank you for the opportunity to respond to the corrective action plan draft report. I've been an educator in Texas since 1997. In the past 20 years I have seen an increasing trend towards monitoring for compliance, which in a few cases has been worthwhile for students, and in other cases has merely served as a time-consuming, resource-draining episode in paperwork insanity for educators.

I appreciate TEA's commitment to seeking stakeholder input. I know there have been hundreds of sessions, the survey, and the encouragement to send emails, such as this one. I am also encouraged by the promise of transparency.

At the outset, I would like to note that I place the primary blame for the state of special education challenges as related to the funding shortages primarily in the hands of the Texas Legislature. TEA is an agency that must answer to demands from the legislature. So when the House and Senate education committees demanded "reduced" special education costs (why hasn't that, and those reports, been more widely referenced and circulated?), TEA responded with an indicator that many perceived as a cap. Personally, I never considered the indicator a cap, and as a director, I never considered or allowed any procedure or practice that focused on reducing special education identification like this indicator. For me it was always just an indicator, just like the other indicators. The one time I even had to respond to a question about this indicator, I believe my TEA monitor was satisfied with my answer when queried about our 11% rate. My response then is the same as it would be now, we followed federal criteria with allowance for incorporation of the Texas education code and administrative regulations. Very simply, I never believed a median statistic of 8.5 was the right metric and I voiced this, then essentially ignored the hoopla surrounding it. I do understand that other directors perceived this indicator differently, and while that is a shame, I firmly believe that districts who don't have this issue should not be required to be monitored in any area for which there isn't a poor indicator. Stated another way, there should be no extra monitoring requirement for areas that are not a 'problem.'

The old DEC practice of monitoring everything during a monitoring visit is a waste of resources and energy. If TEA is going to monitor, they need to be laser focused ONLY on the areas that the district is struggling with meeting. Do NOT waste my teachers' precious time having to gather or generate paperwork justifying an area that is not a problem. The other issue, ask ONLY the people within the district that are related to the issue. If the issue is special education students' performance in CTE, then involve CTE and special ed in the response.

I have asked the question about the funding for this corrective action plan, and I must register my disappointment to learn that TEA has roll forward funds, by report, in excess of \$40 million, that could be used. Why weren't those funds offered to districts who were struggling to pay for evaluation or instructional services? I believe TEA owes a greater, more transparent, explanation of why there are millions of dollars in roll forward, when districts are struggling under the ridiculous lack of school funding (again, the root cause of blame for the funding, at least from the local funds side of this equation, is with the legislature, however, I was startled and dismayed to hear that TEA had such a large federal roll forward.)

Regarding corrective action 1, I do agree that TEA is under-staffed (again, the legislature's inept oversight), however, I am saddened that the focus is going to be on monitoring staff instead of a focus on services oriented positions. I don't particularly care which department the extra positions are, and I can't help but feel a little sorry for TEA staff who are on yet another department reorganization in a few short years. How can the agency get focused on the work at hand when the entire agency is restructured every few years? Why is it so difficult to get a stable organizational structure that works? Is it because the TEA has mandated duties and not enough personnel to do the work?

In regards to the actual development of the review process with a third party facilitator – I have four comments. First, the monitoring documents that have previously been forthcoming from TEA have been excessively cumbersome (e.g. the RF multi-screen, multi-sheet Excel document) and inflexible. I would strongly encourage the TEA to use more modern information gathering tools such as Google Forms or something similarly intuitive. Second, for every single question asked, the filter needs to be – is this compliance or performance oriented? If this is going to be a 'high stakes' monitoring process, then the questions need to be vetted with the stakeholders who will be answering the questions. Third, my



experience of TEA monitors has been mixed, and mostly unsatisfactory either due to lack of expertise and once, due to a rigid personality. Be careful who you hire as monitors, diversity is good, however base knowledge of special education is very important – consider pre-interview procedures of candidates to include basic special education knowledge, and include acting coordinators and directors on the panel. Careful calibration on the meaning of the monitoring instrument is also essential. A defined procedure to challenge results should also be incorporated. Finally, the fourth comment I have is regarding the selection of parents for the parent survey process – random selection is needed, as are district identified parents – we know with whom we have had to work extra hard to develop productive relationships with and can direct you to those parents.

Corrective Action Two related to child find measures is problematic in a few ways. One, if a district is not identified as one of those that firmly followed the 8.5% indicator, then why direct excessive resources towards this, for that district? If a district demonstrates they aren't "broken" in this area, why "fix" it? Two, there is a statewide shortage of evaluation personnel, however, and many districts are precluded from hiring additional personnel due to budget constraints. Merely saying "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." (p. 5 of the draft) is a banal platitude that demonstrates TEA's complete lack of understanding of the reality within a school district's special education evaluation staff, who are already working nights and weekends to interpret and write reports to a burnout level that will be exacerbated by doing hundreds of evaluations of students who may already be receiving services under another arena (504 or dyslexia) and being successful. A blanket invitation is misguided, at best. In our case, all dyslexia evaluations are done in the LD model, so we should be able to disregard a mandate to tell us to do what we are already doing. Third, the outreach campaign needs to be helpful, not judgmental, clear, concise and simple - maybe the CTE marketing classes in districts could be involved... our students have a great understanding of social media.

I have 60+ students in 504 – offering all of them a special education evaluation would cripple my assessment team of 2 diags and 11 LSSPs. There are no allowances for missing timelines due to being short or under-staffed. There is no agreed upon standard for how many initial evaluations a single evaluator can manage, and if a district is truly following the federal standard for multi-disciplinary teams evaluating in all areas of suspected disability, there are times when 45 school days are not enough. Who is going to be involved in creating the "disability templates" ? If Dr. Chermie is involved, for example, then I am going to have confidence in the template. I think stakeholder input on the templates is required. Requiring additional reporting requirements is another administrative burden that reduces attention toward student services. Automate any additional reporting requirements through an already existing central reporting system, i.e. PEIMS or SPP 11 & 12. The compensatory services piece of this plan seems barely fleshed out with only two sentences. Who will determine what students needed services? The ARDC ? and what services? I appreciate the fund idea, and have many questions and opinions about how districts should request those funds – e.g. can I access them to pay for contracted evaluation services? Tutoring services? The task lists that the TEA has set for themselves seems unattainable with the stated resources and personnel units, for a state of this size, e.g. establishing an RFQ process (which the agency itself didn't follow for the sped data debacle...) and an evaluation process for SSAs.

Regarding corrective action three, If the TEA would issue firm guidance to separate RTI from special education, it will result in less confusion. Does the state even have metrics on knowing which departments (general ed or special ed) have primary oversight of RTI? Do a simple survey – I think you will be surprised. What level of consideration is being given to ending the dual service delivery model for dyslexia that we currently have? Dyslexia is listed in IDEA. Would the world be a simpler place if Texas would just put dyslexia under special education? There are many benefits to this, and a few negatives as well. We are already experiencing one of the negatives, which is the mass confusion that already exists. Add a weighted funding adjustment for students identified with dyslexia. We should also require special education teachers to be formally trained in teaching reading – the generic special ed teacher certification process is woefully inadequate, and specifically, if they are working with identified students with dyslexia, then they need formal dyslexia instruction. Regarding professional development for inclusive practices and instructional techniques – I hope that some of the state's premier providers, such as Lead 4Ward, Neuhaus, and Scottish Rite are consulted.

As I don't expect to be a district needing services as outlined under corrective action four, I will reserve my comments for this until I see the next draft of this plan.

I appreciate your consideration of my comments and I am open to further discussion or clarification regarding my statements, opinions or beliefs. I believe the TEA is in a difficult position, not all of its own making, and I wish you the best in your diligent efforts to fairly monitor special education in our great state. I hope the legislature allocates the funds to meet your mission. Publicly provided

education of our children should not be a political topic, and no political party should try to take away from the greater good by privatizing any portion of public education, or try to engineer oppressive requirements with inadequate funding in order to generate falsely directed dissatisfaction towards educators in general, or the TEA specifically.

[REDACTED]

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Meeting/TEA Corrective Action Plan/SPED  
**Date:** Tuesday, February 20, 2018 5:12:35 PM

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To TEA,  
I am a Certified Academic Language Therapist, Licensed Dyslexia Therapist and Qualified Instructor at the [REDACTED]. I have been a teacher/therapist for 24 years. My passion is to help students with dyslexia.

I am an officer of Texas ALTA, a professional organization for those who deliver Dyslexia Services. I attempted to attend a meeting on the TEA calendar, Feb. 27 or 28 at Region 10 but learned that they were not open to people who deliver Dyslexia Services. It was only open to Administrators due to room capacity. Because of that, I want to make sure **Texas ALTA** is at the table for the Advocacy focus groups.

I would like to suggest the following change to the Draft Corrective Action Plan for Appendix C: Stakeholder Engagement. Include Dyslexia Educators along with the General Education and Special Education Educators, and Dyslexia Advocacy Groups with SPED Advocacy Groups.

I am glad to see some measures being taken to better help students with dyslexia in the public school system in Texas. However, I have a great deal of concern that our voices will not be heard which would be unconscionable.

Sincerely,

[REDACTED]

~~Dedicated to making a difference in the lives of students who learn differently ... because not all great minds think alike~~

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Cc:** [REDACTED]  
**Subject:** TEA special education corrective action draft plan suggestions  
**Date:** Tuesday, February 20, 2018 4:54:54 PM

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I am personally interested in participating in any forums you have regarding this subject. Please contact me at the email address below with additional information.

Here are some of my thoughts/concerns as a mom of a 13 year old that has been identified and enrolled in our current special education system in Texas since birth in regards to your initial draft proposal:

**Page 2:** Where/how did you come up with the 25+ 1 admin number. This equates to each of the 8 teams doing 25 visits year or 2.5 visits/month to their assigned school districts hitting districts 1 time in 6 years. **6 YEARS???? So if my child started kindergarten and was not appropriately identified as needing services, they would possibly be in 5<sup>th</sup> grade before they were identified? 6 years later???? THIS IS SIMPLY NOT ACCEPTABLE. They need to be reviewed every 2 years at the very least if not annually-especially given the current problem this plan was written for. You need to hire more than 25+1 people.** You skimp now and it is going to cost you a possibly outrageous compounding amount when this child is finally identified in compensatory damages. Once schools have been identified as following plans correctly, properly identifying, etc. required information from the schools and time to audit would obviously be greatly reduced. In the meantime, how can you think hitting a school once every 6 years remotely works? :/ Soured at page 2 already--- not a good start.

Development of the review process: When, what stakeholders, what 3<sup>rd</sup> party, specifics of the internal auditing mechanism..... none of this is adequately addressed in this section. No actual details given- that's concerning.

**Pages 5/6:** **Unbelievable that you already assign a \$ amount to the compensatory obligations** for students yet to be identified. **You have NO idea what this number is to date to make a forecast of \$ to correct previous damages. You just arbitrarily assign 25m over 5 years?** Is this being based on current averages across the United States compared to Texas (i.e. the gap). Even if so, how are you going to adequately predict what it will take you to get a child caught back up now when you don't know your population, their disabilities, time neglected, etc. ?

**Page 7:** Call center- Please address who is staffing this center. How are they trained? What disabilities are they familiar with, etc. The last thing you want to do is be held liable b/c your call center gave out wrong information. This section is very vague.

**Page 8:** Professional Development: How often, what kind, what disabilities, who is conducting it, etc.? You reference several times dyslexia training but this is only 1 of may

disabilities in a school district. Again- very vague- need more details.

**Page 9:** What happens if a district continues to be a repeat offender even after the Special Education Escalation Team has met with them-i.e. receives multiple negative monitoring reports? That is not addressed.

How are you determining if a 'Technical Assistance Vendor' is providing accurate information? What if they do not and you were the one that recommended them to use them? Liability exposure?

Is there a qualifying standard, application, etc. to be a vendor? If so, who reviews/approves them? Right now you simply tell people on your website to send in their name—that is concerning for a lot of reasons. You could be connecting shady organizations to very vulnerable populations.

**Page 12:** What is the salary proposed for the Special Education Director you are going to hire? What are the specific qualification you are looking for? Who is on the interviewing panel? Important position and no details given.

**Final thoughts:** If you are able to come up with a workable plan to properly identify children needing services and address this problem, do you realize that is only step 1? We have such a broken system right now. For example, if a child is to receive minutes in their gen ed classroom, these are currently recorded in an on line program. The teachers input the minutes themselves—i.e. the wolf is watching the hen house. Do you think they are accurate? Would it surprise you if I told you I know 100% they are not. They are often fabricated. Some may be accurate but they are not 100% and children are regularly cheated on minutes they are legally entitled to receive. Why?? It is simple. **They do not have the staff to meet the needs of the children they currently have identified in the programs.** Once you identify more, your problem only gets larger. IT IS SAD..... We literally struggle every year to ensure our child with special needs gets what every other typical child gets- a fair and appropriate education. Resources are just too hard to come by and you have to be ready to advocate all the time if you want it to work. He is our 5<sup>th</sup> child but his dreams are no different than the other 4. His path to get there may be different but that is where we need the support of people like you to do the right thing. FIX THE BROKEN PROCESS.....ALL OF IT..... please.

Thank you for reading my lengthy feedback. I hope it was helpful and I look forward to hearing from you.

Sincerely,

[Redacted signature]

[REDACTED]

***Having an interest in the business means nothing if you don't have an equivalent interest in the people who run it.***

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**From:** [Jessica Rothe](#)  
**To:** [TexasSPED](#)  
**Subject:** Corrective Actions of Special Education  
**Date:** Tuesday, February 20, 2018 4:23:01 PM

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Hello,

I am interested in helping to provide real tangible solutions to the special education problem. Denial to help kids with Dyslexia including my son's is so serious to their livelihood and should not ever happen again. I have suggestions that I think will be effective in solving the problem.

First, in regards to not testing everyone who is suspected of having a learning disability. They simply need to test everyone who is struggling with learning in English and/or math to find the most common learning disabilities Dyslexia, Dysgraphia, Dyscalculia. Anyone suspected of having Autism should also be tested whenever a parent or teacher see's something is not adding up. The criteria is far too narrow in my school district as I'm sure it is everywhere in Texas. Widen the net to help find all kids suspected of having learning disabilities.

Secondly, for all of those who were not helped like my son, there needs to be an avenue for compensation. We spent approximately \$10K on outside diagnosis and remediation plan done by a licensed dyslexia therapist. Anyone who has a diagnosis from a doctor should be reimbursed for not being properly identified as having a learning disability and where no services were given.

In regards to not following IDEA and providing FAPE will require lots of training and far greater effort on the remediation plans. Goals are often vague and progress to grade level requests from parents is ignored. Our first priority of IEP's should be to get kids up to grade level work. More highly trained teachers and specialists for Dyslexia are needed.

Finally, we need to have the region experts for Dyslexia go to the schools when they are out of compliance and help the families get the services that they need and deserve by law. There is currently zero accountability to make sure LEA's are doing what they are legally obligated to do. The region and state experts think they have no power to make the schools follow federal and state laws. Someone needs to be making sure laws are implemented correctly for the sole purpose of helping children with disabilities get the help they need to be successful in school. The complaint process at TEA is completely tilted to LEA's with no consideration from parents point of view nor any outside experts contacted. This is not a fair process for families who are struggling to get their kids the help they need.

I would love to be on a committee or get more involved in any way I can to provide solutions in hope of what happened to us doesn't happen to any other child again in Texas schools. I can be reached at

Best Regards,  
[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Cc:** [REDACTED]  
**Subject:** USDE Corrective Action Draft Plan  
**Date:** Tuesday, February 20, 2018 3:24:50 PM

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To whom it may concern:

We are parents of a [REDACTED]. Our [REDACTED] [REDACTED] [REDACTED] and receives special education services.

In kindergarten, an [REDACTED] contracted audiologist misdiagnosed our son stating his hearing was within normal limits. This audiologist performed the wrong test. We expressed our concerns regarding his hearing, but [REDACTED] again misdiagnosed our son with autism and insisted our son did not have a hearing impairment. These crucial errors were just the beginning of denying and delaying FAPE.

It was not until 2<sup>nd</sup> grade, that our son was finally diagnosed correctly with deafness, by an audiologist outside the district. This egregious error cost our son years of early intervention. [REDACTED] failed to properly intervene, even after two of his teachers also suspected hearing loss.

We have been fighting for proper accommodations, effective communication, and our son's education for nine years. His last annual ARD lasted five months and cost us well over \$10,000 in legal fees. He has gone an entire year on an IEP with which we disagreed. When our son was in 5<sup>th</sup> grade, it cost us over \$5000 in legal fees for our son to receive effective communication. We started to ask for effective communication when our son was in 3<sup>rd</sup> grade and did not fully receive it until October of his 6<sup>th</sup> grade year. One year later, [REDACTED] again continued to deny our son effective communication which in turn denied him his education and full benefits of his school.

We are now facing high school after years of denied and delayed accommodations. We are heading into our 5<sup>th</sup> ARD meeting for sons annual ARD. There are numerous mistakes and concerns in his IEP. Incorrect dates, incorrect test scores and PLAAPFs that have been copied and pasted from an earlier IEP are just some examples of what we have found.

We have finally had a specialist at the table this year who after evaluating our son told the committee that he is not "classroom ready". Please note that our son [REDACTED] has no LD he has just been the victim of his school district. Our son was placed in a self-contained classroom with severe learning-disabled children, unbeknownst to us for two years, causing more damage to our son.

Our question to the TEA is a simple one. How do you propose to give back to our son what [REDACTED] has taken? He only asks for his education so that he can go to college and be a productive member of our society. We have repeatedly requested compensatory services and not even our school board will acknowledge the discrimination and epic failure to educate a bright young man who is facing now a bleak future due to the ineptitude and dishonesty of your personnel.

Sincerely,

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Feedback and Considerations for SPED Corrective Action Survey Items  
**Date:** Tuesday, February 20, 2018 2:54:52 PM  
**Attachments:** [image001.png](#)

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## **Corrective Action 1: Monitoring Child Find and FAPE Considerations**

- If TEA needs \$84 million to implement this monitoring plan, LEAs will certainly need additional funding to comply with implementation of the requirements.
- The requirement that districts identify all students who were in RTI for 6+ months, are on a 504 plan or were exclusively in a dyslexia or dyslexia related program and notify parents of these identified students not yet in special education of their opportunity for a special education evaluation is not consistent with IDEA child find requirements as many students in RTI, 504, and dyslexia programs are not in need of special education and related services. **This places an undue burden on school districts. In my district that would mean we would offer a special education evaluation to an additional 4,200 parents/students.** What is the justification for this? How will districts fund the additional staff to support the potentially large number of evaluations we may be required to conduct?
- The state needs a new definition of dyslexia with evaluation and eligibility requirements under the special education umbrella, not 504. Currently, TEA guidance on dyslexia identification and special education is messy and unclear, which lead to inconsistent implementation across the state. We need a framework of alignment for RTI, 504 and IDEA. This is not currently available.
- Consider including district staff in the development of the documentation templates that will be used to collect and analyze data, as well as the ones used for on-site reviews.
- Could the full review and support team hiring be delayed so that funds could initially be placed into professional development and technical assistance to districts?
- Consider a prescribed self-audit with pre-defined audit metrics, etc. to save expenses on a review and support team so the dollars can be shifted to truly improving student outcomes.
- It is unnecessarily punitive for a district to not be able to see a monitoring report before it is publicly posted by TEA.
- Monitoring is already occurring with PBMAS and the SPP. In-person monitoring creates another layer; these must be phased out, streamlined or replaced since PBMAS was designed to replace on-site visits.
- There has been no guidance or information provided to LEAs for required reporting of RTI students to PEIMS for 2018-19. We would like to know if and how that data is going to be used in connection to this corrective action item.
- An integrated state special education management system that interfaces with the PEIMS system would save districts hundreds of thousands of dollars and gives TEA unrestricted access to real time data. We would like a state special education student management system, and to ensure consistency across Texas districts in the interpretation of state requirements, we would like state defined operational guidelines.
- We have valid concerns with “unrestricted” access and “unannounced” visits. All visits should be scheduled with adequate time for the district to prepare and TEA monitors should have background checks and fingerprinting per the requirement for of all other district employees. Consider also that unrestricted access to the school and staff could be very disruptive to the school day, the learning environment, and to instruction.
- We are concerned that TEA review and support team members do not all have a background and knowledge of special education rules and regulations. Currently, training provided varies between monitors and monitors apply different perspectives

when monitoring districts. The monitoring experience should be the same, regardless what district is involved or who the monitoring team is comprised of. LEAs should have access to the training provided to monitors.

- We are concerned with one definition of ‘an improved student outcome’ or ambiguously appropriate goals for such a diverse population of students.
- We are concerned that the increase in staff at TEA will impact the amount of funding to districts. How will we fund the additional staff needed for evaluation and services if our funding is cut to support additional TEA monitoring?
- Since districts will be monitored on ‘the most effective practices’, then districts must be provided guidance as to the TEA determined most effective practices. Will this mean that TEA is now determining methodology for districts?
- Has there been a consideration of the time and effort required from LEAs to respond to corrective action? Will additional funding be provided to support this?
- The term ‘should have been referred’ must be further clarified.
- 

### **Corrective Action 2: Identify, locate, and evaluate considerations**

- The goal of the outreach campaign is to reach every parent living in the district’s boundaries. Why create a duplicative requirement for districts to also inform those parents whose children received services and supports under RtI, 504, and dyslexia programs? Wouldn’t the time and effort of the districts be better spent on directly working with students and receiving professional development?
- What if a student was previously evaluated and did not qualify for special education services? A blanket statement is not appropriate for executing this requirement. TEA must develop criteria for determining which students in 6+ months of RTI, 504, or dyslexia programs must be evaluated. **In my district that would mean we would offer a special education evaluation to an additional 4,200 parents/students. On average, each evaluation takes 6-10 hours to complete.**
- Staff shortage: A major shortage of evaluation staff already exists state-wide. Districts may not have enough evaluation staff to respond within timeline to the large numbers of requests for assessment. How will TEA assist districts in the recruitment, retention and training of evaluation personnel?
- Establish a reimbursement program for the additional evaluations or have TEA-contracted evaluation professionals on call that will result from the outreach campaign.
- Set parameters around when private evaluations would be accepted.
- TEA must provide districts with appropriate reasons for districts to decline an evaluation when received by a parent as a result of this outreach campaign; otherwise, districts will be hesitant to do so even when there are mitigating factors that would disqualify the student from being eligible for special education services.
- Districts need additional guidance on compensatory service delivery determination because it is currently very subjective.
- Will districts be required to apply for compensatory services funds? Will there be specific criteria? Will the application be set up like the high cost fund application?
- How is establishing a repository of resources for appropriate compensatory services based on a student’s disability?
- TEA needs to involve districts in deciding a statute of limitations for how far back districts are required to go for providing compensatory services.
- The state needs to define ‘in need of specialized instruction’ and provide guidance on the definition of LD as currently it varies from district to district.
- We are concerned that districts will incur costs for the outreach campaign when budgets for the 2018-19 school year did not include funds for this requirement.
- Who will be responsible for compensatory services for students that have changed districts?
- How will TEA decide whether compensatory services are necessary when parents and districts do not agree?

What does, 'only 504 plan' mean? What type of 504 plan? Accommodations? Monitor only? Accessibility? Or all 504 students? 504 is about equal access and anti-discrimination so how would that be monitored?

- The person(s) who answer calls in the TEA call center must have been an administrator in special education.

### **Corrective Action 3: clarify RtI, 504, dyslexia, and IDEA considerations**

- Will there be a requirement for all educators, including general education teachers and administrators, to attend the training institute?
- How soon will TEA give districts clarification on these services?
- Consider funneling the initial funds for a review and support team to focus on professional development and the necessary clarification that needs to be developed.
- We suggest the training for all educators be similar to the state GT training requirement.
- A mandatory training requirement for all or a set of designated LEA staff will create additional costs for the district to fund substitutes. **In my district we have approximately 4,300 teachers. At a cost of \$100 per day for a substitute for just one day of training it would cost my district \$420,000 in substitute pay.** Districts have or are currently completing budgets for the 2018-19 school year. Take into consideration that this requirement has not been included.
- Since dyslexia and RTI programs are currently district designed, how exactly does TEA plan to monitor the implementation and application of these programs?
- Every student has a right to be identified as a student in need of intervention without a disability. Evaluating a student before quality interventions have been utilized is unfair to the child.
- How will resources be defined for the different populations: RTI, dyslexia, 504 and SPED?

### **Corrective Action 4: monitoring when a struggling learner is not served under IDEA considerations**

- How will the term "suspected with a disability" be defined?
- What is meant by "special needs" when addressing the escalation team's role?
- Who will the third-party technical assistance providers be? Will they be contracted with TEA?
- Hire and place 'Review and Support Team' members regionally at ESCs. You may not get the best team members if they are all required to relocate to Austin.

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** TEA corrective action plan feedback  
**Date:** Tuesday, February 20, 2018 2:52:13 PM

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I just want to let you know that telling every district in Texas that any student who is in 504 or interventions for a period of time that you will test them is RIDICULOUS, especially without any funding from the state. First of all, [REDACTED] was not asked to limit their SPED numbers, so we should be exempt from this RIDICULOUS rule anyway. Please consider this reasonable action. School districts are already strapped and then you make rules without any funding or thought behind them is ridiculous.

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** TEA CAP Input - Twice Exceptional Learners (Gifted/SLD)  
**Date:** Tuesday, February 20, 2018 2:45:16 PM

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## **TEA Corrective Action Plan Input**

Thank you for the opportunity to provide input to TEA's Corrective Action Plan process.

### **Overall**

- In each corrective action step and throughout the entire process, specifically address the unique needs of gifted children with co-existing disability, the twice exceptional (2e).
- Provide guidance for properly identifying specific learning disabilities in high ability and gifted learners who struggle. Indicate best practices that mitigate masking effects and allow adequate flexibility to allow gifted learners with disabilities requiring special education and related services to be found eligible, eliminating delays and denials for this under-identified and under-served population.
- Identify significant stakeholders with deep knowledge and skills regarding the unique needs of the twice exceptional such as gifted educators, TAGT, diagnosticians, LSSPs, and ESC professionals. Seek national resources experienced with the complexities of twice exceptional learners such as SENG, the 2e Community of Practice, and NAGC to further support Texas stakeholders growing knowledge in this area.
- Likewise, identify stakeholders with deep knowledge and skills regarding the needs of learners with dyslexia and related disorders such as ESC Region 10 and other state dyslexia groups.

### **Corrective Action One – Process Development with a Facilitator:**

- When supporting “most effective practices” and “improved outcomes”, describe what this means specifically for the twice exceptional.

### **Corrective Action Two – Outreach Campaign to Identify, Locate, and Evaluate:**

- When updating guidance and providing trainings for LEAs conducting assessments and parents,
  - Provide clarity and guidance in identifying SLD (including dyslexia and related disorders) and educational need in high ability and gifted learners.

- Address how one should take into consideration supports and services previously provided by the school *and provided privately by the parent*.

### **Corrective Action Three – Overall:**

- Align newly created resources, call center, professional development, and dyslexia/504 support with state guidance reflecting best practices addressing the unique needs of twice exceptional learners.
- Address at all resource levels how disability in gifted learners can manifest differently requiring flexibility and specialized methods to appropriately identify and serve this population.
  - Describe how educational need is appropriately determined for high ability and gifted learners.
  - Consider creating resources specific to the identification and service of twice exceptional learners for ARD committee members. At a minimum, all educators and ARD members need to know the basic characteristics of 2e learners.
  - Specifically address the dynamic interface between 504 accommodations and IDEA specially designed instruction.
    - Distinguish when explicit instruction to a child with a disability is appropriately delivered by general & gifted education professionals and when explicit instruction requires special education.
    - Address how a student may move between needing only accommodations and at times needing specially designed instruction as they advance through the curriculum, the academic load increases, and compensation strategies strain and fail.
  - Align state guidance, support, and technical assistance with the content of [gtequity.org](http://gtequity.org) and the Texas Dyslexia Handbook.
  - Clarify IDEA dismissal criteria (what level of progress is appropriate) for a gifted child with disabilities.

### **Appendix B**

- Regarding teacher credentialing, consider general and gifted educators credentialed to deliver specially designed instruction in the least restrictive environment (classroom).

### **Appendix C**

- Include stakeholders capable of representing the unique needs of our twice exceptional population throughout all stages of identification and service. Engage national leaders and resources when necessary to support the newly formed TEA

twice exceptional team as they grow in knowledge and skill.



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan  
**Date:** Tuesday, February 20, 2018 2:04:40 PM

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When considering the Corrective Action Plan, please remember

1. Dyslexia was placed under 504 for those mild to moderate dyslexia students who needed a specific intervention, not the full range of SpEd services
2. SpEd teachers are not logistically set up to deliver a dyslexia program with fidelity (they do not have a 45 minute time for a homogeneous group of dyslexia students)
3. SpEd teachers have not received adequate training in structured literacy and/or a dyslexia program
4. All public school staff providing intervention for dyslexic students should meet the Knowledge and Practice Standards and therapist-level certification of IDA and ALTA—currently districts decide upon their own criteria
5. School districts should have the flexibility to determine the correct placement for students (with a Dyslexia Therapist or SpEd teacher)
6. Why are school districts which have an effective RTI/SpEd referral process being subjected to this? Wouldn't it make more sense to target schools with low SpEd or identified dyslexic students?
7. Six months is an extremely short time period before moving on to additional testing; remediating dyslexia is not a quick fix because it is a life-long disability.
8. Wouldn't the \$84 million be better spent on personnel who directly work with students with disabilities? If more dyslexic students are going to be placed in SpEd then those teachers need to receive adequate training and then be required to implement it.

[REDACTED]

[REDACTED]

*To learn to read is to light a fire; every syllable that is spelled out is a spark. Victor Hugo*

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- **School officials with legitimate educational interest;**

- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and

State and local authorities, within a juvenile justice system, pursuant to specific State law.  
<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Date:** Tuesday, February 20, 2018 12:56:01 PM

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2/20/18

Texas SPED mi nombre es [REDACTED]

mi comentario:

Les agradezco su interés por la educación de nuestros niños que tienen alguna discapacidad. Yo como madre tengo mucha ignorancia acerca de todos los programas que existen para ayudar a mi hijo. Nosotros los padres necesitamos en las escuelas personas capacitadas y entregadas a ayudar a nuestros niños y a nosotros los padres, para que podamos formar un equipo y podamos trabajar juntos para que nuestros niños tengan la educación adecuada de acuerdo a su necesidad. Gracias por la esperanza que ponen en nosotros los padres de que hay alguien que se está preocupando por nuestros niños que tienen gran necesidad de ser ayudados para que reciban una buena educación.

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Comentario  
**Date:** Tuesday, February 20, 2018 11:49:09 AM

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## TEXAS SPED TEA

MI nombre es [REDACTED] estoy mandando mi comentario hoy 20 febrero,2018. Primeramente agradecerles por su atencion y el interés que han mostrado acerca de la necesidad que hay en el área de educación especial, sería de mucha ayuda que los distritos escolares se comprometieran más a informar a los padres de familia acerca de que es educación especial las obligaciones y los derechos de los padres de los estudiantes y de los educadores ,que se den a conocer las oportunidades que existen para que nuestros hijos alcancen una educación satisfactoria que les ayude a su futuro.

**From:** [Laura Finley](#)  
**To:** [TexasSPED](#)  
**Subject:** SpEd Corrective Action Plan  
**Date:** Tuesday, February 20, 2018 11:26:37 AM

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In regards to the TEA SpEd Corrective Action Plan as it relates to dyslexia:

Please consider that public school staff who are providing intervention for dyslexic students should meet the *Knowledge and Practice Standards*, and have therapist-level certification through ALTA or IDA. SpEd teachers and (at least) K - 3 teachers across the state should be trained in structured literacy (at least to the ALTA/IDA teacher-level certification).

In the case of dyslexic students who are also identified as SpEd, schools/ARD committees should have the flexibility to decide if the students are best served by the GenEd CALT, the SpEd teacher, or a combination of the two. (With this in mind, be aware that most classrooms of SpEd teachers, even those who are trained in a dyslexia program, are not logistically set up to deliver the program with fidelity.)

Please note that *Reading Specialist* and *Master Reading Teacher* certificates do **not** guarantee that the teacher is qualified to address the specific needs of a dyslexic student.

And finally, there **must** be adequate funding for districts to employ a sufficient number of certified personnel who can deliver an approved, research-based dyslexia therapy curriculum with fidelity to all dyslexic students.

Thank you for your consideration in this matter.

Most sincerely,

A large black rectangular redaction box covers the signature area of the email.

"There is something you must always remember. You are braver than you believe, stronger than you seem, and smarter than you think." - Christopher Robin

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan  
**Date:** Tuesday, February 20, 2018 11:23:06 AM

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To TEA:

1) I don't believe that districts need increased monitoring. It was not a lack of monitoring that created this situation. I truly believe we have sufficient monitoring, and I would prefer to see the money spent in a way that more directly impacts services for students.

2) The outreach campaign is directed towards groups of students who have already been identified as having unique learning needs, and for whom support has been provided in one form or another (504, dyslexia, RtI, etc.). Those students have not gone unidentified as having special needs, even if they have not been identified as eligible for special education.

And if even a small percentage of those parents request special education testing, the number of assessment staff needed in our district would double. Our diagnosticians and LSSPs are already stretched very thin - we've had an open LSSP position all year long, indicating a shortage of qualified applicants. I'm **greatly** concerned about the financial and human resources needed to respond to the dramatic increase in evaluations that may result from the outreach campaign.

3) The outreach campaign, however well-intentioned, may undercut a district's ability to decline a parent's request for testing, even when there are clear and compelling reasons not to evaluate.

4) The pre-emptive decision to award compensatory services to any student who becomes eligible for services as a result of the outreach campaign seems arbitrary. It is possible for a student not to demonstrate an educational need for specialized instruction at a younger age, then later demonstrate a need as an achievement gap develops due to not being able to make a year's progress in a year's time.


5) I think the plan to provide training to educators and parents about the differences between special education, 504, dyslexia, and RtI is a worthy endeavor. I look forward to more specific information on that.

6) I don't understand the need for a call center. If parents have questions or concerns, they should be encouraged to contact their LEA first. If parents have a complaint, there is already a process in place for them to file that complaint with TEA.

7) I do not agree with the creation of an escalation team. The very name sounds negative and predisposed to assume a district has made an error. And as previously stated, if parents have a complaint, there is already a process in place for them to file that complaint with TEA.

Again, thank you for the opportunity to communicate feedback on the corrective action plan as currently drafted.

[REDACTED]



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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan  
**Date:** Tuesday, February 20, 2018 8:46:35 AM

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I would like to comment on the CAP.

First of all, we need to keep both Special Education and Section 504 as options for students with dyslexia. Not all students are severe enough to need SPED. However, I do agree that school districts need to be open to evaluating students. As a dyslexia therapist, I have worked for districts who insisted that all students be assessed for dyslexia before being evaluated for special ed. If they qualified for dyslexia, I have been told that they need to be in the dyslexia program for a year before they can consider a SPED referral. This, even when the student has severe deficits in math and has co-occurring disorders, such as ADHD. Districts need to listen to dyslexia therapists when they recommend a SPED evaluation. I have also been told, at the high school level, that “We cannot do a referral—it will make us look bad.”

2) Those working with dyslexic students should be CALTs (Certified Academic Language Therapists). The training is targeted and intense and is needed to effectively teach a dyslexia program. I am not a fan of the CALP program. That just means they had one year of training, instead of two. They were halfway trained. The most difficult concepts are taught in the second half of the program; therefore, every teacher of students with dyslexia needs the full, 2-year program.

3) There needs to be accountability for SPED and 504. My observations are that SPED is taken more seriously than 504. Teachers are more likely to follow an IEP than an IAP. It is as though many do not think 504 has any teeth.

4) Dyslexia needs to be funded. It is expensive to purchase the materials needed and to provide a teacher who is serving only four students at a time, as opposed to teaching 20 to 30 at a time. NOTHING that schools do is more important than teaching children to read. If we do not fund these programs now, we will pay in the future through a loss of productivity to society, prison cells, mental health, etc.

Thank you,

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** TEA SpEd Corrective Action Plan  
**Date:** Monday, February 19, 2018 9:32:25 PM

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In regards to the TEA SpEd Corrective Action Plan as it relates to dyslexia:

Please consider that public school staff who are providing intervention for dyslexic students should meet the *Knowledge and Practice Standards*, and have therapist-level certification through ALTA or IDA. SpEd teachers and (at least) K - 3 teachers across the state should be trained in structured literacy (at least to the ALTA/IDA teacher-level certification).

In the case of dyslexic students who are also identified as SpEd, schools/ARD committees should have the flexibility to decide if the students are best served by the GenEd CALT, the SpEd teacher, or a combination of the two. (With this in mind, be aware that most classrooms of SpEd teachers, even those who are trained in a dyslexia program, are not logistically set up to deliver the program with fidelity.)

Please note that *Reading Specialist* and *Master Reading Teacher* certificates do **not** guarantee that the teacher is qualified to address the specific needs of a dyslexic student.

And finally, there **must** be adequate funding for districts to employ a sufficient number of certified personnel who can deliver an approved, research-based dyslexia therapy curriculum with fidelity to all dyslexic students.

Thank you for your consideration in this matter.

Most sincerely,

[REDACTED]

*"Intellectual growth should commence at birth and cease only at death."*

- Albert Einstein



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** TEA Proposed Initial Draft Plan  
**Date:** Monday, February 19, 2018 8:47:59 PM

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Good Evening,

My response is to Appendix B: Other Actions: As a parent of students in special education, and as a Special Education Teacher, I find it is critically important to consider educating general education teachers in their roles and responsibilities as they relate to identifying students who should be referred for evaluation and then following the student's IEP once admitted to special education. General Education teachers also need to be educated and show competency in providing accommodations and modifications according to student IEP's. In addition, where appropriate at the secondary level, students need to be taught about their accommodations and modifications in order to self advocate and to hold teachers accountable for following the student's IEP accommodations and modifications in the general education setting, (not that it should be the student's responsibility to make the teacher aware, but as an added layer of accountability). This step empowers the student to take ownership and an active role in the quality of their education. Self advocacy is an important life skill our students need to learn to be successful in life.

The plan in general is a step in the right direction. However, if funding to school districts isn't addressed in this plan, all this plan will do is add another \$84M layer of bureaucracy that will take funds away from already strapped school districts. The plan must also include making funds available to the districts so they can provide services for all students in special education. If this plan stops here, it is only a bandaid and does not address the full problem.

I welcome the opportunity to have further input. I can be reached at [REDACTED]  
[REDACTED]

Thank you for the opportunity to provide a response to this draft.

[REDACTED]  
Special Education Teacher

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Input re: USDE Corrective Action Draft Plan  
**Date:** Monday, February 19, 2018 2:24:52 PM

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Input re: USDE Corrective Action Draft Plan:

I would like to suggest that the Texas Education Agency (TEA) consider restating the action plan outcomes in terms of true outcomes in alignment with the USDE findings. The expected outcomes should demonstrate that the state has addressed the “dereliction of duty”, “the failure of TEA to hold districts accountable” and, most importantly, the need to “improve special education”. How will the state demonstrate it has positively impacted these areas? What measures can stakeholders monitor to regain trust?

Many of the outcomes outlined in the draft action plan focus on information or tools that “LEAs will receive.....” which may not be viewed as tangible results.

In order to align with the USDE findings, it might be best to center goals around improvements related to:

- Special education representation
- District identification gaps
- State assessment results
- Supervisory/monitoring results
- Child Find/FAPE data

Thank you for the opportunity to provide this feedback.

[REDACTED]

[REDACTED]

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From: [REDACTED]  
To: [TexasSPED](#)  
Subject: SpEd Corrective Action Plan  
Date: Monday, February 19, 2018 1:29:09 PM

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In regards to the TEA SpEd Corrective Action Plan as it relates to dyslexia:

Please consider that public school staff who are providing intervention for dyslexic students should meet the *Knowledge and Practice Standards*, and have therapist-level certification through ALTA or IDA. SpEd teachers and (at least) K - 3 teachers across the state should be trained in structured literacy (at least to the ALTA/IDA teacher-level certification).

In the case of dyslexic students who are also identified as SpEd, schools/ARD committees should have the flexibility to decide if the students are best served by the GenEd CALT, the SpEd teacher, or a combination of the two. (With this in mind, be aware that most classrooms of SpEd teachers, even those who are trained in a dyslexia program, are not logistically set up to deliver the program with fidelity.)

Please note that *Reading Specialist* and *Master Reading Teacher* certificates do **not** guarantee that the teacher is qualified to address the specific needs of a dyslexic student.

And finally, there **must** be adequate funding for districts to employ a sufficient number of certified personnel who can deliver an approved, research-based dyslexia therapy curriculum with fidelity to all dyslexic students.

Thank you for your consideration in this matter.

Most sincerely,

[REDACTED]

*"If a child can't learn the way we teach,  
maybe we should teach the way they learn."*

- Ignacio Estrada

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan  
**Date:** Monday, February 19, 2018 12:19:46 PM

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I am the parent of a child with an IEP who has been in public school since age three and is currently 19. I am also an attorney representing parents in connection with IDEA and 504 issues. The corrective action plan is a good first step. I am concerned, though, that without adequate funding and without competent and trained personnel, school districts will provide the same lip service to carrying out the elements of the plan that many have given to meeting the needs of students with disabilities for years. If districts lack the qualified LSSPs and Diagnosticians to properly evaluate students, evaluating more students will not solve the problem. I have had many cases where the district personnel completely missed issues until they had the benefit of an Independent Educational Evaluation from a qualified person. School districts must have adequate funding to hire qualified people and provide meaningful continuing training and education to truly make a difference. Otherwise, TEA is just wallpapering over a wall that is structurally deficient and will eventually fail.

Additionally, there needs to be a focus on evaluating kids who are deemed behavior problems by schools, but who have never been evaluated to determine if a disability exists. I can cite numerous examples, like the student who was expelled due to behavior issues in 9<sup>th</sup> grade and when the parents decided to get him evaluated independently, they discovered that he was severely dyslexic and the school district had never identified it. He was reading at a 2<sup>nd</sup> grade level in 9<sup>th</sup> grade due to undiagnosed dyslexia. How does that happen in a school that truly cares? I see so many "bad kids" who it turns out are simply kids with an unidentified disability that is the root cause of their behavior issues. In many cases, it is easier for the school to not seek consent to evaluate because if they identify the disability, they have to address it instead of taking the much easier approach of just suspending or expelling the student.

Thanks.

[REDACTED]

[REDACTED]

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This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify the sender by reply e-mail, so that my records can be corrected.

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Cc:** [Swink, Keith](#); [REDACTED]  
**Subject:** corrective action plan feedback  
**Date:** Monday, February 19, 2018 11:38:52 AM

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TEA,

Thank you for the opportunity to respond to the corrective action plan draft report. I've been an educator in Texas since 1995. In the past 20+ years I have seen an increasing trend towards monitoring for compliance, which in a few cases has been worthwhile for students, and in other cases has merely served as a time-consuming, resource-draining episode in paperwork insanity for educators.

I appreciate TEA's commitment to seeking stakeholder input. I know there have been hundreds of sessions, the survey, and the encouragement to send emails, such as this one. I am also encouraged by the promise of transparency.

At the outset, I would like to note that I place the primary blame for the state of special education challenges as related to the funding shortages primarily in the hands of the Texas Legislature. TEA is an agency that must answer to demands from the legislature. So when the House and Senate education committees demanded "reduced" special education costs (why hasn't that, and those reports, been more widely referenced and circulated?), TEA responded with an indicator that many perceived as a cap. Personally, I never considered the indicator a cap, and as a director, I never considered or allowed any procedure or practice that focused on reducing special education identification like this indicator. For me it was always just an indicator, just like the other indicators. The one time I even had to respond to a question about this indicator, I believe my TEA monitor was satisfied with my answer when queried about our 11% rate. My response then is the same as it would be now, we followed federal criteria with allowance for incorporation of the Texas education code and administrative regulations. Very simply, I never believed a median statistic of 8.5 was the right metric and I voiced this, then essentially ignored the hoopla surrounding it. I do understand that other directors perceived this indicator differently, and while that is a shame, I firmly believe that districts who don't have this issue should not be required to be monitored in any area for which there isn't a poor indicator. Stated another way, there should be no extra monitoring requirement for areas that are not a 'problem.'

The old DEC practice of monitoring everything during a monitoring visit is a waste of resources and energy. If TEA is going to monitor, they need to be laser focused ONLY on the areas that the district is struggling with meeting. Do NOT waste my teachers' precious time having to gather or generate paperwork justifying an area that is not a problem. The other issue, ask ONLY the people within the district that are related to the issue. If the issue is special education students' performance in CTE, then involve CTE and special ed in the response.

I have asked the question about the funding for this corrective action plan, and I must register my disappointment to learn that TEA has roll forward funds, by report, in excess of \$40 million, that could be used. Why weren't those funds offered to districts who were struggling to pay for evaluation or instructional services? I believe TEA owes a greater, more transparent, explanation of why there are millions of dollars in roll forward, when districts are struggling under the ridiculous lack of school funding (again, the root cause of blame for the funding, at least from the local funds side of this equation, is with the legislature, however, I was startled and dismayed to hear that TEA had such a large federal roll forward.)

Regarding corrective action 1, I do agree that TEA is under-staffed (again, the legislature's inept oversight), however, I am saddened that the focus is going to be on monitoring staff instead of a focus on services oriented positions. I don't particularly care which department the extra positions are, and I can't help but feel a little sorry for TEA staff who are on their umpteenth department reorganization in a few short years. How can the agency get focused on the work at hand when the entire agency is restructured every few years? Why is it so difficult to get a stable organizational structure that works? Is it because the TEA has mandated duties and not enough personnel to do the work?

In regards to the actual development of the review process with a third party facilitator – I have four comments. First, the monitoring documents that have previously been forthcoming from TEA have

been excessively cumbersome (e.g. the RF multi-screen, multi-sheet Excel document) and inflexible. I would strongly encourage the TEA to use more modern information gathering tools such as Google Forms or something similarly intuitive. Second, for every single question asked, the filter needs to be – is this compliance or performance oriented? If this is going to be a ‘high stakes’ monitoring process, then the questions need to be vetted with the stakeholders who will be answering the questions. Third, my experience of TEA monitors has been mixed, and mostly unsatisfactory either due to lack of expertise and once, due to a rigid, “judgey” personality. Only one monitor in all my years of being monitored, had a grasp of special education that I considered sufficient. I did not appreciate when I had to explain to a retired middle principal turned monitor how to read the elementary or high school services page and muddle through his lack of expertise in my field. Be careful who you hire as monitors, diversity is good, however base knowledge of special education is very important – consider pre-interview procedures of candidates to include basic special education knowledge, and include acting coordinators and directors on the panel. Careful calibration on the meaning of the monitoring instrument is also essential. A defined procedure to challenge results should also be incorporated. Finally, the fourth comment I have is regarding the selection of parents for the parent survey process – random selection is needed, as are district identified parents – we know with whom we have had to work extra hard to develop productive relationships with and can direct you to those parents.

Corrective Action Two related to child find measures is problematic in a few ways. One, if a district is not identified as one of those that firmly followed the 8.5% indicator, then why direct excessive resources towards this, for that district? If a district demonstrates they aren't “broken” in this area, why “fix” it? Two, there is a statewide shortage of evaluation personnel, however, and many districts are precluded from hiring additional personnel due to budget constraints. Merely saying “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.” (p. 5 of the draft) is a banal platitude that demonstrates TEA's complete lack of understanding of the reality within a school district's special education evaluation staff, who are already working nights and weekends to interpret and write reports to a burnout level that will be exacerbated by doing hundreds of evaluations of students who may already be receiving services under another arena (504 or dyslexia) and being successful. A blanket invitation is misguided, at best. In our case, all dyslexia evaluations are done in the LD model, so we should be able to disregard a mandate to tell us to do what we are already doing. Third, the outreach campaign needs to be helpful, not judgmental, clear, concise and simple - maybe the CTE marketing classes in districts could be involved... our students have a great understanding of social media.

I have 600+ students in 504 – offering all of them a special education evaluation would cripple my assessment team of 2 diags and 11 LSSPs. There are no allowances for missing timelines due to being short or under-staffed. There is no agreed upon standard for how many initial evaluations a single evaluator can manage, and if a district is truly following the federal standard for multi-disciplinary teams evaluating in all areas of suspected disability, there are times when 45 school days are not enough. Who is going to be involved in creating the “disability templates” ? If Dr. Chermie is involved, for example, then I am going to have confidence in the template. I think stakeholder input on the templates is required. Requiring additional reporting requirements is another administrative burden that reduces attention toward student services. Automate any additional reporting requirements through an already existing central reporting system, i.e. PEIMS or SPP 11 & 12. The compensatory services piece of this plan seems barely fleshed out with only two sentences. Who will determine what students needed services? The ARDC ? and what services? I appreciate the fund idea, and have many questions and opinions about how districts should request those funds – e.g. can I access them to pay for contracted evaluation services? Tutoring services? The task lists that the TEA has set for themselves seems unattainable with the stated resources and personnel units, for a state of this size, e.g. establishing an RFQ process (which the agency itself didn't follow for the sped data debacle...) and an evaluation process for SSAs.

Regarding corrective action three, If the TEA would issue firm guidance to separate RTI from special education, it will result in less confusion. Does the state even have metrics on knowing which departments (general ed or special ed) have primary oversight of RTI? Do a simple survey – I think you will be surprised. What level of consideration is being given to ending the dual service delivery model for dyslexia that we currently have? Dyslexia is listed in IDEA. Would the world be a simpler place if Texas would just put dyslexia under special education? There are many benefits to this, and a few negatives as well. We are already experiencing one of the negatives, which is the mass confusion that already exists. Add a weighted funding adjustment for students identified with dyslexia. We should also require special education teachers to be formally trained in teaching reading – the generic special ed teacher certification

process is woefully inadequate, and specifically, if they are working with identified students with dyslexia, then they need formal dyslexia instruction. Regarding professional development for inclusive practices and instructional techniques – I hope that some of the state’s premier providers, such as Lead 4Ward, Neuhaus, and Scottish Rite are consulted.

As I don’t expect to be a district needing services as outlined under corrective action four, I will reserve my comments for this until I see the next draft of this plan.

I appreciate your consideration of my comments and I am open to further discussion or clarification regarding my statements, opinions or beliefs. I believe the TEA is in a difficult position, not all of its own making, and I wish you the best in your diligent efforts to fairly monitor special education in our great state. I hope the legislature allocates the funds to meet your mission. Publicly provided education of our children should not be a political topic, and no political party should try to take away from the greater good by privatizing any portion of public education, or try to engineer oppressive requirements with inadequate funding in order to generate falsely directed dissatisfaction towards educators in general, or the TEA specifically.

Sincerely,

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Response to Corrective Action Plan Due 2/20/18  
**Date:** Monday, February 19, 2018 9:14:54 AM  
**Attachments:** [TSHA Response to TEA Corrective Action Plan.docx](#)

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Please register our Association as a Stakeholder

Name: Texas Speech Language Hearing Assn.

Target Population: Individuals with speech, language and learning disorders

Funding Source: Professional organization funded by members

Mission: Empowering members to provide the highest quality, life-changing care for individuals with communication and related disorders.

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan  
**Date:** Monday, February 19, 2018 4:07:10 AM

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I am writing to express my concern with the corrective action plan. When I listened to the parents who spoke to the USDE during their meetings in Texas, overwhelmingly they stated that they wanted more evaluations; they wanted evaluations sooner; and they wanted more services for their children once they were placed in special education. Unfortunately, this plan primarily calls for more state level personnel. More personnel is needed on the district level to provide the evaluations that the parents want and expect from this action. Monitoring is important, but at least 85% of the \$84.5 million special education dollars allocated for this plan should go directly to the students. Please do as the parents ask. Please allocate the majority of this funding for evaluation staff so that districts are better able to address the needs of the children of Texas.

Please also consider the impact of unnecessary monitoring. Preparing for a monitoring visit takes weeks or months of effort as districts pull vital personnel from student services to compile the data and prepare the multiple compliance documents that TEA requires. Please use on-site monitoring only when districts have numerous substantiated special education complaints or when accountability issues require intervention.

Please also issue guidance on when and how to use Section 504 plans, dyslexia services, and RtI. The corrective action plan makes these sound like undesirable choices. Many students are very successful with the accommodations and interventions provided by these plans. Please do not require that students who are experiencing success must be evaluated for special education just because they have been served by one of these plans for 6 months or more. Evaluations should be provided when the student has a suspected disability and appears to need more specialized instruction.

Thank you so much for your consideration of these requests.

[REDACTED]

From: [REDACTED]  
To: [TexasSPED](#)  
Subject: Comments on the Draft Corrective Action Plan  
Date: Sunday, February 18, 2018 11:08:44 PM

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To Whom It May Concern:

My name is [REDACTED] and I live in [REDACTED] Texas with the following credentials:

[REDACTED] of the Licensed Dyslexia Therapists and Practitioners Advisory Board at TDLR

Licensed Dyslexia Therapist (LDT) - Health Professions, Texas Department of Licensing and Regulation

Certified Academic Language Therapist (CALT)

Lifetime Texas Teachers Certification - Secondary Education

Master Degree in Special Education, Specializing in Dyslexia

Private Dyslexia Therapy Practice in The Hill Country

Mother of a dyslexic son enrolled in the public school system

I appreciate the opportunity to respond to the Draft Corrective Action Plan to address the U.S. Dept. of Education's concerns. Decisions made by TEA regarding this Plan will have a profound effect on both my professional and personal life, and I consider myself a significant stakeholder as defined in the introduction of the Initial Draft.

### **Corrective Action One - Comments**

I fully support the monitoring duties transition to **Special Populations** that will "allow for significantly increased capacity and expertise", as part of a new **Review & Support Team**. I would like to see what constitutes "expertise" to be defined.

While I strongly support a Review and Support Team, I have concerns about the **potential loop hole** of LEAs knowing that they are "in the clear" for 6 years once they have undergone review. *It is quite possible for a child to go all the way through an elementary school during the six years between review, thereby not benefiting from the purpose of the Review and Support Team's purpose of insuring not only compliance, but best practices.*

While the Draft mentions that the Review and Support Team will focus on the "**most effective practices**", it would be most helpful to have those most effective practices spelled out, beginning with required implementation of **IMSLEC** (International Multi-sensory Structured Language Education Council) approved curricula. The statement that "*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*" **supports this need for specificity**. The requirements to become a CALT or CALP far exceed the minimum requirements that LEAs have traditionally used to simply "check the compliance box". If TEA is dedicated to ensuring what is best for the student, then specific requirements of the professionals should include the highest level of expertise.

A general education teacher "speaks" to the student all day, however, that does not make that teacher qualified to deliver the same "speech therapy" that a **Licensed Speech Pathologist (LSP)** would deliver in a therapeutic session. The same is true for a general education teacher that "teaches reading" throughout the day but is not qualified to deliver "dyslexia therapy" that

a **Licensed Dyslexia Therapist (LDT)** would deliver in a therapeutic setting. Amazingly, LEAs are required to have an LSP on staff, but not an LDT. It is worth noting that both licenses fall under Health Occupations in the State of Texas. It is also worth noting that dyslexia is not solely an education issue but rather a health related issue that affects a child's education and requires therapy.

### **Corrective Action Two - Comments**

All of the bullet points under Corrective Action Two seem very good for the first draft. It would be encouraging to see specifics related to the need for breakout reporting of students being served under RtI or Section 504 or were exclusively in a dyslexia or dyslexia related program. The hope would be that if HB 1886 were being implemented with fidelity, there wouldn't be students who were exclusively in a dyslexia related program without all of the benefits of being classified in Section 504.

The details of how the compensatory services will be determined will be helpful to see in the next draft.

Again, the "**pre-qualified list of vendors**" discussed should meet specific standards as endorsed by IMSLEC.


### **Corrective Action Three - Comments**

This Action is so needed and important in giving the child the support through educating both the parents and teachers who form a team of support for the child's success. This Corrective Action will also empower parents to hold LEAs accountable. Hopefully, experts in the field of dyslexia will be utilized in this action item. Of particular concern is the word "**guidance**" in the **Dyslexia Handbook**, only because *without the supporting details*, this seems that the **Handbook is subject to too much local interpretation, perpetuating the problems that the Corrective Action is trying to alleviate. An update to the Handbook could clear up any miscommunication of requirements and responsibilities of LEAs.**

In conclusion, a reoccurring concern that I have is the use of "**experts in their field**". Dyslexia is a learning disability that has excellent researched based proof that very specific therapy can help a student participate in **free and appropriate public education**, show content mastery, and enjoy a successful educational experience.

It is with great hope and anticipation that I await the next Draft of this Corrective Action Plan. If I can be of any further assistance or can clarify any position taken here, please do not hesitate to contact me.

Sincerely,

  
Licensed Dyslexia Therapist  
Certified Academic Language Therapist



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Comments on Draft Corrective Action Plan  
**Date:** Sunday, February 18, 2018 8:41:37 PM

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## Comments on TEA's Draft Corrective Action Plan

Thank you for the opportunity to provide comments on the draft Corrective Action Plan. Given the drastic drop (42%) in enrollment of students with Emotional Disturbance (ED) between 2004 and 2014 in Texas (as reported by the Houston Chronicle) and the inherent challenges in identifying disabilities related to mental health which may often be "hidden," the Corrective Action Plan must include targeted strategies to assist schools in appropriately identifying students who qualify for special education under the Emotional Disturbance (ED) category to ensure they receive the services, supports, and protections to which they are entitled.

National data reported by the CDC indicates the prevalence of mental disorders in children in the United States has increased in recent years. The Health and Human Services Commission (HHSC) estimates 250,000 children in Texas have a mental disorder that severely interferes with a their ability to function at home, in school, or in the community. However, in the 2016-2017 school year, only 27,401 students were enrolled in special education due to an ED in Texas, meaning only about 10 percent of children in Texas estimated to have a serious mental disorder that severely disrupts their functioning are enrolled in special education under the ED category. Some students with ADD/ADHD may have been enrolled in special education under the Other Health Impairment (OHI) disability category.

While eligibility criteria for ED in the school system is narrower than criteria for serious emotional disturbance (SED) in the public mental health system, there are likely to be thousands of students who are eligible for special education services under the education system's higher threshold for ED who went - and continue to remain - unidentified by schools. Schools in Texas need additional guidance and support to ensure they are appropriately identifying and serving students with mental disorders who are eligible for special education services (under either ED or OHI category).

The Education Department in Connecticut produced [Guidelines for Identifying and Educating Students with Emotional Disturbance \(ED\)](#), a comprehensive document that provides guidance to schools, parents/guardians, and mental health professionals to make appropriate decisions regarding both eligibility and specialized services with ED, including recommended practices and procedures concerning assessment, determination of eligibility and non-biased, culturally relevant and non-discriminatory identification processes. The resource includes practical checklists and tools to assist schools in evaluating students, determining eligibility, and designing IEPs for students with ED. [Maine](#), [New Mexico](#), [North](#)

[Dakota](#), and [Wisconsin](#) are other states that have developed guidelines and tools for the identification of ED in students.

- Connecticut: [http://www.sde.ct.gov/sde/lib/sde/pdf/publications/edguide/ed\\_guidelines.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/publications/edguide/ed_guidelines.pdf)
- Maine: <http://www.madsec.org/LinkClick.aspx?fileticket=A3feO%2BJ5Lug%3D&tabid=82>
- New Mexico: <http://webnew.ped.state.nm.us/wp-content/uploads/2018/02/NM-TEAM-Technical-Evaluation-and-Assessment-Manual.pdf>
- North Dakota: <https://www.nd.gov/dpi/uploads/60/2016RevisedEDguidelinesFormatted.pdf>
- Wisconsin: <https://dpi.wi.gov/sites/default/files/imce/sped/pdf/ebdguide.pdf>

Texas currently has no such resource to assist schools, families and mental health providers in appropriately identifying and serving students with ED or other mental health related disabilities.

### **Recommendations:**

1.

**Develop and disseminate guidance on appropriately assessing, identifying and serving students with Emotional Disturbance, similar to other states like Connecticut.** TEA staff responsible for monitoring and/or providing technical assistance to districts/schools (such as the proposed Review and Support Team and Escalation Team) should receive targeted training, guidance, and tools that help them ensure students whose social, emotional, or behavioral concerns are interfering with their educational progress are identified and provided with appropriate services and supports needed. This includes students with Emotional Disturbance, students whose social, emotional, or behavioral concerns make them eligible for 504 services, and students whose IDEA- or 504-eligible disabilities are unrelated to mental health but who have social, emotional, or behavioral needs that interfere with their educational progress. Agency staff responsible for providing technical assistance to schools should also have demonstrated knowledge of research-informed practices shown to support the learning of students with Emotional Disturbance and practices shown to address the social, emotional and behavioral needs of students with other disabilities.

- **Corrective Actions One and Four**

2.

Monitor and report on students with ED and ADD/ADHD. Include data disaggregated by IDEA disability category in monitoring reports so trends among student with ED can be identified. The disability category Other Health Impairments should be further disaggregated to identify trends among students receiving special education due to ADD/ADHD. - **Corrective Action One**

3.

Outreach to families and schools should include information on assessing and identifying students with ED and ADD/ADHD. - **Corrective Action Two**

4. Provide districts and parents with guidance on appropriate assessments for identifying students with ED and ADD/ADHD. - **Corrective Action Two**
  
5. Include social, emotional and behavioral services and supports as part of compensatory services. Work with HHSC and community mental health providers to help link schools and families to school- and/or community-based mental health services for students who need them. - **Corrective Action Two**
  
6. Staff in the proposed statewide Call Center should receive targeted training and demonstrate an understanding of assessing, identifying and serving students with a mental health related disability, ED, or ADD/ADHD. - **Corrective Action Three**
  
7. Professional development for general education and special education educators on inclusive practices, instructional techniques, and Child Find practices should include targeted information related to students with mental health related concerns, disabilities, ED or ADD/ADHD. Educators should also receive information to support the social, emotional and behavioral needs students receiving 504 or IDEA services due to other disabilities as well. - **Corrective Action Three**

Respectfully,

[Redacted signature]

 *We drive policy change to improve the lives of Texas children today for a stronger Texas tomorrow.*

[Redacted text]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan  
**Date:** Sunday, February 18, 2018 5:53:12 PM

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Texas ALTA has recommended these options:

- 1) Keep both 504 and SPED as ways to serve Texas students with dyslexia and related disorders
- 2) Ensure that those working with children with dyslexia and related disorders have received training equivalent to a CALT/CALP/LDT/LDP
- 3) Support TEA school district accountability visits for both SPED and 504
- 4) Allocate state dollars for pupil funding for dyslexia and related disorders



[REDACTED]  
Reading/Dyslexia Specialis

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Comments on the Draft of the TEA Corrective Plan  
**Date:** Sunday, February 18, 2018 5:41:49 PM  
**Attachments:** [image.png](#)

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Texas Education Agency

From: [REDACTED]  
Date: February 18, 2018  
Re: Call for comments on the Draft TEA Corrective Action Plan.

I am an active member of the Academic Language Therapy Association (ALTA). I have been a Certified Academic Language Therapist (CALT) for over 30 years and a Qualified Instructor (QI) for over 20 years. I am responding to the call for comments on the Draft TEA Corrective Plan. As a QI with experience in several centers with courses accredited by the International Multisensory Language Education Council (IMSLEC) and as a member of IMSLEC's Accreditation Committee, I specifically support the review team approach to monitor most effective practices leading to improved outcomes. There has been concern that districts are using teachers with minimal training to serve students with dyslexia and related disorders. In order to appropriately serve these students, the training to become a CALT is a two-year process that includes 200 hours of multisensory course work, 700 hours of supervised clinical teaching, 10 demonstration lessons *and* pass a national exam. Certified Academic Language Practitioners (CALP) complete 45 hours of course work, 60 hours of clinical supervision, and 10 demonstration lessons over the course of one year and pass a national exam.. The state offers two levels of licensure. Licensed Dyslexia Therapists are CALTs with Master's degrees and can work as independent providers. Licensed Dyslexia Practitioners who have Bachelor's degree are CALPs schools. Whether in Special Education or 504, students identified with dyslexia should receive services from highly trained, qualified individuals. There are districts in the state that have the documentation of the success of CALTs providing services using research-based curricula with fidelity.

Along with teachers with very limited training, school districts often use curricula that are not evidence based and, as a result, students are not getting what they need to improve and close the performance gap with their peers. The ability to record and monitor the programs districts are using and student progress would allow identification of successful programs.

In addition to the budget items identified by TEA, there needs to be consideration of per pupil funding for students with dyslexia and related disorders. This will give the school districts needed funds to develop and maintain appropriate professionals using effective dyslexia programs. The first dyslexia, passed in 1985, requiring schools to identify and serve students with dyslexia, did not provide funding and that has been the biggest obstacle to districts having properly trained teachers and appropriate curricula. The Texas House addressed this with a bill in 2017 regular session but it died in the special session along with many other worthy bills.

I also support the additional items in the Texas ALTA comments on the TEA Action Plan. With a commitment to oversight, best practices and teachers highly trained to work with students with dyslexia and related disorders, the state can provide appropriate instruction to all identified students so that they can reach their potential.

Thank you for your consideration,

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

Licensed Dyslexia Therapist

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Comments on SPED corrective action plan  
**Date:** Sunday, February 18, 2018 3:35:53 PM

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To those involved with these changes:

I encourage requirements that K-3 teachers be trained in and be required to use a structured literacy program. This would give all at risk students a firmer foundation on which to build reading skills. Reading recovery, guided reading, whole language approaches do not provide the explicit, direct teaching of critical skills needed for the majority of students to become proficient readers. Teacher colleges must be required to strengthen their curriculums and provide future teachers with a strong background in the science of reading and language development. Teachers already in the field need staff development opportunities to increase their own knowledge of reading and language development. CALT or CALP training would provide reading teachers the knowledge and expertise that will benefit all of our students. Currently, a Master Reading Teacher Certificate or TEA Reading Specialist title does not guarantee that the holder is qualified to teach dyslexic students.

By strengthening our early reading programs, a number of students who fall at the high end of the dyslexia continuum might never have to experience failure and successfully compensate for their differences without the need of additional intervention. Students who need more intensive intervention will be much easier to identify and will come into the intervention program with some prior, beneficial knowledge. At this time, these students with few reading skills other than “guessing” the word they don’t recognize.

Some students who are identified as dyslexic may also have coexisting learning differences and would be better served by SPED rather than in a small group of less severely affected students. Emotional disturbance, severe short term or long term memory deficits, or other differenced which have already required SPED support should be able to receive dyslexia intervention in the special education setting.

Finally, some sort of group size limit needs to be set if a dyslexia intervention program is to be successful. I can not think of any Tier 3 program which would find a group size of 8 or more acceptable as an intervention. Yet, due to lack of funding and/or school district support, many dyslexia interventionists find themselves trying to remediate groups of 10, 12, and 14. Such large groups defeat the main purpose of such program. It is impossible to provide the number of repetitions needed to solidify learning when the 10 minutes available for reading in the daily schedule must be divided among 10 or more students.

Thank you for your consideration of the comments above.

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Draft corrective action plan  
**Date:** Sunday, February 18, 2018 1:34:53 PM  
**Importance:** High

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Good afternoon,

I just filled out the survey that was opened to collect information regarding the special education corrective action plan. I have some concerns that were not addressed in the survey, and some thoughts that I would like to share with you.

1. There is a list of stakeholders, but it is missing any higher education representation. IHEs are here to prepare teacher candidates and offer advanced studies to in-service teachers, staff, and administrators. We have access to the latest research and practices and we have been left out of the conversation.
2. Some of the ideas that are being pursued to come into compliance are not reflective of the latest and most relevant concepts, research, and evidence-based practices that govern special education as a profession.

In addition to my university position, I currently serve on the Council for Exceptional Children Standards Development Workgroup, where we are preparing the newest iteration of standards that govern the entire field of special education. I also serve on a committee for the International Council for Learning Disabilities. Both of these organizations help shape and guide special education practice.

1. How are you planning on including the major special education organizations in this process? Indeed, special education practices can be guided by states and practitioners that are already doing it well.
2. I signed up for a TEA special education listserv a long while back and have never received any information. I only heard about this survey peripherally from an individual who knew someone with whom I work. I would have championed the completion of this survey to our students, parents, faculty members, and individuals with disabilities.

Finally, I do have a child with a disability that was denied special education services and who, on a 504 plan and "RtI" for 4 years, continued to fail to make progress. She now attends a public online school that doesn't exactly provide services, but where she can at least get instruction 1:1 with me. I am an example of a stakeholder who can offer objective feedback from a variety of perspectives.

I do support the major tenets of the plan and feel it is at least a good step forward in the process of finally addressing the issues surrounding the practice of special education in Texas. I also feel, though, that inclusivity should be reflective of **all** stakeholders and leaders in the



field.

If I may be of any assistance please feel free to reach me on my personal cell is [REDACTED], or via email. I would love to be part of the process serving on a workgroup or in any way that will help transform special education in Texas. The state of Texas should be the leader in special education.

Respectfully,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

relator|strategic|learner|responsibility|command

***"The highest result of education is tolerance."***

***Helen Keller***

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan  
**Date:** Sunday, February 18, 2018 11:45:41 AM

---

To whom it may concern,

As a Licensed Dyslexia Therapist employed by a large public school district (60,000 + students) in Texas it has been frustrating and disheartening to see and experience how Superintendents and Board members are not concerned about dyslexia and related disorders. Dyslexia is an afterthought, even with the State Dyslexia Handbook stating the requirements to be in compliance with the law. Public school districts purchase the least expensive program that do not have the descriptors set forth by TEA and the Handbook. They believed no one will notice or care. My school district hires teachers to serve as dyslexia teachers in July when qualified candidates have already signed contracts. The district is left with teachers without any experience in the field and it shows in the students performance as learners. Furthermore, the dyslexia teachers do not have the space necessary to teach (teach in the hallway) and the fidelity of the program purchased is sometimes not being considered. In addition, it has been an up hill battle to expand a dyslexia program on all campuses in the district. Like I stated before, serving students with dyslexia is not a priority in my district.

I would like to see the following in the public school setting and in the Corrective Action Plan:

- \* Keep both 504 and SPED as ways to serve Texas students with dyslexia and related disorders
- \* Ensure that those working with children with dyslexia and related disorders have received training equivalent to a CALT/CALP/LDT/LDP, even Special Education Teachers
- \* Support TEA school district accountability visits for both SPED and 504
- \* Ensure state dollars are allocated for pupil funding for dyslexia and related disorders

Thank you for your time.

[REDACTED]

**From:** [RANDI SHERRER](#)  
**To:** [TexasSPED](#)  
**Subject:** Feedback on TEA Corrective action plan  
**Date:** Sunday, February 18, 2018 7:21:08 AM

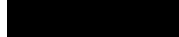
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RE: Feedback on the TEA Corrective Action Plan

As a Certified Academic Language Therapist (CALT) in training and certified special education teacher, I firmly support the following:

- Keep both 504 and Special Education as ways to serve Texas students with dyslexia and related disorders
- Whether in 504 or Special Education, students identified with dyslexia and related disorders should receive services from a trained, qualified individual who is a CALT, CALP, LDT, LDP
- To ensure use of evidence-based curriculum and fidelity of instruction, TEA should have the ability to record and monitor which programs districts are using and how students are progressing
- TEA school district accountability visits for both SPED and 504
- Much needed state dollars allocated for pupil funding for dyslexia and related disorders

Respectfully,



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan for SPED  
**Date:** Saturday, February 17, 2018 9:52:55 PM

---

Hello,

As a Speech-Language Pathologist and Certified Academic Language Therapist who has worked in the Texas public schools since 1979 in special education and regular education, I hope that you will consider the following in developing the Corrective Action Plan for compliance with IDEA with respect to dyslexia and state-wide reading instruction.

1. **A diagnosis of dyslexia should be considered as qualification to receive special education services, if appropriate.** Currently, students with dyslexia must also be evaluated to determine if they have "Learning Disability in Reading" before receiving special education services. The determination of whether the student receives intervention from a regular education licensed dyslexia therapist or a special education teacher or a combination of these should be based on both the needs of the student AND the training of the teachers. For example, some schools may have a certified academic language therapist/licensed dyslexia therapist working as a regular education reading specialist and special education teachers who are not trained in scientifically-based reading instruction. In this case, a student's direct instruction would best be done by the regular education licensed dyslexia therapist while the special education teacher might provide inclusion support for language arts. Schools should have the flexibility to write IEP's with the combination of service providers which best serve the students.

2. Educators serving dyslexic students should meet the training and licensing criteria set forth by the Academic Language Therapist Association (ALTA) and the International Dyslexia Association (IDA). School-based reading specialists should meet the therapist level certification requirements. Regular education teachers in at least K-3 should at least meet the teacher-level training set forth by IDA <https://dyslexiaida.org/knowledge-and-practices/>. To this end, I encourage the state of Texas to consider partnering with IDA's Education Training Initiative (Chief Academic Officer, Jule McCombs-Tolis, Ph.D.) and fund state-wide training.

Sincerely,

[REDACTED]  
Austin, TX

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** feedback regarding proposed corrective action plan  
**Date:** Saturday, February 17, 2018 8:53:04 PM

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Thank you in advance for carefully considering the feedback shared from stakeholders regarding the proposed corrective action plan. I would like to share some thoughts regarding concerns I have regarding implementation of the corrective action plan as it currently stands.

#1. While I realize that accountability is critical to insure that students receive quality programming, I am concerned that reinstating direct TEA visits to all districts (similar to the DEC visits of the past) will shift the focus from problem solving to improve student outcomes (which would include addressing issues outside of special education such as the developmental appropriateness of the general education curriculum, teacher training, etc.) to a focus on the bureaucracy of compliance. As a taxpayer, I am also disinclined to funnel funding that is desperately needed for schools to appropriately serve children to an additional bureaucratic structure in Austin. A possible solution would be to utilize existing resources to districts (such as the regional education service centers) to address the current issues with a model of consultation rather than punitive oversight.

#2. I have significant concerns regarding the broad brush (Rtl longer than 6 months, all 504 students) that is being used to identify students who potentially have not received their entitled services. There is no accommodation for recognizing that students who have made educational progress within these less restrictive venues of support have not been denied services- they have received services in ways outside of special education. As a district employee that oversees evaluation of students for special education, I take offense to any insinuation that we have been derelict in duties and am concerned that the broad scope of this directive does not provide LEAs the opportunity to decline to test students who are not in need of testing (i.e. those who have been previously tested and Did Not Qualify, students who are making progress in advanced or general education curriculum) without fear of retribution. I realize that mistakes have been made, and there are some compelling stories that have been published; however, I also realize that special education evaluation staff (Educational Diagnosticians, LSSPs, SLPS, etc.) have received specialized education and training to evaluate and diagnose students. At times, parents are not happy with the results of those evaluations, and I suspect that evaluation staff will begin to feel undue pressure to make decisions that violate the best practices of our professions in order to avoid becoming a sensational news story. Special education evaluation staff are already overtaxed with duties, and adding additional duties without support to help facilitate adding additional staff members (if we can even find qualified staff with the current shortages) places undue burden on local governments already bearing more than their fair share of the state's constitutional requirement to provide a public

education system for all.

#3. While I agree with empowering parents with information to assist them in maintaining an active role in their children's education, I fear that creating additional booklets/handouts to distribute to parents is a waste of money. Utilizing digital forms of distribution via existing portals available for parents to access information (such as TEAMS, Skyward) seems a more efficient way to distribute information. I also do not see the need to create an additional TEA call center; there are existing ways for parents to request information from TEA already in place. I welcome the opportunity to provide additional information to parents and educators through professional development, but I wonder how districts will build this professional development into already stretched calendars filled with trainings about other mandates.

#4. My concerns with an "escalation team" are outlined in my previous statements. I also question whether these teams will have the professional training to truly evaluate the appropriateness of evaluations and interventions (what are their qualifications???). If the "escalation team" finds concerns, will the process be punitive rather than supporting districts to implement more effective solutions for students? I also question providing additional contracts to large companies to create intervention programs (hasn't worked out so well for STAAR has it?); this process seems to lean towards providing big companies profits rather than assisting educators to realize that the best interventions are tailored to the individual needs of students.

Thank you again for considering feedback; hopefully concerns of both parents AND educators are considered when finalizing this corrective action plan. I realize that this is a highly politicized situation and hope that solutions remain focused on what is best for students, not what is best for the political agenda of the state legislature.

Sincerely,

A solid black rectangular redaction box covering the signature area.

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Dyslexia  
**Date:** Saturday, February 17, 2018 8:05:01 PM

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To whom it may concern,

I would like to voice my opinion on the subject of dyslexia in public schools. I am a CALT and LDT teaching in an elementary school in Texas. I agree with all four points made by ALTA. The only exception being that a person working with dyslexic students should be a CALT OR working toward being a CALT. I especially agree with point number one: a student should be either 504 or sped. Dyslexia should not be ONLY under the sped umbrella.

I appreciate the discussions taking place about dyslexia and hope that all outcomes work toward supporting these outstanding students.

Sincerely,

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** DOE Corrective Action for TEA  
**Date:** Saturday, February 17, 2018 4:45:50 PM

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Dear Sir or Madam:

I have been a Dyslexia therapist in a Region [REDACTED] public school for 24 yrs with LDT, CDT, and CALT qualifications. Here is my feedback on the TEA Corrective Actions:

- 1) Keep both 504 and SPED as ways to serve Texas students with dyslexia and related disorders. From my experience, most dyslexic needs are met through regular education with a 504 Plan.
- 2) I believe that those working with children with dyslexia and related disorders should be highly qualified and have received training equivalent to a CALT/CALP/LDT/LDP
- 3) I am in favor of TEA school district accountability visits for both SPED and 504.
- 4) Our LEA will need state dollars allocated for pupil funding for dyslexia and related disorders. Without these funds, quality and level of services will be reduced, mainly due to lack of personnel, assessment materials, and instructional materials.

Thank you.

[REDACTED]  
Licensed Dyslexia Therapist



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Cc:** [Porter, Justin](#); [Schwinn, Penny](#); [REDACTED]  
**Subject:** Comments on Draft Corrective Action Plan  
**Date:** Saturday, February 17, 2018 1:53:35 PM  
**Attachments:** [TEA Corrective Action Plan The Arc of Texas 02.17.2018.docx](#)

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Pleas accept these comments on behalf of The Arc of Texas. I look forward to continuing to partner with TEA to develop the best plan for students with disabilities in Texas.

Sincerely,

[REDACTED]

[REDACTED]  
The Arc of Texas

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Plan inclusions  
**Date:** Saturday, February 17, 2018 11:06:07 AM

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Dear Texas SPED,

I have been an educator for 35 years. Many of those years have been devoted to working with children with dyslexia. I am a certified academic language therapist (CALT) and a Reading Specialist. I fully understand the need for the appropriate instruction to support these students. It is **IMPERATIVE** that Texas include in the Draft Corrective Plan:

- 1) Keep both 504 and SPED as ways to serve Texas students with dyslexia and related disorders
- 2) Ensure that those working with children with dyslexia and related disorders have received training equivalent to a CALT/CALP/LDT/LDP-**EXTREMELY IMPORTANT!**
- 3) Support TEA school district accountability visits for both SPED and 504
- 4) The Need for state dollars allocated for pupil funding for dyslexia and related disorders

. It is my sincere hope and desire that you speak out **LOUDLY** for this to be included in the plan. Thank you for your time and consideration.

[REDACTED]  
C.A.L.T.

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Input re Corrective Action Plan  
**Date:** Friday, February 16, 2018 6:59:30 PM

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I am a parent of two children whom we had to remove from their magnet schools because the principals did not want to make their teachers implement their IEPs. Both principals systematically made life so difficult for my children that to keep them safe we had to remove them from the schools. One of my children threatened self harm rather than stay.

Principals are not held accountable for making sure that SPED students are identified and provided with appropriate accommodations. This must change. The variation between campuses is startling.

Additionally, bringing complaints and suits against the districts must be made easier. Rules for bringing complaints stack the odds against parents. The same is true for suing the districts. Parents should be given independent advocates to help them navigate the process and stand a chance against the district attorneys. A whole sale change in the district's attorneys would go a long way to making the playing field level. New attorneys should be instructed to try and make things right, not to protect the schools at all costs.

Perhaps removing the onus from identifying students who need services from the schools would be helpful. A centralized testing center where all district students could be brought for testing might help.

Audits of schools/districts should happen yearly and consequences for non-compliance swift.

Teachers need to be trained in both identifying and accommodating students with special needs. In particular those students with "invisible disabilities" like ADHD, anxiety and learning disabilities. Teachers must be held accountable for implementing IEPs and 504s.

I am sure that there are many more things that need to be addressed but this is what I can think of right now.

Please listen to parents. The schools and districts have been damaging students for far too long.

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan ##  
**Date:** Friday, February 16, 2018 3:32:07 PM

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For your consideration:

- Will there be a requirement for all educators to attend the training institute? If so, how often?
- If dyslexia services are being reevaluated and will possibly be considered under the umbrella of IDEA, why is the Handbook being update?
- School administrators must be required to have professional development in special education.

With regards,

[REDACTED]

[REDACTED] Independent School District

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan #2  
**Date:** Friday, February 16, 2018 3:27:56 PM

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For your consideration:

- What is the recourse for districts when a parent disagrees with compensatory services?
- What if a student has already been evaluated and did not qualify? These parents have already been given their procedural safeguards? Are we going to have to test them again? For what?
- Are private evaluations going to be accepted/considered in lieu of the district conducting an FIE?

[REDACTED]

[REDACTED] Independent School District

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan #1  
**Date:** Friday, February 16, 2018 3:23:56 PM

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For your consideration:

- Could the monitoring team hiring be delayed in order to prioritize funds for professional development and technical assistance?
- Rather than on-site monitoring districts who are not under-identified, please consider a self-audit. This would save expenses on teams traveling throughout the state.
- District should be able to see the results of any audit/monitoring before it is publicly posted. Otherwise the visits are punitive and threatening to districts.
- We are already monitored under SPP and PBMAS. This action plan adds another layer. These must be streamlined.

Respectfully submitted,

[REDACTED]

[REDACTED] Independent School District

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan  
**Date:** Friday, February 16, 2018 12:32:01 PM

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Thank you for the chance to make a contribution to the Corrective Action Plan draft. Here are some thoughts:

1) I don't believe that districts need increased monitoring. It was not a lack of monitoring that created this situation. I believe we have sufficient monitoring. With all the cutbacks we've seen, these funds could be used in a way that more directly impacts services for students.

2) The outreach campaign is directed towards groups of students who have already been identified as having unique learning needs, and for whom support has been provided in one form or another (504, dyslexia, RtI, etc.). Those students have not gone unidentified as having special needs, even if they have not been identified as eligible for special education.

And if even a small percentage of those parents request special education testing, the number of assessment staff needed in our district would double. It is almost impossible to ask our assessment staff, who are already stretched very thin, to increase the number of evaluations that may result from the outreach campaign.

3) Districts should have the ability to decline a parent's request for testing when there are clear and compelling reasons not to evaluate.

4) Offering compensatory services to any student who becomes eligible for services as a result of the outreach campaign is illogical. It is possible for a student to not be eligible for specialized education at a younger age, and then later display a need as an achievement gap develops due to not being able to make a year's progress in a year's time.

5) I think the plan to provide training to educators and parents about the differences between special education, 504, dyslexia, and RtI is a worthy endeavor. I look forward to more specific information on that.

6) I don't see the need for a call center. If parents have questions or concerns, they should be encouraged to contact their District first. There is already a process in place for complaints to TEA.

7) I do not agree with the creation of an escalation team. Again, they should be encouraged to communicate with their LEA.

Thank you for the opportunity to communicate feedback on the corrective action plan as currently drafted.



 ISD 



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Comments regarding TEA Proposed Initial Draft Plan US Dept of Ed corrective action  
**Date:** Friday, February 16, 2018 12:17:30 PM  
**Attachments:** [TxABA PPG Comments Re US Dept of Ed special ed monitoring report.docx](#)

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Colleagues,  
On behalf of the Texas Association for Behavior Analysis – Public Policy Group (TxABA-PPG), comments are being provided regarding the proposed initial draft plan by the Texas Education Agency related to the US Department of Education Corrective Action Plan Request.

The comments are attached below as a WORD document.

If you have any questions, concerns, or suggestions, please feel free to contact us via email at [REDACTED]

Sincerely,

[REDACTED]

**TxABA Public Policy Group Officers:**

[REDACTED]

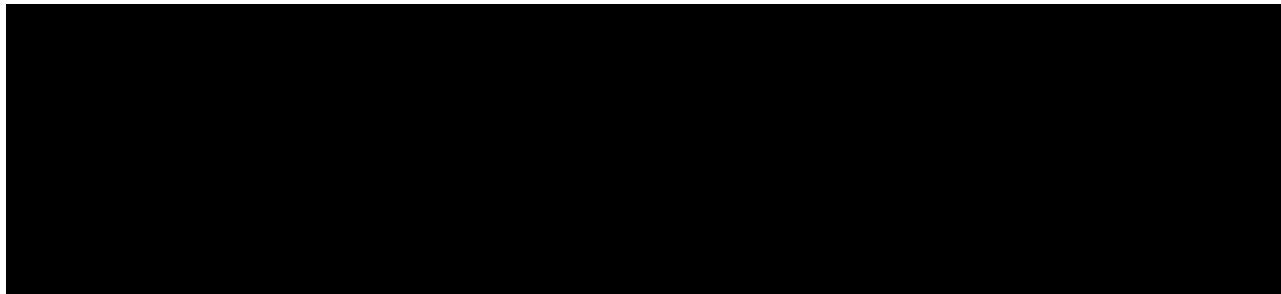
**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Additional comments  
**Date:** Friday, February 16, 2018 11:05:46 AM

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I have a few more comments that I would like to make regarding the corrective action plan. My district is a Chapter 41 district and reimbursements through ASATR has stopped. The 2017-18 school year is the first time in [REDACTED] ISD's history that a deficit budget was adopted. Our federal grants have decreased, but expectations are increasing. We do not receive funding for 504 students and this population of students is increasing and need additional interventions. We are having to write Corrective Action Plans for too many students in STAAR Alt 2, not enough ELL students meeting mastery on the STAAR Assessment, and not enough special education students meeting mastery on STAAR. We are expected to implement the Corrective Action Plan without additional funding, but TEA is having to write a Corrective Action Plan and it is estimated to cost the State of Texas approximately 84 million over 5 years. I believe that districts need to have high expectations and be held accountable for providing an appropriate education to all students. However, spending 84 million statewide is not an effective means in aiding local districts in providing additional services to students.

Thank you for this opportunity to share some thoughts.

[REDACTED]  
Federal Programs and Student Support Service Director  
[REDACTED]



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Draft of Corrective Action Plan  
**Date:** Friday, February 16, 2018 10:22:44 AM

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To whom it may concern,

My name is [REDACTED] and I am a Certified Academic Language Therapist. I wanted to give you some feed back on your Corrective Action Plan, I feel that the students who are identified as dyslexic should stay served under the 504 umbrella. When educators sit in meetings and listen to all of the discussions about children the one thing that is always brought up is, what is the least restrictive environment for students. I feel that the least restrictive environment for a child with dyslexia would be the general education setting.

This can be achieved by having Certified Academic Language Therapists working with those students. Research shows that children with dyslexia learn differently from other children. They should be taught by individuals who have been trained to work with them as well as becoming certified. Furthermore, having a child remain in the least restrictive environment can be achieved by allocating state funding for students with dyslexia. Right now students are identified with dyslexia do not receive any extra funding which limits the dyslexia department. Our dyslexia department is limited in supplies for our student as well as up to date curriculum because there is not enough funding. We would like to have better assessments for out students but our budget does not allow for it.

In my opinion students with dyslexia should be served under 504, however there needs to be better funding for those students. These students need to be taught by teachers that are certified to become Academic Language Therapists to work with them and have gone through specific training.

Thank you for your time.

[REDACTED]  
Licensed Dyslexia Therapist (LDT)  
Certified Academic Language Therapist (CALT)

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective action plan feedback  
**Date:** Thursday, February 15, 2018 10:16:29 PM

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<!--[if !supportLists]-->1) <!--[endif]-->"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" (page 5)

<!--[if !supportLists]-->a. <!--[endif]-->What is a key indicator? Based on race, income?

<!--[if !supportLists]-->2) <!--[endif]-->"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" (page 5)

<!--[if !supportLists]-->a. <!--[endif]-->What is to stop from testing for an unrelated area?

<!--[if !supportLists]-->b. <!--[endif]-->What do you mean by "who were in RtI for 6+ months?"

<!--[if !supportLists]-->c. <!--[endif]-->Are you aware that some kids who get dyslexia-related services actually have more and sometimes more rigorous support than those in special education?

<!--[if !supportLists]-->i. <!--[endif]-->Wouldn't it be better to just subsume all dyslexia into special education?

<!--[if !supportLists]-->3) <!--[endif]-->"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" (page 5)

<!--[if !supportLists]-->a. <!--[endif]-->According to which philosophy of assessment? Different districts do assessments differently?

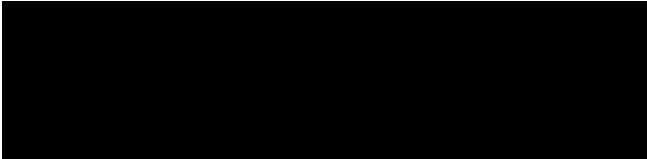
<!--[if !supportLists]-->b. <!--[endif]-->What is to stop from TEA hiring an uninformed money-grabbing presenter from giving harmful information, or information to parents about how to sue for the sake of suing?

<!--[if !supportLists]-->4) <!--[endif]-->"For students who are found to have needed services and did not receive them, the LEA is responsible for providing compensatory services" (page 5)

<!--[if !supportLists]-->a. <!--[endif]-->How are you deciding this? It is ultimately decided on by educational need that comes from a disability, which is ultimately school-specific. You are saying we need to do a retroactive examination.

<!--[if !supportLists]-->b. <!--[endif]-->Do parents have recourse for deciding that constitutes a "previously defined need?"

<!--[if !supportLists]-->c. <!--[endif]-->Also, what recourse will district have to push back from attorneys who are looking to make money off of this?



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan  
**Date:** Thursday, February 15, 2018 8:28:13 PM

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TO: Texas Education Agency

RE: Feedback on the TEA Corrective Action Plan

As a Certified Academic Language Therapist (CALT), I firmly support the following:

- Keep both 504 and Special Education as ways to serve Texas students with dyslexia and related disorders
- Whether in 504 or Special Education, students identified with dyslexia and related disorders should receive services from a trained, qualified individual who is a CALT, CALP, LDT, LDP. Only those who have received extensive training are prepared to work with these students effectively.
- To ensure use of evidence-based curriculum and fidelity of instruction, TEA should have the ability to record and monitor which programs districts are using and how students are progressing
- TEA school district accountability visits for both SPED and 504
- Much needed state dollars allocated for pupil funding for dyslexia and related disorders

Respectfully,  
[REDACTED]

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Feedback  
**Date:** Thursday, February 15, 2018 5:57:49 PM

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## To Whom It May Concern:

### **Corrective Action 1: monitoring Child Find and FAPE**

- Could the full review and support team hiring be delayed so that funds could initially be placed into professional development and technical assistance?
- Consider a prescribed self-audit to save expenses on a review and support team so the dollars can be shifted to truly improving student outcomes.
- It is unnecessarily punitive for a district to not be able to see a monitoring report before it is publicly posted by TEA.
- Monitoring is already occurring with PBMAS and the SPP. In-person monitoring creates another layer; these must be streamlined.

### **Corrective Action 2: identify, locate, and evaluate**

- The goal of the outreach campaign is to reach every parent living in the district's boundaries. Why create a duplicative requirement for districts to also inform those parents whose children received services and supports under Rtl, 504, and dyslexia programs? Wouldn't the time and effort of the districts be better spent on directly working with students and receiving professional development?
- How will TEA decide whether compensatory services are necessary when parents and districts do not agree?
- What if a student was previously evaluated and did not qualify for special education services?
- Establish a reimbursement program for the additional evaluations or have TEA-contracted evaluation professionals on call that will result from the outreach campaign.
- Set parameters around when private evaluations would be accepted.
- TEA must provide districts with appropriate reasons for districts to decline an evaluation when received by a parent as a result of this outreach campaign; otherwise, districts will be hesitant to do so even when there are mitigating factors that would disqualify the student from being eligible for special education services.

### **Corrective Action 3: clarify Rtl, 504, dyslexia, and IDEA**

- Will there be a requirement for all educators to attend the training institute?
- How soon will TEA give districts clarification on these services?
- Consider funneling the initial funds for a review and support team to focus on professional development and the necessary clarification that needs to be developed.

### **Corrective Action 4: monitoring when a struggling learner is not served under IDEA**

- How will the term "suspected with a disability" be defined?
- What is meant by "special needs" when addressing the escalation team's role?
- Who will the third-party technical assistance providers be? Will they be contracted with TEA?

[REDACTED]  
Assistant Director of Special Services  
[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Cc:** [REDACTED]  
**Subject:** corrective action plan  
**Date:** Thursday, February 15, 2018 5:53:16 PM

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over the years we have denied students services based on the TEA goal to get our numbers down to 8.5%

i have read estimates that 100,000 or more students across the state have been denied services due to this effort

with the corrective plan we need to make sure the state provides the funding for districts to start adding more students to get services---this would involve but not limited to staffing and testing and professional development and the technology tools they will need to make this work

i am pleased that TEA has asked for feedback and while TEA will need some resources the plan really needs to put the resources at the district and most importantly the classroom level

[REDACTED]

Executive Director of Technology and Information Services

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Feedback on the TEA Corrective Action Plan  
**Date:** Thursday, February 15, 2018 4:42:50 PM

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TO: Texas Education Agency

RE: Feedback on the TEA Corrective Action Plan

As a Certified Academic Language Therapist (CALT), Licensed Dyslexia Therapist (LDT), Qualified Instructor of CALTs and LDTs, and a mother of two children with dyslexia, I firmly support the following:

- Keep both 504 and Special Education as ways to serve Texas students with dyslexia and related disorders
- Whether in 504 or Special Education, students identified with dyslexia and related disorders should receive services from a trained, qualified individual who is a CALT, CALP, LDT, LDP
- To ensure use of evidence-based curriculum and fidelity of instruction, TEA should have the ability to record and monitor which programs districts are using and how students are progressing
- TEA school district accountability visits for both SPED and 504
- Much needed state dollars allocated for pupil funding for dyslexia and related disorders

Respectfully,

[REDACTED]

[REDACTED] M.Ed., LDT, CALT-QI  
[REDACTED]  
[REDACTED]  
[REDACTED]



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** TEA Corrective Action  
**Date:** Thursday, February 15, 2018 2:55:54 PM

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Good Afternoon,

The state of Texas lawmakers should train teachers as needed/follow up training, even if it is summer training or weekend training so they can be better aware on how to find out whether a student who is academically/socially struggling can qualify for special education, because it is obvious, what has been done to this point has not been very successful.

Documentation at every level, (teacher, parent, school administration, school district, and statewide) should be required as soon as a teacher 'spots' a struggling student on teacher's notes, email, and hard copy sent to the state, this way the evaluations our children need are not delayed. This would probably mean another department would need to be created to make sure this is followed through. Why not? Do it!

Special Education Services should be monitored more closely by the state, not just the local districts...

The state of Texas might consider transferring school staff/administration to different campuses to 'start fresh' with this planning. Example: diagnostician and teachers work extremely well in campus A. For next school year, diagnostician gets moved to campus B and teacher gets moved to campus C; diagnostician from campus C moves to campus A ... and so forth.... This will avoid any students with disabilities who have been ignored by the system have a better opportunity of being helped and those school employees who have not been involved in performing their work can take this as an opportunity to work with their coworkers to reach the TEA's goals and not shutting down our children.

The state should require school districts to hold at least a monthly meeting open to the public as a window or door to parents that are not familiar with TEA or anything related to special education; this way we as parents can have a better understanding. We need to have easily understood documents for us as parents to easily understand what our children's rights are and what responsibilities belong to me as the parent, the teacher, and the student.

We obtain a copy titled 'a parent's guide', but no one really offers or assists us in understanding it. I believe a monthly meeting or school district community gathering would be friendly enough to inform our parents. This will better prepare our parents before evaluations, an ARD meeting, and can help us bring elaborate plans, ideas, questions, comments to the gatherings/meeting and not just seem lost and 'feel' we need to 'accept' what the committee believes to be best fit for our child or 'accept' something we do not really 'feel' is right.

We as parents need to know someone is available to us if the school is not collaborating with us to come up with the alternative intervention /evaluations/ or services our children need. IT WOULD BE extremely beneficial if there could be a local office where a parent could go to instead of going to a 'website' and file a complaint or concern or a phone number. Customer service should be given in person as well and this will make us parents feel secure.

We need the TEA to document and oversee that someone is monitoring that a child's IEP is followed through whether the child is in the classroom or in the school transportation. If this plan is designed for my child, I would expect for the plan to be followed until the child is returned to me as the parent.

Sometimes the ARD makes us as the parent feel we are not taken in consideration when we question the IEP. I am the parent, I believe I know my child in many more ways than you do.

TEA should be able to have the state employees to sit in classrooms to observe, interview students

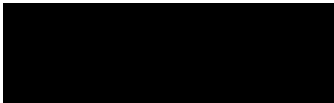
and parents as well, and be able to have access to our children's records to include their ARD paperwork, evaluation paperwork, any district records related to our children.

TEA should visit local school districts unannounced and 'review' files for our children to make sure the ARD committees are performing their duties to the extent they are ordained.

Any information related to the child's disability or suspected disability should be provided to the parent at least one work week in advance and not a day before. It is frustrating to receive my child's draft and goals hours before an ARD meeting, when will I have a chance to review them? Unless I stay up all night instead of sleeping... not acceptable.

We need to work together to prepare our children for life beyond school, and this is why my above suggestions would help set up the future plan TEA will address. TEA should involve parents in planning, developing and implementing everything related to the special needs communities. Sometimes we are told we as parents are 'not educated' but we know that child best. If someone oversees the districts' performance, I believe everyone will work collaboratively; something that is not being done at this time. School districts and parents unfortunately seem to 'paint' a boxing ring instead of a team. We need work to be performed with quality and good sound judgement.

Respectfully,



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action  
**Date:** Thursday, February 15, 2018 1:57:55 PM

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I just wanted to give feedback on the corrective action plan concerning dyslexia.

I believe we still need to have both 504 and SPED as ways to serve dyslexia students and students with related disorders.

I strongly believe those working with dyslexic students need to have training equivalent to CALT/CALP LDT/LDP.

We need TEA school district accountability visits for both SPED and 504.

And I feel that we need dollars allocated for pupil funding for dyslexia and related disorders. Our district is already serving and funding is needed, especially with the expectation of all K-2nd graders being screened.

[REDACTED] M Ed, M.A., LDT, CALT  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]

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[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** TEA corrective plan feedback  
**Date:** Thursday, February 15, 2018 1:53:03 PM

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Dear TEA-

As a fellow Texas educator, Certified Academic Language Therapist, and Licensed Dyslexia Therapist, I wanted to take a moment to share my thoughts on the corrective action plan. Having worked in public schools for fifteen years, I have seen first hand how hard educators work. In addition, I have seen how school funding and information dictated directives that may not always be in the best interest of students.

My biggest fear for our dyslexic students is that if dyslexia services fall solely under special education, some students will be grouped in inappropriate instructional settings. Dyslexic students are unique in their needs and their abilities. In addition, we have enough research to know which instructional avenues work for dyslexic students, but many educators and administrators are not aware of these programs and strategies. I feel that we must be careful with our next move so as to not send us back 30 years with having students grouped solely by being in special education and not on their specific needs; a strategy that will not help students or the hard-working educators. In order to best meet these needs, I implore you to consider the following items:

- 1) Keep both 504 and SPED as ways to serve Texas students with dyslexia and related disorders
- 2) Ensure that those working with children with dyslexia and related disorders have received training equivalent to a CALT/CALP/LDT/LDP
- 3) Support TEA school district accountability visits for both SPED and 504
- 4) Need state dollars allocated for pupil funding for dyslexia and related disorders

Thank you for your time and consideration. Please feel free to contact me if you have any questions, etc.

Sincerely,

[REDACTED] CDT, CALT, LDT

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** TEA special education corrective action plan  
**Date:** Thursday, February 15, 2018 1:46:39 PM

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This plan is a corrective action plan that puts all the responsibility for implementation back on district when it was TEA that caused the problem. In addition, offering to test all 504, dyslexia, and RtI students that have been receiving services for six months is just as arbitrary as a 8.5% cap. You're basically saying that all district under-identified. This could potentially raise the special education percent in our district from 12% to 25%. Finally, there is the potential for us to test as many as 2,000 students. There will not be enough staff to do this within the allotted timeline of 45 days. You are also creating a legal liability that was not there but will be if this plan goes through. Why weren't any special education directors involved in drafting this plan? It is obvious that those that developed this plan do not understand special education or IDEA.

--

[REDACTED]  
Executive Director of Special Education  
[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan  
**Date:** Thursday, February 15, 2018 1:27:18 PM

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Hello,

As a Director of Special Education, I see several concerns that need to be considered when drafting the final Corrective Action Plan. I understand that final approval will come from the USDE, but I respectfully ask that the following be considered by the Agency.

1. Corrective Action 2 calls for districts to offer an evaluation to all 504 students, students who have dyslexia, and all students who have been in RTI 6+ months. For most districts that will not be possible to do. I am not able to fill all the evaluation staff positions that I have now, and there are no extra funds for contracted staff. The additional evaluations added by the CAP the way it is written will create a huge need that we will be unable to meet. Districts need the Agency to make funds available to help with the extra cost of all of those evaluations.

2. Regulations use the term "suspected of having a disability." Rather than simply offering an evaluation to all students who meet the criteria in Corrective Action 2, districts should be allowed to review each student's information and determine if a disability is suspected and if an evaluation is appropriate. For example, if a student in a dyslexia program is making good progress or if there is no educational need for special education, then conducting an evaluation for those students would be a waste of precious district resources. Allowing districts to use a systematic process with clear guidelines to determine which students should be evaluated will prevent such waste.

3. Compliance Action 1 - Monitoring visits should be conducted with more focus on improving student performance. Compliance is necessary, but being able to check off pages of indicators as compliant does not improve educational outcomes. Also, districts should be allowed to respond to monitoring reports prior to public posting. Districts will not be able to "undo" any damage done by incorrect information publicly released.

Thank you for your consideration of these concerns.

--

[REDACTED]  
Director of Special Education  
[REDACTED]  
[REDACTED]  
[REDACTED]

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Cc:** [REDACTED]  
**Subject:** Corrective Action Plan  
**Date:** Thursday, February 15, 2018 1:16:48 PM

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For your review,

District's currently have accountability under the State Performance Plan (SPP), and PBMAS. Should districts not meet certain standards under SPP and/or PBMAS, a corrective action plan is required. The draft corrective action plan from TEA now puts into place an on-going monitoring system. I have been told by both Justin Porter and Tammy Pearcy that PBMAS will not be the focus of these monitoring visits. What role will PBMAS play in the future. Will district's now be held accountable for the monitoring, PBMAS, and SPP? I understood we were trying to remove duplicative accountability pieces. This sounds like another level of accountability.

Respectfully,

[REDACTED]

Executive Director of Special Services

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Cc:** [REDACTED]  
**Subject:** TEA Corrective Action Plan  
**Date:** Thursday, February 15, 2018 12:56:43 PM

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For your consideration,

According to the Corrective Action Plan Two "TEA will require every district and charter school to identify all students who were in Rtl 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." IDEA requires we evaluate students who are suspected of having a disability. In my district alone, there are over 2,000 students identified as Section 504 and/or receive dyslexia services. Many of these students are very successful and are making great progress with their accommodations and/or the district's dyslexia program. Additionally, many students protected under Section 504 have accommodations based on conditions such as a peanut allergy and require minimal supports and have no need for specially designed instruction. Lastly, many students who have been in Rtl for 6+ months have already been evaluated for special education and did not qualify under the IDEA.

Instead of evaluating every student who has been in Rtl for 6+ months, only had a Section 504 plan, or were exclusively in a dyslexia or dyslexia related program, why not have districts review these students on a case-by-case basis. Using a standardized process which might include, but not be limited to, reviewing current accommodations, student achievement, STAAR scores, grades, teacher input, etc. Students who are being successful as determined by this review would not be suspected of having a disability and would not need an evaluation for special education services. Students who were found to be struggling and not making progress could be considered for a special education evaluation.

With regards,

[REDACTED]

Executive Director of Special Services

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan  
**Date:** Thursday, February 15, 2018 11:35:28 AM

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Please consider allowing funds to flow to the LEAs to hire more evaluation staff to complete the additional evaluations that will likely come out of the implementation of this plan [REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan  
**Date:** Wednesday, February 14, 2018 8:31:22 PM

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I had been a sped teacher for 15 years and with 3 school districts in the State of Texas. Make sure you include training for school administrators. At least 12 units of training yearly in special education for administrators because most of them have minimal knowledge of special education. It would make a lot of difference if those school administrators are knowledgeable about special ed. Special education is least prioritize in most schools. Please make a difference in the libes of those exceptional children at least for them not for sped teachers anymore but at least for the children. I am begging you. A concerned advocate. [REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** additional feedback regarding the proposed Corrective Action Plan  
**Date:** Wednesday, February 14, 2018 5:33:38 PM

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To Texas SPED,

I am writing to you with my thoughts regarding the proposed Corrective Action Plan required by the US Dept. of Ed. I have worked in education for 27 years. I taught for 6 years as a general education teacher, 6 years as a special education teacher, and the last 15 years I have worked as a diagnostician.

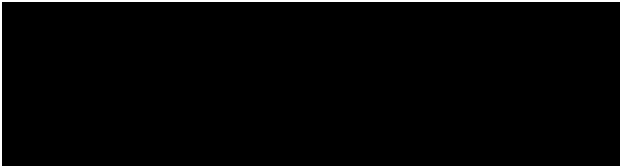
- 1) The 8.5% cap is documented in TEA's own SPED indicator # 10 listed on every district's PBMAS report. As you know, if a district went over the 8.5 % cap, that district would receive an indicator performance level of 1, 2, 3, 4. You also know that some districts are in a stage of intervention from TEA based on being over the 8.5% cap. Will TEA have a revision of what districts will do now since the 8.5 % cap has now been lifted?
- 2) RTI- If a student has been making progress in RTI, that student would not always go on to have a spec ed evaluation because what is/was being done is/was working in general education. Will districts now do a spec ed evaluation for all students entering RTI?
- 3) Dyslexia Handbook- The Dyslexia Handbook is there with all its current requirements. Possibly all dyslexia evaluations will now be a special education evaluation?
- 4) Will the corrective action plan suspend the district's ability to refuse an evaluation for special education?  
Will there be any guidance on this issue in connection with the new plan?
- 5) I have great concerns that no money is being set aside to help districts with hiring additional staff to carry out the plan.
- 6) Consider a revision and/or additions to TEA's plan to include decision-making as a team to decide if a special education evaluation is warranted. The current plans states, "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".

Sample revision:

*"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. The opportunity for a special education evaluation will be reviewed and requested by the student's committee if appropriate. TEA will assign XXX amount of dollars to each district over the course of 2 years to support this corrective action plan.

Respectfully,



From: [REDACTED]  
To: [TexasSPED](#)  
Subject: TEA Proposed INITIAL DRAFT PLAN  
Date: Wednesday, February 14, 2018 12:52:59 PM

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**I was shocked to see that TEA is proposing \$85 million to be spent over the next 5 years, but I did not see it mention money for the districts that are actually going to be doing all the extra work.**

**I also found it interesting that they are including RtI, 504, and dyslexia in the plan when those are general education services. RTi, 504 and Dyslexia are NOT Special Education Services.**

**Our Special Education Personnel are extremely overworked which includes: Aides w/assigned lunch duty during their lunch and no breaks throughout the day/SpEd teachers who in most districts are also assigned to be a caseworker and are responsible for Individual Educational Plans, etc. even if they do not have that child in their classes. Counselors are not "counseling". There is no time. They are helping the SpED departments with needed documentation I see a mass exiting from SpEd staff.**

**Something should be done....a substantial stipen for the SpEd staff, including aides should be mandatory.**

**There should be time for a 10 to 15 minute break every two hours. The reason that this does not occur is there is not enough staff to eleviate the problem. Our SpEd staff love their jobs and the children...but can get "burn out" out of physical exhaustion.**

*I am not a SpEd teacher or an Aide, but see first hand the work overload.*

[REDACTED]

[REDACTED]

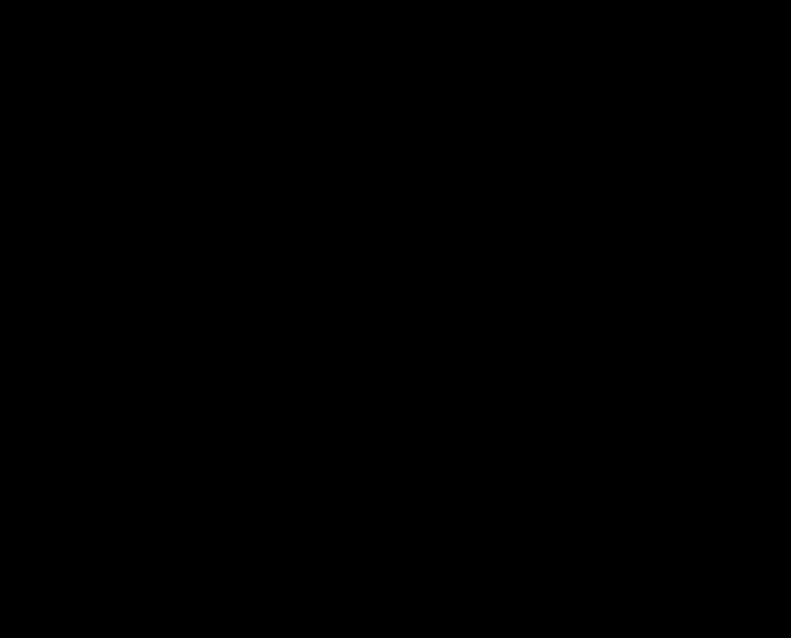
**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: The Arc of Fort Bend County Member Feedback to the TEA Initial Draft Corrective Action Plan  
**Date:** Wednesday, February 14, 2018 12:47:49 PM  
**Attachments:** [2018.02.14\\_StakeholderResponseTEA\\_CorrectiveAction.pdf](#)

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Dear Sir or Madam:

Please accept the attached feedback, questions and suggestions to the TEA initial draft corrective action plan, from The Arc of Fort Bend County.  
Please contact The Arc of Fort Bend County if there are any questions.

Very Truly



**The Arc of Fort Bend County ensures opportunities for people with intellectual and developmental disabilities, to maximize their quality of life within our community.**

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Draft CAP Input  
**Date:** Wednesday, February 14, 2018 11:22:20 AM  
**Attachments:** [Corrective Action Draft to TEA.docx](#)

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Please see the attached letter for my response.

[REDACTED]  
**Executive Director of Special Education**

[REDACTED]

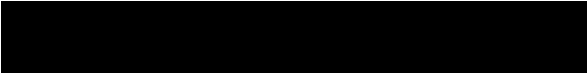
[REDACTED]

**From:** [Schwinn, Penny](#)  
**To:** [TexasSPED](#)  
**Subject:** FW: Special Education Remediation Programs  
**Date:** Tuesday, February 13, 2018 4:11:20 PM

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**Penny Schwinn**

Deputy Commissioner, Academics  
Texas Education Agency  
1701 N. Congress Avenue  
Austin, Texas 78701

  
**Sent:** Wednesday, January 17, 2018 4:18 AM  
**To:** Schwinn, Penny <Penny.Schwinn@tea.texas.gov>  
**Subject:** Special Education Remediation Programs

Dear Ms. Schwinn,

I am sure you have been inundated with information and recommendations concerning the 'remediation' of special education programs and am guessing that you may not have time to read or respond to this email. However, I thought I would take a chance anyway.

I am an Occupational Therapist with 30+ years of experience working with infants and children in public school and community special education programs, mostly in Texas. I have also been a classroom teacher. Although there are many working parts involved with providing such services it cannot be denied that these programs would not exist without specially trained core personnel to include Educational Diagnosticians, Occupational, Physical and Speech Therapists, Special Ed teachers and assistants. Of course we cannot forget regular education teachers who are burdened with integrating these students and programs into the mainstream as well as identifying additional students in need. For the most part, gone are the days of segregated or 'self-contained' special ed classrooms. And gone are the days when therapists treated kids one on one in a therapy room or clinic. Larger student populations and caseloads have given rise to 'consultation'. Having been both a consulting therapist and classroom teacher, I know from experience that 'consultation' rarely amounts to progress on IEP goals.

I also know that teachers as well as parents often lack the skills necessary to identify children with more subtle learning or behavioral problems and often avoid doing so because of fear or the 'red tape' involved. This problem can be solved fairly easily by providing the parent and teacher with minimal instruction and a classroom-home screening form. In addition, school systems tend to focus on providing services to special needs students who have 'obvious' and well documented conditions or 'political' parents. The populations we are really 'under serving and under identifying' are not only the kids with conditions such as Autism Spectrum and other disorders but rather, the students with more subtle learning disabilities. These are the populations that often fall through the cracks and end up with behavior or other psychological problems due to learning struggles. Parents and



teachers have a tendency to use the phrase, "they will grow out of it". Unfortunately a high percentage of 'unidentified' learning disabled children don't 'grow out of it' and now crowd our state prisons. A well trained therapist, teacher or parent can identify such delays in development as early as birth. Zero to three programs are also extremely under-served for similar reasons.

**The IDEA and issues regarding 'under-serving and/or under-identifying' students with special needs are not new concepts. We just got caught with our 'pants down'.** But now we have gone from the 'frying pan into the fire'. I believe state departments and schools can do all the 'fancy' data analysis they want to do. However, without enough of the core types of staff hired to implement the programs and train our teachers and parents, we seem pretty much doomed to failure and business as usual. I liken this situation to having to recruit and train more nurses after the soldiers come home from war. This is sort of like a war on a different front! Many therapists to include myself are adding online Skype and/or Tele-Practice as a means of providing services to the masses. 2016-2018 have most certainly opened our eyes to change. Good luck if you are chosen for the job!!!

Best Wishes

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Plan to improve SPED  
**Date:** Tuesday, February 13, 2018 2:01:15 PM

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To Whom It May Concern:

Having been in education for 15 years, and having SPED students in my case load each year, please allow me to point out a glaring blind spot in the initial draft. The TEA hit it on the head with “passing the trash” recently, making Superintendents liable both civilly and criminally for hiding employees that hurt children. That plan works, these criminal employees who want to have sex with children are now being caught and are going to jail in record numbers in Texas. Why? Because you went where most underhanded, good ole boy, truly discriminatory and bullying behavior originates, the Superintendent’s office. When a Superintendent hires a Director of Special Education who came in on the back wash of the district he just left should be a red flag immediately. There should be a law that specifically details who is qualified to serve as a Director over a SPED program which should include experience in the field. How can a person who has is not a teacher, and is as lacking in social skills as most of the district’s SPED population successfully serve a SPED population. In this case the Superintendent hired an old crony who was an attorney with a background in education, but not in SPED except as a lawyer, she was never certified in Texas to teach Special Ed., rather her law firm litigated SPED cases. If it walks like a duck and quacks like a duck, even in Austin, it is likely a duck.

So, let’s take the same approach as the passing the trash, instead of a 26 member team splitting up and making appearances at schools once every six years (not an accurate depiction of anything, and giving districts plenty of time to gussy up their sows), let’s take a 5-10 member team and run around the state evaluating Directors of Programs. If budgets have been slashed by more than 10% and their salary is greater than the person they replaced, you likely have a person brought in to cut spending, not to help children with disabilities. That should fall under the same serious penalty as passing the trash.

[REDACTED]

Student Assistance Counselor

[REDACTED]

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or state law and regulations.

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Special Education Feedback Survey  
**Date:** Tuesday, February 13, 2018 8:26:52 AM

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Hello,

Thank you for considering my feedback in response to drafting a corrective action plan. As a parent of a 16 year old special needs child, I strongly recommend the following:

1. Funding: Public and charter schools spend millions on sports and stadiums. Create a rule that designates 25% of those funds towards special education to help schools better educate special needs children.
2. Funding: Public schools spend millions of dollars in attorney fees to litigate against parents with special needs children. Cap funding to lawyers and instead fund special needs programs. Re-route funds saved on paying for attorney fees towards special education teacher pay.
3. Funding: Public schools have 'foundation' funds that are not monitored by the state. These funds need to be monitored and designed to help fund special education.
4. Monitor special education classrooms with cameras and parent/community volunteers
5. Monitor IEP meetings. Educators falsely document notes without parent permission.
6. Parental and physician consent for classification. Eliminate classification by educators. Special needs children are wrongly classified in RTI, dyslexia in order to provide the least help. Parents don't want miracles, or exhaust resources! We just want solutions.
7. Penalties for child abuse by educators.
8. Eliminate attorneys. TEA reps should meet with parents and educators to find solutions. Provide a direct line of communication for mediation.

thank you

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Conversation not hotline  
**Date:** Tuesday, February 13, 2018 7:57:55 AM

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Parents would like to see a required Special Education Parent Advisory Committee (SEPAC) in every school district or Special Education Co-op. Parents want transparent, open conversation in every district with the educators who are making decisions and policies which effect their children with disabilities. If educators and parents would commit to working together, instead of an "us against them" mentality, there would be no need for a hotline. The Spedtx hotline is ineffective because they don't provide real advice to parents, only superficial referral to other sources. Parents are better served by calling the federally funded PTI or DRTX when issues arrise.



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Feedback Texas Partners in Policymaking  
**Date:** Tuesday, February 13, 2018 7:39:40 AM

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Immediate Special Education Parent Advisory Committee (SEPAC) for all school districts. Parents want conversation with Special Education staff not a "hotline" at TEA.

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Texas Partners in Policymaking  
**Date:** Tuesday, February 13, 2018 12:56:33 AM

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Texas Education Association (TEA),

Thank you for allowing Texas Partners in Policymaking the opportunity to provide Corrective Action Plan (CAP) feedback.

Texas Partners in Policymaking is an advocacy and leadership training program for Parents of children with disabilities and self advocates. We identify gaps in services/communication and advocate for systems change in policy to improve the lives of people with disabilities. Education is one of our core areas of focus.

This is our collective feedback about the process to date for providing (CAP) feedback on-line and focus groups per region:

- Region 1 had the best information sharing on CAP meetings and opportunities to provide feedback.
- Regions 3, 4, 5, 11,13, 20 collectively gave out misinformation, no information or incorrect information to Parent Advocates who actively wanted to provide feedback, but missed the meetings or were told the focus groups were only for “specific stakeholders identified by TEA”.
- Houston Parents for Inclusion (HPI) registered and received no notification of additional opportunities to meet in focus groups to provide feedback.
- 30 parents in our training completed the on-line survey and found it limiting to only have 250 words to express their additional input.
- SPED directors, as well as ESCs were in the dark not just parents in Regions 3,4,5,11, 13 and 20.
- Parent Resource Network gave out misinformation, creating more questions.
- Parent Advocates in Region 11 were told “District Administrators only” were going to give CAP focus group feedback.

Our CAP recommendations are:

- **Money goes to special education students, not hotlines at TEA.**
- **Accountability and transparency about funding is needed.**
- **More teacher training, specifically Universal Learning Design (UDL) and how to apply it in the classroom.**
- **More support in classroom for teachers of students with disabilities.**
- **Special Education Parent Advisory Committee in each school district.**

Texas Partners in Policymaking seeks to have a voice at the table in TEA. We have well trained parent advocates and self advocates who would be very interested to serve on a committee with TEA to work toward positive solutions for students with disabilities and improve communication

between TEA, school districts and parents.

I look forward to receiving your invitation to collaborate with you on this matter.

[REDACTED]

Texas Partners in Policymaking  
Program [REDACTED]

[REDACTED]



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Concerned SE Educator (Please Help)  
**Date:** Monday, February 12, 2018 5:28:41 PM  
**Attachments:** [pastedImage.png](#)

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To whom it may concern:

My name is [REDACTED] ...I have been a Certified Special Education Teacher for the last 15 years here in [REDACTED] I have read the proposed plan and have many concerns. Below is the proposed funding. Last year [REDACTED] went from a 18 to 1 ratio to 28 to 1 ratio this school year. My students which range from students with Autism, Learning Disabilities, Intellectual Disabilities and ADHD. I can confidently speak on behalf of my district and for Sped.educators across our state when I say the following: There are various needs but the Greatest one which **will DIRECTLY help** our **students** is one of added man power on the school battlefield..not a review team thats not on the front line in the war to get these kids caught up & equipped to have success on this State exam. If a campus has 55 Sped students for example...they would only be allowed to have 2 certified Sped. teachers to implement Annual ARD meetings, paperwork, Behavior Intervention Plans, Scheduling, Resource classes, etc.. for those 55 students. My experience is that Sped.students need more direct attention...better instruction..smaller groups...added certified man power is the solution!! Think about the benefits of another hired certified worker would have on the above campus. Teacher to student ratio should be dropped state wide to 15 to 1 ..Our Sped students should be on the Top of the list...not left overs for funding...No disrespect but people in the office looking a spreadsheets don't see what we are battling and the struggles we face...there is a gap in the reality of the situation facing our Sped. population. Sped teachers concerns of man power are always answered back that state funding is the problem. I'm on the battlefield and can testify that added certified manpower is the one biggest action that would make an immediate impact for OUR SPED STUDENTS. More Teams doing observations and audits sounds good but it will not meet the root of the problem to kids academic needs and overworked burden on SPED Educators. Thanks you for your time, I can be reached at [REDACTED]

***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***

**Give students what they need to succeed.**

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Concerned SE Educator (Please Help)  
**Date:** Monday, February 12, 2018 5:26:08 PM  
**Attachments:** [pastedImage.png](#)

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To whom it may concern:

My name is [REDACTED] ...I have been a Certified Special Education Teacher for the last 15 years here in [REDACTED] I have read the proposed plan and have many concerns. Below is the proposed funding. Last year [REDACTED] went from a 18 to 1 ratio to 28 to 1 ratio this school year. My students which range from students with Autism, Learning Disabilities, Intellectual Disabilities and ADHD. I can confidently speak on behalf of my district and for Sped.educators across our state when I say the following: There are various needs but the Greatest one which **will DIRECTLY help** our **students** is one of added man power on the school battlefield..not a review team thats not on the front line in the war to get these kids caught up & equipped to have success on this State exam. If a campus has 55 Sped students for example...they would only be allowed to have 2 certified Sped. teachers to implement Annual ARD meetings, paperwork, Behavior Intervention Plans, Scheduling, Resource classes, etc.. for those 55 students. My experience is that Sped.students need more direct attention...better instruction..smaller groups...added certified man power is the solution!! Think about the benefits of another hired certified worker would have on the above campus. Teacher to student ratio should be dropped state wide to 15 to 1 ..Our Sped students should be on the Top of the list...not left overs for funding...No disrespect but people in the office looking a spreadsheets don't see what we are battling and the struggles we face...there is a gap in the reality of the situation facing our Sped. population. Sped teachers concerns of man power are always answered back that state funding is the problem. I'm on the battlefield and can testify that added certified manpower is the one biggest action that would make an immediate impact for OUR SPED STUDENTS. More Teams doing observations and audits sounds good but it will not meet the root of the problem to kids academic needs and overworked burden on SPED Educators. Thanks you for your time, I can be reached at [REDACTED]

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- ***\$0.5M: Cost of Technical Assistance/Facilitation Vendor (one time)***

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

**Give students what they need to succeed.**

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** TEA Action Plan feedback fro ESC-20 district staff  
**Date:** Monday, February 12, 2018 3:57:27 PM  
**Attachments:** [ESC-20 client feedback for TEA Corrective Action Plan.xlsx](#)

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Attached is the Excel document that is reflective of a variety of educators in the ESC-20 area which I would like to submit to you as part as the open feedback of the TEA Action Plan. Please respond back to confirm that this document has been received.

Thank you,

[REDACTED]

[REDACTED]

Educational Specialist, RtI & Section 504

[REDACTED]

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Response to INITIAL DRAFT of Corrective Action Plan  
**Date:** Monday, February 12, 2018 10:49:53 AM

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General Comment: The TEA response appears to deflect the agency's culpability in establishing an arbitrary special education cap, putting the blame on districts which followed the agency's lead. In addition, the TEA response emphasizes the expenditure of funds to increase staff while awarding contracts to third parties (a procedure the agency seems to have difficulty doing appropriately) rather than doing the bulk of the work itself.

Corrective Action One: This proposal seems to put the cart before the horse. TEA should develop and refine the review process prior to determining the size of any needed staff increase.

Corrective Action Two: This proposal inappropriately focuses on all public schools in the state rather than focusing on those districts/charter schools with the lowest percentage of special education students. Bullet 3 is particularly problematic and reflects a lack of understanding of the purpose of the Response to Intervention process. By focusing on any child in the RtI process for 6 months, the agency potentially targets the majority of students since Tier 1 can include all children receiving differentiated instruction in a general education classroom. The focus on 504 and the Dyslexia program unfairly burdens those districts whose programs follow the letter and intent of the law. In addition, this proposal advocates the expenditure of funds to support TEA but not the districts who serve the students. Bullet 4 is misguided; nothing in IDEA indicates that every parent request for evaluation, no matter the motivation, should be honored. Parent requests should be considered on a case by case basis and the need for the evaluation documented. This proposal unnecessarily ties the hands of district personnel in making local educational decisions.

Thank you.

[REDACTED]  
Licensed Psychologist, LSSP  
[REDACTED]

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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Comments on TEA Corrective Action Plan  
**Date:** Sunday, February 11, 2018 7:40:54 AM

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I am pleased to see that there are steps being taken to correct our present system in helping students with dyslexia and related disorders in the public school system. These students are our future and many will grow up to be our CEO's, inventors and founders of great things if allowed the opportunity to learn how to read and building their self-esteem. These brights students "think our of the box" which is what the world needs to solve so many of its problems including environmental and political.

### **Corrective Action One**

Context: Supports the addition of staff to effectively monitor Special Education in the 1200 LEAs. 500,000 students in SPED statewide, compared to 154,399 identified with dyslexia and related disorders based on 2016-2017 school year.

--[if !supportLists]-->1) <!--[endif]-->Bullet 4: Texas ALTA Supports the review team approach to monitor most effective practices that lead to improved outcomes. There is the concern that many school districts allow teachers with minimal training in dyslexia to work with identified students. The Academic Language Therapy Association certifies qualified professionals who are trained in multi-sensory, structured language techniques necessary for the treatment of dyslexia and related disorders. Certified Academic Language Therapists (CALTs) have completed 200 hours of multi-sensory course work, 700 hours of supervised clinical training, 10 demonstration lessons and passed a national exam. Certified Academic Language Practitioners (CALPs) have earned 45 hours of coursework, 60 hours of clinical supervision and 10 demonstration lessons, in addition to passing the national exam. The Texas Department of Licensing and Regulation (TDLR) has two levels of licensure for professionals who meet the same criteria of the Academic Language Therapy Association listed above. Licensed Dyslexia Therapists are CALTS with a Master's degree and can operate as sole practitioners. Licensed Dyslexia Practitioners have a Bachelor's degree are CALPS who can work in schools, hospitals and learning centers. Whether in Special Education or 504, students identified with dyslexia should receive services from trained, qualified individuals. In addition to the dollars listed for TEA in this plan, there needs to be consideration of per pupil funding for students with dyslexia and related disorders to ensure that school districts have the funding to hire appropriate professionals and effective dyslexia programs.

--[if !supportLists]-->2) <!--[endif]-->Bullet 4: In addition to the issue of teachers with minimal training, school districts often choose curriculum that is not evidence-based, and therefore, does not serve students in the best way possible. Having the ability to record and monitor which programs districts are utilizing and how students are progressing would allow model programs to rise to the top.

--[if !supportLists]-->3) <!--[endif]-->Bullet 6: When adjusting the PEIMS data for compliance, it would be helpful to know if students identified with dyslexia and related disorders are being served in Special Education or in Section 504. Would the separation of dyslexia, dyscalculia and dysgraphia be helpful information?

--[if !supportLists]-->4) <!--[endif]-->Bullet 7: When TEA creates the diverse team of

reviewers, having Certified Academic Language Therapists (CALTs) or Licensed dyslexia Therapists (LDTs) involved could be helpful in evaluating dyslexia and related disorders and should be considered for Team Captain or Program Specialist spots.

### **Corrective Action Two**

--[if !supportLists]-->1) <!--[endif]-->Bullet 1: The Outreach Campaign should also include associations such as Texas ALTA, who can spread the word to professionals in the field who do testing and work with public and charter school families. The many IMSLEC-accredited training centers in Texas who provide teacher training and some direct dyslexia services should be considered as vendor partners.

### **Corrective Action Three:**

--[if !supportLists]-->1) <!--[endif]-->Bullet 4: Texas ALTA supports the Professional Development component of the plan and looks forward to participation by its members, who are experts in the field of dyslexia and related disorders.

--[if !supportLists]-->2) <!--[endif]-->Bullet 5: Additional staff support is needed. Texas ALTA is especially pleased to see that monitoring activities listed in Corrective Actions One and Four will include effective implementation and application of dyslexia/dyslexia-related, Section 504 and RtI.

### **Corrective Action Four:**

--[if !supportLists]-->1) <!--[endif]-->Bullet One: Texas ALTA is supportive of the creation of the Escalation Team to work with school districts with the greatest need for improvement.

--[if !supportLists]-->2) <!--[endif]-->Bullet Six: Professional members of Texas ALTA and those training centers accredited by IMSLEC could serve as third party technical assistance to TEA.

### **Appendix B Other Actions:**

--[if !supportLists]-->1) <!--[endif]-->Bullet 2: TxALTA supports changes to teacher certification and credentialing as it pertains to proficiency in those who deliver services to students with dyslexia and related disorders, not just in special education but also to those identified and served for dyslexia and related disorders under Section 504.

I have been working with students with dyslexia and related disorders for 24 years and continue to enjoy each and every moment. I teach at the [REDACTED] Texas, the largest private school for students with learning differences. Currently, I serve as [REDACTED]

[REDACTED]. I represent [REDACTED] in legislature issues such as this one. A great concern of mine is that not all dyslexic students in the public school system are receiving the help they so richly deserve. Not all parents can afford private schools to get their child's needs met.

Texas has been a leading force in the dyslexia laws but we have fallen greatly behind and have missed the mark more than once. We now have a chance to the set record/system straight. My hope is that all voices will be heard and at last, these students will be identified and receive the correct help that they deserve.

Thank you,  
[REDACTED] MAT, CALT - QI  
Licensed Dyslexia Therapist



~~Dedicated to making a difference in the lives of students who learn differently ... because not all great minds think alike~~



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** CAP issues  
**Date:** Thursday, February 8, 2018 2:31:13 PM

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The CAP is helping us to focus on the issue of differentiating to stakeholders RTI, 504, IDEA, and dyslexia.

My thoughts:

1. We need to reconsider our definitions.

RtI specifically states that failure to respond indicates “something bigger”. By placing RtI Model under SLD, we are encouraging the premise that “if the student fails to respond, they would be likely to have SLD” when in fact, other categories of eligibility can be the factor in “failure to respond”. Yes, we would catch ID, AU, ED in the exclusionary factor analysis but by putting RtI Model under SLD, it’s implication is that it is a model of identification. We need to put RtI data in the data collection of all FIEs and not just ones specific to SLD evaluations. Repositioning the RtI data within the area of data collection would create different conversations and help dispel the idea that failure to respond begins a student on the path of SLD.

We have “policy issues” which has resulted in our OSEP findings. In the case of dyslexia, we have a policy that excludes dyslexia from SPED eligibility when in fact it is in the federal definition. Our policies indicate that ALL ARDC must consider a continuum of services for all students and that no specific eligibility category drives specific services. In the case of dyslexia, the crux of the controversy is on the delivery of services. Dyslexia services are considered a “general education service” but in reality all categories of eligibility should be considered with the following “Can this student (AU, ED, ID, SLD, ETC) have his/her education services met in the general education setting by general education personnel?” If the answer is yes, then that student would not be in SPED and maybe in 504 and maybe not either. There is no reason for dyslexia to be considered unique in this type of analysis of services. By removing the dyslexia from the SLD, it negates the analysis which is why we have students with dyslexia sitting in gen ed without any analysis of whether this student needs services that may be best delivered in a special education setting and automatically places the student in a general education service. Dyslexia, as currently practiced, focuses on the delivery of services. The identification of dyslexia is essentially done by less qualified individuals because they are only knowledgeable about general education and cannot even consider conversation regarding SPED eligibility and services which is contributing to the problem and confusion.

Think about ELs. If you MUST have a specialist in 2<sup>nd</sup> language acquisition involved in the process, then why wouldn’t you have special education person involved where SPED process is considered..... by not having SPED people involved in the Dyslexia process, SPED will probably not be discussed.

2. We need to educate all ARDC on the differences in the services of 504, IDEA, RtI, etc.

Many practices within our LEAs are that one person is in charge of SPED, another in charge of

Student pre-referral committees, and another person is in charge of 504 meetings. Occasionally these are all the same person which actually benefits our students. But by having “silos” within the committees regarding students who are not performing adequately, we are creating the mess that we are in as a state. The breakdown occurs at the pre-referral and/or pre-committee meeting. Currently, it’s terrifying hearing our superintendents and even a pocket of our special ed directors asking questions such as “do we need to go the stakeholder meeting” and or “will the cap apply to us”. These comments are indicative of a bigger problem of decision makers seeing SPED population as “not us”. So HOW do we get these educators to see ALL students and not GEN and SPED students?

- Make the monitoring visits specify all stakeholders within the committee membership are included
- Legalize that assessment personnel cannot run committee meetings. This is a practice common in our area but it undermines the process of committee decisions
- Have all superintendents and building administration complete a required training on all services (504, SPED, etc) so that they can hold their personnel accountable. Right now, we have assessment personnel (who are not objective) telling administrative leads how things work within their particular field.

**From:** [REDACTED]  
**To:** [TexasSPED](#); [Schwinn, Penny](#); [Porter, Justin](#)  
**Subject:** Feedback Corrective action 1  
**Date:** Thursday, February 8, 2018 10:01:23 AM

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General Supervision and Monitoring could happen more effectively via an online portal:

Monitoring could happen online and trigger onsite reviews by TEA only when warranted, Review and Support Teams could focus on Supporting compliance at various stages rather than reacting to non compliance after the fact.

For instance the heart of the violations revolve around Child Find, which is a requirement of IDEA basically initiating a timeline for evaluating a child "Suspected" of having a disability which can be triggered by the school or the parent. Enforcing, monitoring and supporting child find is pretty straightforward. I would like to see a central statewide entry system where a parent or school could begin the child find process on line, triggering a trackable timeline for compliance and if necessary supports to facilitate outcomes. Parent or school starts Child Find process on line, schools document when key requirements are started and finished into the system. Closer monitoring by TEA would happen when timeline violations reflect on the site. Parents could enter problems if they encounter them during the process, schools could respond and if escalated could trigger supports from up the chain. The online process would ultimately give usable data to track district trends in identification, the numbers of evaluation requests, the numbers of students identified and by category, allowing for a range of planing options for districts and our state, including funding and budget requests. Schools, Districts, Parents and TEA would all have the same info, be able to easily view the process and work more collaboratively while also providing useable data to our state.

I appreciate being able to make this suggestion. On Corrective Action One

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** [REDACTED]  
**Date:** Thursday, February 8, 2018 7:46:12 AM

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My advice would be to include Advocates and Parents who have participated in ARDS/504s in the audits. I have represented numerous students in [REDACTED] as their Advocate. I have notes of numerous infractions of IDEA and 504 law.

Without Advocates like me who are very involved in the district, the audits will be "guided" by [REDACTED] and the truth of the matter will not be uncovered.

An effective audit will go thru each SPED case file and look at the notes of the ARDS and interview the parents and Advocates.

Weekly, I have to challenge [REDACTED] on their neglect of the law. [REDACTED] ignores parents and advocates and IDEA/504. Often the answer is "not enough budget."

A number of parents end up removing their student(s) and seek another form of education. In [REDACTED] alone, there are almost 10 other private schools that have started over the past 10 years. This is primarily due to [REDACTED]'s inability to provide services to their students.

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** USDE Corrective Action Plan - parent feedback  
**Date:** Wednesday, February 7, 2018 10:16:59 PM

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To Whom it May Concern,

I'm writing as a concerned parent of a dyslexic child in the [REDACTED]. Below are my concerns regarding the USDE Corrective Action Plan.

### **Problems with Corrective Action One and Two**

[REDACTED] is NOT equipped to identify students with dyslexia, dysgraphia and ADHD. My [REDACTED] is evaluated each year at the [REDACTED] with a diagnosis of ADHD, a language disorder, social communication disorder and the learning disorders of dyslexia and dysgraphia. At the ARD meetings, [REDACTED] says that my [REDACTED] qualifies for IEP services under the category of Autism and related conditions. My [REDACTED] developmental pediatrician at the [REDACTED] says that my [REDACTED] is NOT autistic and it's not an accurate description of [REDACTED]. My [REDACTED] physician says that [REDACTED] qualifies for IEP services under "Other Health Impairment" and this category gives teachers an accurate picture of [REDACTED] and [REDACTED] potential. Also, [REDACTED] physician says that [REDACTED] needs academic language therapy from a certified academic language therapist. How can [REDACTED] give [REDACTED] the appropriate services if they're unable to recognize [REDACTED] ADHD, dyslexia and dysgraphia??? Over the last 3 years, my [REDACTED] and I have spent around [REDACTED],000.00 on private speech therapy and academic language therapy so that our [REDACTED] will have success at school. How do we receive compensation when [REDACTED] doesn't recognize [REDACTED] dyslexia?

### **Problems with Corrective Action Three**

General education and special education teachers in [REDACTED] are not equipped to help students with dyslexia and dysgraphia. Most of the teachers have degrees from Texas A&M University (a tier 1 research university) and do not receive the proper training in evidenced based multi-sensory reading instruction based on Orton-Gillingham methods. How will the Universities address this teacher training problem??? Also, when current teachers in the school district receive training how will the parents know that it's from a reputable organization like Nehaus Education Center in Houston or the Scottish Rite Program in Dallas. How will the parents know if the teachers are using these evidenced based programs in a systematic way???

Also, I would be interested in attending the Region 6 focus group as a concerned parent from [REDACTED]

Sincerely,  
[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Cc:** [REDACTED]  
**Subject:** TEA Action Plan  
**Date:** Tuesday, February 6, 2018 4:14:29 PM

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The TEA Proposed Action Plan has some positive actions, but has many areas of concern to me that will impact my district's budget, time and effort. I do not see educational benefit being provided to students with the proposed plan.

Corrective Action 1:

- I believe the addition of 26.5 staff to TEA for monitoring is excessive at the cost of \$2.2M. I would prefer to see local supports put in place to help students rather than additional TEA staff for monitoring. I do not see how this type of monitoring which is basically for compliance, will provide improved student outcomes.
- Audits, whether on site or desk audits will take away time from administrative support to campuses, staff and students.

Corrective Action 2:

- I believe the Outreach Campaign could be a positive endeavor.
- Child Find is currently in law, IDEA. TEA should provide services and resources at no cost to districts. Use social media to get information out to the public. In the past, TEA has created commercials, posters etc. and shared with districts in past years.
- There is a current Call Center at TEA. Is there data showing the demand to expand the Call Center.
- Our district has 816 students in 504. The students that have dyslexia that are not special education eligible are covered under 504 with plans. 504 plans are reviewed annually with parents included. Students in RtI should be monitored for success. They should be considered for special education if unsuccessful in interventions after provided with fidelity. I do not agree to offer a special education evaluation to all students in 504 or RtI more than 6 months. To provide informed consent to parents by a LSSP will take valuable time away from testing students in need of special education evaluations. We do not have enough LSSPs on staff to provide this service, much less, test when it isn't warranted. We would have to hire or contract for LSSP services. This would be very costly to the district. To qualify for special education, there has to be an educational need. Many students in 504 have health issues, like food allergies or asthma or diabetes. There needs are not related to learning. They do need accommodations that are covered in 504 plans. I would see no need to offer a special education evaluation to this total 504 population of students.
- If a requirement as is proposed in this Action Plan, then TEA should provide funding to districts for additional evaluation staff.
- I agree that students denied testing should be offered compensatory services. I feel TEA should be monitoring Prior Written Notices given to parents refusing to evaluate for special education. These students should be offered a special education evaluation and compensatory services in eligible for special education.
- Expanding communication to parents, families and the public is a positive initiative.

Corrective Action 3

- Resource development could be positive. RtI was put into law with IDEA in 2004. Districts have been required to implement RtI prior to evaluating for special education. Not all children in RtI should have the need for a special education evaluation.
- The Dyslexia Handbook in Texas was recently revised and includes information regarding Dyslexia, Special Education, RtI and 504.
- The Call Center expansion should be based on usage/demand data.
- The Professional Development for educators in general and special education should also be required for administrative staff. If conducted in a format similar to Reading Academies offered at Education Service Centers, it could be positive for students and staff.
- I agree with adding a Dyslexia Specialist to the TEA Special Education Division.

Corrective Action 4:

- I do not agree with additional staff for an Escalation Team. The team identified in Corrective Action 1 should be monitoring the districts below 8.5% first, provide feedback and identify supports needed.
- I would rather see support staff added to Education Service Centers to provide technical assistance to districts rather than hire outside vendors at extra cost to districts.

I believe this is a costly plan for TEA and districts. The plan is taking districts back to monitoring similar to the outdated DEC audits. DEC audits did not provide valuable information to districts. They were not consistent across the State. Districts are presently monitored through PBMAS and SPP. Will the monitoring put in place with this Action Plan take the place of PBMAS and SPP?

I appreciate the opportunity to express my concerns and provide input regarding the Proposed Action Plan.

████████████████████  
Director Special Education and Section 504  
████████████████████

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Plan Comments  
**Date:** Tuesday, February 6, 2018 12:47:09 PM

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Hello,

I am a diagnostician working in public education. I think some of the parts of the corrective action plan are good, specifically wanting to provide correct information to parents. However, the problem is not with the districts refusing to test students. The problem is the referral process itself. Teachers and administrators don't always know how to identify a possible disability in the first place. All they know is that the student is struggling. They are told that the student needs to go through RTI prior to referral but every district implements RTI differently. Once the child is "in RTI" then nobody knows who is tracking anything, how long the student has been in the program, or if anything is working. Weeks and months go by and things get forgotten. There needs to be a better RTI process and more training on how to suspect a disability. I think if parents, teachers, and administrators knew more about identifying disabilities and if district had better and more structured RTI processes, then the referral process would lead to better and faster identification of students who needs SPED. Keep in mind that to qualify for SPED services the child must have an identified disability that requires specially designed instruction through special education. There are many students struggling who may benefit from special education services but who do not have a disability. They are struggling for a variety of different reasons including poor attendance, second language, difficult home situations, poor teaching, etc. I think that TEA and OSEP hear from parents of struggling students where the district did not test the child for special education because they saw other factors rather than suspecting a disability. Also, keep in mind that other states consider students with dyslexia as being in special education while Texas does not. (For the most part). This could be one of the reasons why our SPED averages are lower than the national average.

I want to unequivocally state that, at least in my district, that there has never been any refusal to test a student if there was a legitimate suspicion of a disability. In fact, sometimes I feel we over-refer students who should have never been referred. There is an outstanding lack of correct information out there about what a disability is, how to identify it, and what to do about it. This corrective action plan was written hastily and did not have any input with the people who are on the front lines of this process (i.e. diagnostician and other assessment personnel).

I would encourage TEA to get more feedback from people like me who know what is actually going on.

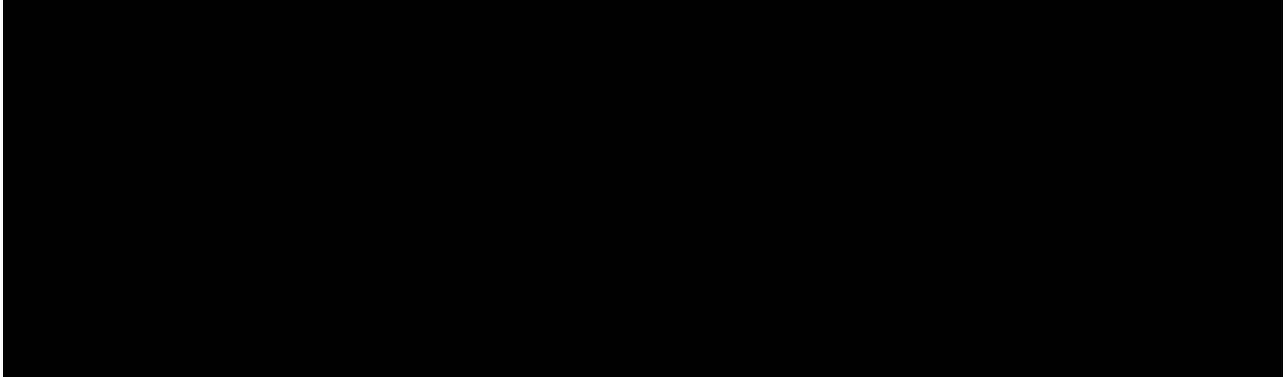
[REDACTED]  
Educational Diagnostician

[REDACTED]  
[REDACTED]  
[REDACTED]

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**From:** [Culbertson, DeEtta](#)  
**To:** [TexasSPED](#)  
**Subject:** FW: TEA Plan and Response to the Monitoring Letter  
**Date:** Monday, February 5, 2018 3:00:03 PM

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[REDACTED]

**Sent:** Sunday, January 21, 2018 5:20 PM  
**To:** Commissioner <Commissioner@tea.texas.gov>  
**Subject:** TEA Plan and Response to the Monitoring Letter

Dear Commissioner Morath:

I am the parent of an autistic child who was denied services by my local school district for many years. Despite their refusal to provide appropriate special education services for my child, my local district was more than willing to spend in excess of \$100,000 in one year for attorneys' fees to support this denial of services. The staff at my regional education service center knew of this denial, participated in it, and supported it. One of these regional education service center staff members "graduated" to employment at TEA, working with Kathy Clayton and Gene Lenz. I had numerous telephone conversations with Kathy Clayton over several years, and she likewise supported and approved of the denial of services to my child.

This letter is in response to the recently issued "TEA Plan and Response to the Monitoring Letter." My comments are made from the viewpoint that the 8.5% cap on special education enrollment was wrong – but that this was just the tip of the iceberg in the ways that disabled children in Texas have long been denied their federally-guaranteed right to a free appropriate public education.

1. I applaud that the Plan assumes that TEA is committed to including significant stakeholder engagement in a meaningful way. I sincerely hope the input allowed by parents will indeed be both significant and meaningful.

I have attended numerous stakeholder involvement events at my regional education service center. Many of these events were facilitated by a TEA employee who was obviously trained in the Delphi Technique; i.e., while the facilitator's job was supposedly non-directive, neutral, and non-judgmental, the opposite as actually true. The facilitator was there to move the meeting to a predetermined conclusion that omitted any criticism of TEA and/or special education in Texas.

In one instance, it was arranged for an education service center employee to act as a recorder for the meeting. TEA provided a template to record information on, it was loaded on a laptop, and the comments recorded by the education service center employee would appear on a screen for the audience to see. The first drawback with this was that the recorder was unfamiliar with the template and, therefore, slow in filling it out. This limited the number of people who could provide input. The most important drawback, however, was that it was obvious that the education service center employee always recorded comments that were positive about TEA and special education, but often edited or completely failed to record negative comments.

2. I applaud that the Plan assumes that “TEA will ensure that all milestones of drafting, research, approval and implementation of the corrective action plan are open and transparent.”

Transparency has long been lacking in Texas Special Education.

Taxpayer dollars are used for employees of local school districts to join T-CASE, TASA, TASB, and NELI, etc., and for employees to attend workshops and training events sponsored by these organizations. Materials on these entities’ websites are usually password protected. Parents, who are willing to pay to attend these training events, are often denied access. In other words, we are not allowed to know what our educators are being taught at our expense.

Many local educators and regional education service center employees have Twitter accounts that they “tweet” from during the business day – making comments that are derogatory to the need for improved services to special needs students. I have called these negative comments into question on occasion, and the response has been that the Twitter account is suddenly no longer open to the public – only to approved followers.

No more should someone from TEA attend a meeting that is not open to the public, much less parents, to discuss the “expectation gap for what is required by law and what is desired, the entitlement.” See: Comments attributed to Gene Lenz at Texas School Alliance Meeting of Special Education Directors, San Antonio, Texas, October 4, 2012: <http://studylib.net/doc/6799705/texas-school-alliance-meeting-of-special-education>

3. I applaud that the Plan includes that “TEA will create and execute statewide professional development for all educators . . . that will include elements both for inclusive practices and instructional techniques as well as broader identification and related Child Find practices.” If this part of the plan comes to fruition, I would hope that it means fewer presentations by regional education service centers and “professional organizations” that are not in the best interest of the student. For instance:

I have in my possession T-CASE materials in which FAPE (Free Appropriate Public Education) was defined to mean “firewater, alcoholic potions, and other elixirs,” and IEP (Individual Education Plan) was defined to mean “individual edible portions.”

I have in my possession T-CASE materials that taught the most important thing for a district to do when faced with an autistic child was to “budget money for a good attorney.” Gene Lenz sanctioned this T-CASE presentation in a letter that he wrote to Senator Jane Nelson.

I have in my possession TASB materials that taught that ARD meetings should be scripted; the room should be uncomfortably cold; straight-back chairs with no padding should be provided; avoid the appearance [meaning it is acceptable to know this and operate in this manner – just don’t show it] of program availability, money, or trustees driving the decision-making process, and co-opt difficult parents.

I attended a training session at an education service center in which the presenter stated that ARD (Admission, Review, and Dismissal) means “anguish, remorse, and

denial on the part of the parents.”

I attended a training session at an education service center in which the presenter posed a hypothetical: Assume you are a special education director, sitting in your office, on a normal business day. Your secretary comes into your office and tells you there are parents in the waiting area who have just moved into the district, they have a special needs child, and they want to visit. You meet with the parents, they tell you about their child, and they tell you what the district they are moving from has been providing. You listen and think that it all sounds reasonable, and it sounds like services you are providing to other children. The presenter then recommends: Before you make any comment, try to determine if this family looks like they could be difficult. If you think that possibility exists, take a hardline with them – don’t agree to anything – because you want to teach them up front who’s boss.

4. I applaud that the Plan indicates that “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.”

The restructuring of grant agreements with ESCs to be outcomes-oriented is long overdue. For too long, consultants at ESCs have been paid outrageous salaries to go through the motions of presenting the same information year after year after year – information that was directed to telling local school districts what they wanted to hear, with the outcomes for disabled students never improving. In other words, ESCs were never expected to produce positive outcomes for students. Furthermore, when ESCs are evaluated, TEA has had a policy of parents not being allowed to participate in the evaluations – even though ESCs are to serve as the first point of contact for school districts, parents, and other community stakeholders and, in accordance with 34 CFR §300.382(j) are to provide joint training of parents and special education, related services, and general education personnel.

Such a document review is greatly needed. At one point in time, when the educational establishment was adamant that it would not provide Applied Behavior Analysis as an intervention for autistic students, Region 11 touted “holding therapy” on its website as an alternative, and it provided a link to a website for a holding therapy practitioner, [REDACTED], who was then serving a sentence in a [REDACTED] prison for having killed a child during a holding therapy session.

5. I disagree with the portion of the Plan that calls for engagement with and feedback from 100% of ESC SPED Directors, ESC Executive Directors, and ESC CORE Group. From my perspective, these individuals are part of the problem. In the last week, the following comments appeared in several newspapers across the state:

“It has been an epidemic,” said [REDACTED], a [REDACTED]-based lawyer who until 2015 was under contract as a TEA hearing officer. “It’s going to take a while and a whole lot of hearings and lawsuits for it to finally be resolved.”

[REDACTED] said the federal findings confirm what she and others who have worked with special education cases knew was happening.

“There was a cap,” on the percentage of students that school districts should designate as special education. “It was statewide.”

Some parents have fought unsuccessfully for years to obtain services.

“They had been seeking evaluations since kindergarten, which is the first step in obtaining special education services,” [REDACTED] said. “They were denied.

“I came across one kid, he was legally blind. They were getting sent to alternative schools, or seen as a behavior problem.

“They were basically being denied an education.”

Similarly, on January 19, 2018, [REDACTED], Ed.D., Superintendent of Schools, [REDACTED], issued a letter that admits that “. . . TEA in 2004 began monitoring the percentage of special education students in school districts, and penalized districts with a special education enrollment of greater than 8.5 percent;” and requests support for public schools “. . . in unraveling the mess TEA created with requirements that agency put in place.”

Where have ESC SPED Directors, ESC Executive Directors, and ESC CORE Groups been since 2004? When did any of them challenge the 8.5% cap established by TEA? When did any of them stand up and say this was wrong? Involving them in this Plan for improvement is tantamount to seeking input from the administrators of Nazi Germany Extermination Camps on how to improve the treatment of the Jews.

6. No matter how much input is gathered, and no matter what Plan is ultimately implemented, nothing will change until the culture of public education changes in Texas.

The Individuals with Disabilities Education Act (“IDEA”) was passed by Congress after a heated battle between healthcare and public education interests. Both contended that the other should be responsible for educating disabled children. When IDEA was passed, healthcare viewed it as a victory, and public education viewed it as a loss. Public education approached this legal mandate with sour grapes in its mouth, resulting in a decision to do as little as possible to conform with IDEA, yet still meet the letter of the law.

Special education teachers and administrators really didn’t exist in Texas prior to IDEA. Suddenly, educators found that they could quickly climb the bureaucratic ladder by going into special education. No one really cared about the children – the emphasis was doing as little as possible for them and to still meet the letter of the law. No one really expected results for the children – only that school districts were complying with the law. Consequently, special education became populated with individuals who were intent at preserving the system – their advancement and their benefits – at the expense of the children. Hence, the blatant example of the 8.5% cap.

For this Plan, or any other Plan, to succeed, and for change to be effected, no more should Texas educators be allowed to proudly say that we don’t have to provide the Cadillac, only the Chevrolet. No more should law firms who specialize in special education law state on their websites: “Special education is a central responsibility for school districts. Helping them determine the best use of resources in service of these clients is where I focus my service to our clients.”

Thank you for your consideration of my comments. I look forward to a dramatic change in the rendition of public education services to disabled children in Texas so that no other family has to live through what my family has lived through with my child. It was very disheartening to seek help from the people that are charged by federal law to help you, only to discover that they spend all of their time and resources to avoid meeting their legal mandate.



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** USDE Corrective Action Plan  
**Date:** Monday, February 5, 2018 2:19:53 PM

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To Whom it May Concern:

Good afternoon! I completed the survey on the TEA website, but I would like to provide some additional information because the system would not allow more than 250 characters in each box.

I have been employed as an educational diagnostician at public schools for the past eight years. Prior to that, I worked as a general education and special education teacher. While working as a diagnostician, I have never denied services nor an evaluation for a child because of the percentage of children in special education in our district. I have also never been told to deny services/evaluations, and I have worked in four different school districts during the past eight years. I realize that it is possible that other school districts may have denied services to children, but I think it is important for us to be cautious when we are presenting this information to the media and the public. We cannot make this situation look worse than it really is. I am concerned about this issue because I cannot keep up with my current workload. Our school district already has three diagnostician vacancies. Additionally, we had to hire multiple contract, part-time LSSPs because we could not find a full-time LSSP. Last school year we were fully staffed and we were drowning in ARD/IEP and FIE paperwork. You can only imagine how difficult it is this year. If this situation causes parents to refer a large number of children for special education evaluations, it will not be possible for us to complete them. We would need a HUGE amount of additional funding, which we all know is not available. Additionally, if some funding is provided, the school districts must be held responsible for using that money to hire additional assessment personnel. From my experience, we are not a priority, and they would prefer to use that money elsewhere. It is also very likely that additional assessment personnel will not be available to fill those positions. What will happen then? I understand why you have to address this issue, but I beg you to proceed cautiously. Please consider the assessment personnel when you are making decisions. It appears that a large portion of this burden will rest on our shoulders.

Sincerely,

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Training for SPED teachers  
**Date:** Sunday, February 4, 2018 11:56:54 AM

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Please include campus administrators statewide especially PRINCIPALS because even SPED teachers can't do nothing if their hands are tied by their administrators. Administrators must have crash course of at least 12 units of special education so they better understand the program and that if there is any campus program they have to give importance to and support 100% it is special education program.

[REDACTED]



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** special education students  
**Date:** Saturday, February 3, 2018 7:47:59 PM

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Is this a plan to make regular education teachers both special ed and regular ed?

This will give districts the opportunity to put disruptive and abusive special education children (especially in k-2 because of last summer's law) in our classrooms without help. I am extremely worried for the other students and what that means for their education, when so much time is spent on children whose IQ's are lower than 80. I have been hit in the face and multiple times in the arm and back by special ed. kids this year and so have other students in the class. We are told to Qu- Tip ( quit taking it personal). When did it become okay to hit others (children or adults) because you have a low IQ, autism, or other emotional disorders that may or may not be recognized by the parents? Thankfully, I have two years before I can retire under the 80 rule. However, I am still worried for my colleagues and for the kids whose parents choose public schools over other options.

Thank you for reading my concerns,

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Money and Services  
**Date:** Friday, February 2, 2018 5:14:45 PM

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Greetings

In response to the USDE corrective action plan, please consider spending less money on forming On-Site monitoring teams, printing resources, requiring teachers to attend trainings, etc. Instead, consider giving more funds to districts to hire more Special Ed. teachers and Special Ed. assessment staff. Districts are ready and willing to evaluate, identify and serve more students in Special Education. What the districts needs most is money to hire more special ed. staff.

Thank you,  
[REDACTED]

From:

Subject:

Date:

Corrective Action Plan

Friday, February 2, 2018 3:23:57 PM

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Good Afternoon,

I have read certain parts of the corrective action plan. As a teacher some of the plan sounds good some of is not so great. For example, we do not need to change certification, the problem is training on the law. Yes, we are great test takers in Texas however, we do not have enough training from the State as to how to execute a program that will work for our students. Special Education is not a one size fit all system. We work with our students every day. Why should we be required to maintain RED folders and everything is online? This is a waste of classroom time with our students to give services of classroom and related services to them. Most States have done away with folders, the IEP information is online, and a hard copy is housed within the district location. We also do not need more inspections we need assistance from the people who you will hire as specialist.

The LEA already has unlimited access to the information we have on file . They do not need to inspect, they need to assist in processing and making sure services are given in a timely manner.

The State needs to hire more people to assist them to process the paperwork that SPED is supposed to have online. We also need a statewide IEP system, so when a child moves from District to District, the IEP will be in the same in format, City to City, District to District. We receive so many IEPs' documents from all over Texas. Most Districts do use the same IEP documentation system. They should be uniformed and the same. Easy for us to manage and give services that are within reason of the IEP. We as teachers need full access to every student that transfers, this will allow a time saving method to provide services, when parents transfer students within Texas.

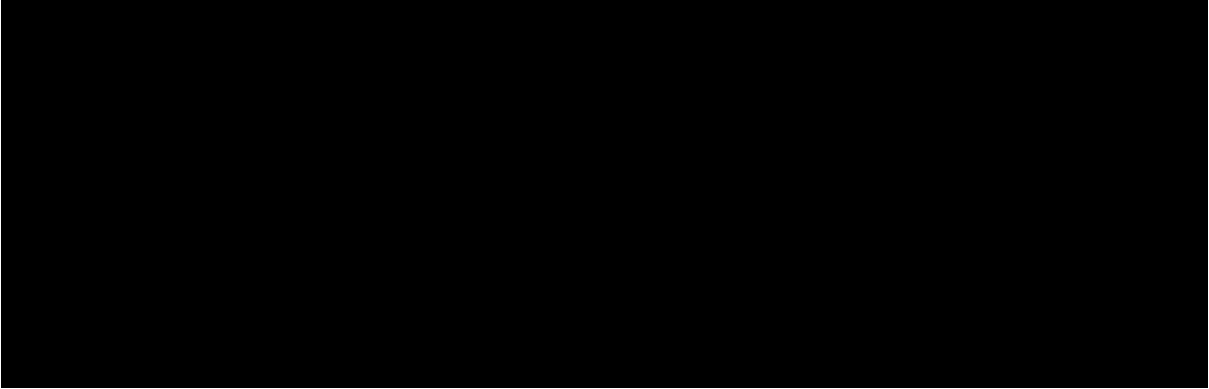
RTI is a great system however, if a student does not enter the District through Child Find Services or ECI, then by the time they are identified they are in second or third grade, too much valuable time has been lost to help student who need to be identified. We do not need a top heavier system, with more Directors, Supervisors and vendors. We need help on the bottom level, processing paperwork, teaching, identification, instruction testing, and working with parents in the community to understand Special Education is a service not a label, we are here to help.

Thank You

**•TEA will explore possible changes to teacher certification and credentialing as it relates to requiring a demonstrated proficiency in areas related to special education.**

**• 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**

Sincerely,



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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Texas SpEd plan  
**Date:** Thursday, February 1, 2018 12:26:51 PM

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First, I would like to thank the commissioner for owning up to the fact that the TEA did in fact have a cap on Special Education numbers. I also applaud him asking for stakeholder input.

I am in my 15th year as a diagnostician. I am currently a Special Education director who also continues to have a caseload. I am married to a superintendent. Our daughters were both identified as students with a Speech Impairment.

So I have various perspectives on Special Education.

Many years ago, the district I was employed in was marked for having too many identified as SpEd. We spent a week trying to navigate through the PBMAS plan to figure out what in the world we were going to do to get the numbers down. We had no answer. As a district the decision was made to identify as many as should be identified. We cracked down on the students identified who were receiving minimal services, which could be given through 504. The mindset of we are going to do what's best for the student has stuck with me. I am willing to do whatever it takes to do the right thing for the students. If it means a corrective action plan, then so be it. We did not and have not denied referrals based on a percentage number.

RtI is a concern, as many schools have various definitions and versions of it. Some call any intervention RtI. Some say RtI starts after interventions are exhausted. I believe a state example of what RtI should look like would be very beneficial. It is interesting to see the different versions and the different outcomes. Some districts have RtI specialists. Others simply use a teacher or a counselor (if the school has a counselor). Many of our small schools do not have a counselor on staff.

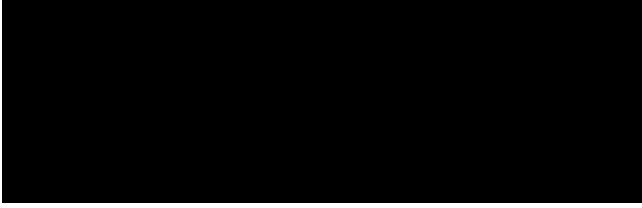
Presenting all parents who have children in RtI, Dyslexia and 504 programs with the option of a SpEd assessment goes against what has been ingrained in many of us for least restrictive environment. The purposes of the 504, Dyslexia and RtI programs is not to keep students out of SpEd. The purpose is to provide them what they need in the least restrictive environment. And in many cases, these needs are being met, without the assessment and provision of SpEd services.

One thing that might help improve SpEd identification would be a disability category that addresses fetal alcohol syndrome and drug babies. In my experience, these kids are the ones being lost, as they often turn up as slow learners and thus do not meet eligibility criteria.

I am not in favor of in person district visits. This has been done in the past and did not result in positive relationships between the TEA and the schools. To me, it is wasted money. I would rather see the money designated for that funded to local LEAs to help pay teachers to provide more services. I do understand the TEA has to report to OSEP. I believe the necessary data can be submitted electronically.

I am concerned about unfunded mandates the corrective action plan would require. Many 'chapter 42' schools are barely making payroll, even when a bond was passed, due to the severe ASTAR cuts.

Again, these are my thoughts, from various perspectives. I truly thank the commissioner for reaching out to those of us in the trenches.



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**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** TEA draft plan for special education  
**Date:** Wednesday, January 31, 2018 6:44:49 AM

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I have read TEA's draft plan for special education, and while monitoring is important, it is also critical to make certain that school districts have the resources needed to implement the proposed actions. This plan really does not address the concerns of the parents who spoke to the USDE. They asked for more evaluations and more services for their children with disabilities. After years of cuts, school districts need funding for additional personnel to provide those services. I am concerned that virtually all of the \$84.5 million allocated for this effort is going to be used to hire new staff for the state agency, not to provide direct services to children. Please use these funds to provide more evaluators and service providers to meet the needs and expectations of children with disabilities and their families.

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** TEA Corrective Action Plan for SPED issues  
**Date:** Monday, January 29, 2018 10:15:24 AM

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The current draft reflects a plan for monitoring that mimics an old model, often referred to as DEC, that the legislature and TEA eliminated due to significant LEA complaints in the early 2000s and which also helped to bring about the Angel G case against the TEA to which the agency was found negligent in monitoring to ensure that students with disabilities were receiving the services necessary—the major factor in this case was Child Find which is also the major factor in this current issue. Reviewing complaints, due process, and SPEDTex data would reveal that Child Find is the #1 issue in this state and has been since the inception of the 94-142 original sped law . If a surface review can uncover that obvious issue, then the agency has had a significant obligation to address that issue—not only in the special education realm but in the general education practices and procedures.

Texas chose not to set procedures for RtI as that practice became popular, rather TEA provided little or no guidance and certainly no guiding principals for LEAs to follow which many other states did and allowed individual LEAs to “grow their own”. As a result, LEAs set into place ineffective and often non-implemented practices by untrained personnel that created students who were unsuccessful particularly in reading. The agency needs to develop a research-based framework of procedures for LEAs to follow and to provide specific training to pre-service and in-service staff (administrators and teachers in general education). It is a civil right for students with disabilities to have access to public education.

The crux of the problem will not be fixed by this plan. The cause of the problem is the insufficient preparation of our teachers in reading and the real fact that most teachers have no idea how to teach reading to students who struggle. They rely on a one-size fits all that comes with their reading materials manuals and that will never result in our students improving performance in this area. RtI interventions/strategies are not chosen to meet the needs of the individual students but rather chosen by untrained staff who simply want the struggling reader out of their class, the administrators who wants a solution to a better rating and Dyslexia teachers who provide substandard instruction in a pull out program that only goes up to an elementary grade level. The agency had and still does have the obligation to identify those best practices and interventions matched to the 5 areas of reading within a tiered RtI/multi-leveled program; staff in an LEA have neither the time nor the expertise to do that on an individual campus level. Pre-service teacher preparation does not require significant hours in how to teach reading, many teachers go into a classroom without anything more that a 3 hour seminar in ELR and for those who are alt certified, almost no preparation is provided in the area of reading or in any other content. A few days of a TEA guided reading academy will never prepare our teachers for the struggling readers that our public schools serve. This is a K-16 issue to be resolved for this state and is not addressed in this plan.

Having reviewed much of the information provided by the open meetings, it is clear that little was said by the participants that focused on services provided to students eligible for the sped program. However, most of the comments were provided by stakeholders who focused on the poor



programming that was provided to students with dyslexia that were currently served in gen ed and/or 504 programs. This plan does not address the inadequate services provided and no monitoring of these services are mentioned in the plan nor have they been monitored by the agency in any way shape or form in the past. Parents were seeking a way at these public meetings to improve services to those children and sped was the “funded” program that they were trying to access since all else has failed. It must be understood that revision of the Dyslexia handbook will never result in better services, since the agency does not monitor quality nor set a standard by which LEAs are measured to fulfill an effective program of instruction.

I agree that all LEAs should be monitored on a fairly frequent basis to ensure required programming is implemented and it should be done in such a fashion that all are held responsible. I want to make clear though that just adding TEA monitoring staff who may have been teachers or administrators will not ensure that effective programming will occur after those monitors have made their visit. Experts in the field need to do the review and any resulting necessary technical assistance, not someone who happened to chair an ARD meeting or who happens to hold a sped certification—neither is sufficient to guide effective practices for students with disabilities. The agency will need to establish clear criteria for hiring individuals for monitoring positions that ensure a high level of quality and knowledge in the field. Staff in the recent past were generalists at best and certainly did not have the skillsets to tease out the issues at a program or student level and the real causal factors of major ineffective practices that affected struggling students in any of the monitored federal programs.

I encourage the agency to also review the travel budget since 5000 per monitor per year is not sufficient to carry out the activities of monitoring the 1200 plus LEAs in this state unless the agency is only going to do a very minimum number of on-sites and rely on paper submissions which never provide an accurate picture of implementation of practice. Also the minimum numbers of stakeholders on the stakeholder survey is too small to make any kind of determination of the status of programming in a state of this size. These numbers would reflect a state with a much smaller school population. Let's be realistic in really reaching out to the stakeholders rather than this fake attempt of seeing input.

Lastly, I am happy to see that the state is going to seek a state sped director, but I believe that that person should have the expertise and proven experience of guiding, evaluating, and supervising a effective sped program and be able to lead and collaborate on a national level. Certainly the criteria used for this past appointment did not meet that standard since the person had no experience other than running a SMALL district program and no experience at state, regional or national levels. I encourage the agency to see out the best candidates for this position to guide Texas to better training, programming and monitoring since the students with disabilities of Texas deserve and have the right for a good education.

██████████

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Additional input for proposed action plan  
**Date:** Sunday, January 28, 2018 7:26:45 PM

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Any complaints that were received alleging delay or denial of services during the last 13 years should be reviewed and re-evaluated to ensure accuracy in the decision made by the TEA staff who replied to the complaint. The TEA should consider the US Dept. of Ed finding as new evidence to restart the clock on these complaints and allow parents to refile or appeal the original decision with this new information.

When assessing school district compliance with IDEA regarding Child Find, do not rely solely on a criteria that shows the percentage of students being at or under the 8.5% TEA imposed cap. Instead, broaden the criteria to include districts who's population percentage was reduced by more than 1%.

For example, Northside ISD (San Antonio) had a special education population of over 14% in 2004 but that dropped to just over 11% by 2015. Even though they never met the proposed cap, a 3% reduction is evidence of a pattern of denial that should be investigated. Keep in mind NISD reported an increase in overall student population of 30,000 students during this time, so it is inconceivable how the number of special education students would drop while their enrollment was increasing at that rate.

Increase the number of characters allowed for comments for each question to 1000.

#### Action #1

- a. Conduct phone interviews for school staff and contact the individuals directly to ensure their anonymity. There is a real fear of retaliation against educators who speak out.
- b. On site audits/monitoring need to be done on at least a 3 year cycle. A 6 year cycle allows for too many students to slip through the cracks for non-compliant districts.

#### Action #2

- a. Require that the materials received by LEAs be presented to the school board in the form of a public hearing to ensure input from parents and students who have been impacted by this failure.
- b. For the next 13 years, require annual presentations to the school board in the form of public hearings to explain the progress and effectiveness of the special education and intervention programs that have been put in place.

#### Action #3

- a. Require LEAs to hold information sessions for parents and staff both during after normal school business hours to disseminate this information at least annually.
- b. All training for ISD staff should be centralized and done by the regional or TEA staff. ISDs should NOT be allowed to summarize this information for their staff in lieu of attending this training. Training should be available in a live online format to minimize costs and maximize audience reach.
- c. Develop webinars as part of the parent training materials that can be accessed online at no cost.
- d. Professional development should include input from parents (both general education and special education). Special education parents typically are more familiar with their child's needs and are

better equipped to communicate the struggles and successes their children experience. Input from general education parents can be helpful to understand the impact inclusionary practices have on the general education environment.

#### Action #4

- a. Include numbers of complaints, mediations & due process hearings as a component in assessing ISD's special education program.
- b. Require school districts to create a new School Improvement team focused on Special Education that includes all stakeholders (principals, gen ed teachers, spec ed teachers, parents of current students, parents of former students, current students and former students)

#### App B:

Require all general education teachers to obtain 3 college hours or 40 CE hours related to special education, focused on identification and behavior common to various disabilities.

Require all school administrators to obtain 3 college hours related to special education plus 3 college hours of special education law OR 40 hours of CE credit related to special education and 40 hours of CE hours related to special education law.

Administrator certification hours should focus on identification and behavior common to various disabilities.

#### App C:

Increase the number of surveys to 5000 for parents & 1000 for educators.

100% of school boards provide feedback.

a. Any time a student is denied services after an evaluation, require a verbal and a written statement be included in bold print, large font that clearly states that the parents are allowed to have an independent evaluation at the LEAs expense and provide the instructions to do so.

b. Require a statement be read at the beginning of every IEP meeting that states that all members of the IEP Team are equal partners and are encouraged to openly communicate during the meeting.



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Input on TEA Corrections  
**Date:** Sunday, January 28, 2018 10:10:00 AM

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Hi,

I am both an educator and parent of a student with disabilities. We had to sue our district to get services for our son. I see some gaps in your proposal:

1. Setting a time limit on RTI will discourage schools from servicing students who truly don't qualify for special education but need intervention. Instead, there should be language such as "students who have been in Tier 3 of RTI without reaching measurable and reasonable goals in 6 months should be considered for special education evaluation." Your proposed language also takes out parent consent, which is key in that process.
2. Requiring all students in 504 to get special education after 6 months shows a low understanding of 504. For instance, a person with ADHD should be provided accommodations with few barriers. In other words, 504 is not an intervention program but a program that levels the playing field. If it's working and continued accommodations are needed, students should continue as 504, not necessarily needing specialized instruction. This alone will cause over-evaluation and over-reach of special education evaluation--it will cause havoc for LSSPs in schools.
3. There is no language for corrective action in autism. Texas is sorely behind in properly identifying students with autism. One reason, from my professional and personal experience, is that LSSPs are over-interpreting the criteria for qualification. "Non-verbal and verbal" deficits does not mean they need to have both; the DSM intended that to mean that both or one or the other can appear. Schools are denying services and parents are needing to sue because of this very fact. Fix it please!
4. Outside diagnosis by a qualified professional should be accepted as the evaluation for special education by schools--not as it is now and possibly triggering further evaluation by the school. Whether or not specialized instruction should be up to the IEP team, but schools too often dismiss outside evaluation. My son has autism and the school does not recognize it; thus, he is missing out on speech therapy, counseling, social skills training, etc.. Instead, he's treated for OHI (ADHD) and gets basic accommodations. This is happening to countless families with students with high functioning autism. Elementary schools don't see the impact of not intervening properly because it likely does not manifest as issues until middle/high school with serious mental health, academic, and social/emotional/behavioral issues. Once an individual is identified with autism, they have autism for life and require early, consistent, and lifetime therapies, intervention, and support. Schools are failing at their part in this process and causing lifelong difficulties.
5. Clearly define that educational need includes social, emotional, behavioral, and mental health issues. As a professional, I have seen too many times schools using "educational need" as a disqualification because the student is passing all classes. It includes SEB and academic skills and functioning and should be explicitly stated.

Thank you,

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Comments and concerns  
**Date:** Friday, January 26, 2018 9:46:23 AM

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I filled out the survey online and still had more concerns and questions.

I will start with a bit of background my son was evaluated and tested for autism And then placed on a 504. Clearly the 504 was not sufficient for his needs the autism test came back showing autism but the school dismissed it as saying it was anxiety so if they felt it was anxiety why would they not give him help with his anxiety, severe social deficit's and visual motor deficit's.

In the Ard meetings they would always say my son did not have an educational need that he had good grades which I do not personally feel he earned all those grades he was given especially since he failed the star math test several years in a row and on 2nd testings. The school found a loophole by slightly uping his grades to show they were good in order to avoid giving him the help he needed. How will you go about avoiding this situation in the future? I sat in Ard meeting after Ard meeting year after year fighting for my son telling them his needs telling them how to help him and they said no he was fine no need but during the school years my son was set in the hallway day after day because the special Ed teachers were unable to control him because he would not listen . The teachers would find me after school and in front of every parent in that school tell me how frustrated they were and they could not go home at night and rest because my son had made their day so hectic they also violated my son's rights in front of the whole classroom discussing his 504 to him they also inappropriately said comments and allegations to me in front of every parent and teacher at that school they begged me to come on field trips because they said my son was in sensory overload I did not come to these field trips. My son also ended up in the partial hospitalization program which would never have happened if the school had just made some modifications for him he was also bullied by other children due to his social issues.

I also reported the school to administration they said they contacted the school and the teacher said they were following his 504 and there was nothing they could do hoe are you going to handle that issue.

The schools also ignored doctor's diagnosis and notes. I presented a note from my son's neurologist to the school nurse and principal stating that he could not do physical activities due to a past brain bleed and his current severe migraines. The nurse stated to me what do you want me to do with this they fought me they said they could not accommodate him they were on overload too many students they couldn't do anything for him. I was also told that they couldn't follow the doctor's medical note because my son wasn't coded special ed.

My question is how are you going to rectify all of this how are you going to make sure my son has some type of education that can sustain him in the future. My son needs some type of trades program which is something that you should offer for these children unless you're going to change how the children are taught in the classroom because they do not all learn the same .My son is smart but has great difficulties putting down on paper what he knows in his head and not one teacher in the past has been willing to accommodate that for him. What type of social skills teaching are you going to implement for these children?

After many years of this we finally ended up having to speak to a lawyer.

How are you going to make sure that loopholes aren't being found in your new regulations?

How are you going to make sure that every school can provide the needs for these children because I am having to ship my children out of their area because not every school can accommodate them and they are not allowed to be provided transportation which is not right because it is the districts and tea fault that the schools cannot provide a proper education for

my children.

I feel your time frame for getting things rectified is too long. I need to see something in detailed writing saying exactly what you're going to do and how you're going to fix the situation for kids like my son.

I'm also having another issue with my youngest son who has severe medical needs and is autistic and has mild ID. I am being told that I need to pick which way I want him coded I need to choose whether I want him coded for his autism or do I want him coded ohi for his medical needs. Why in the world would I ever have to choose between those two. That is the utmost ridiculous thing I have ever heard. You're willing to put my child's life at risk just for money.

I have asked for a nurse to be with my son just so I wouldn't have to factor in his medical needs when deciding how to code him but the district said no they do not provide nurses that I would have to go through his insurance which I am trying to do but there is no guarantee that they're going to pay for a nurse. How are you going to fix this rule. Your new regulstions are very broad I need to see more details.

Please feel free to contact me with any questions.

Thank you for your time,

[REDACTED]

[REDACTED]

**From:** [Porter, Justin](#)  
**To:** [TexasSPED](#)  
**Subject:** FW: special education corrective action plan  
**Date:** Wednesday, January 24, 2018 10:25:30 AM


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Justin Porter Ed.D.  
Executive Director  
Department of Special Populations  
Texas Education Agency

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**From:** "Culbertson, DeEtta" <DeEtta.Culbertson@tea.texas.gov>  
**Date:** Wednesday, January 24, 2018 at 8:16 AM  
**To:** "Schwinn, Penny" <Penny.Schwinn@tea.texas.gov>, "Porter, Justin" <Justin.Porter@tea.texas.gov>  
**Cc:** "Acuna, Gene" <Gene.Acuna@tea.texas.gov>  
**Subject:** FW: special education corrective action plan

FYI.

  
**Sent:** Tuesday, January 23, 2018 5:21 PM  
**To:** TEAINFO <TEAINFO@tea.texas.gov>  
**Subject:** special education corrective action plan

This is to inform you that the feedback form for the corrective action plan posted today was entirely inadequate. It skews responses towards agreeing that the plan is sufficient. It also does not allow enough feedback space to make a case against the plan. It appears to be an attempt to push through the plan to fulfill TEAs agenda in this manner. It does not allow respondents to point out the flaws in the plan which include:

1. Another attempt to squander millions of dollars on private entities and non-profits with political agendas.
2. Actions that will make each district in the state liable for numerous Child Find violations in response to the state's regulatory actions through PBMAS.
3. Actions that will result in many students being inappropriately identified for special education services and/or subject to lengthy, costly, and unnecessary evaluations.
4. Actions that will label students with disabilities unnecessarily automatically putting at risk their educational and professional opportunities.
5. Actions that assume guilt by districts who have put in to place excellent early intervention services through a state mandated program (dyslexia) and/or who followed FEDERAL guidance to implement RTI systems in order to prevent high incidence disabilities.
6. Actions which will cost local taxpayers and students millions of dollars to complete superfluous monitoring and compliance activities that are antithetical to IDEA and the regulatory guidance that followed the most recent reauthorization.

7. A clear misunderstanding of disabilities as defined under 504, as if a student can be "cured" of their disability within a 6 month period, and is always in need of a special education evaluation no matter the disability. Is a school district expected to cure asthma or diabetes?

8. The replacement of a poorly thought out and arbitrary standard (the 8.5% standard that led to this corrective action plan) with another arbitrary standard (the 6 month dyslexia, RTI, and 504 timeline). IDEA is based on individual decisions based on individualized student need, not actions based on categories. Does no one at TEA remember what conclusions were drawn prior to the last reauthorization of IDEA and the President's Commission on Special Education which outlined the inappropriate use of the discrepancy model to classify far too many students as learning disabled when they were instead instructional casualties? That our state took that seriously and took on the hard work of providing early screening and intervention should not be penalized. It is interesting that a state government that used to sue the federal government on a regular basis just a few years ago when our governor was attorney general has now succumbed so quickly to this federal oversight.

Sincerely,

A solid black rectangular redaction box covering the signature area.



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Texas Education Agency Corrective Action Plan  
**Date:** Tuesday, January 23, 2018 4:08:19 PM

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Dear Sir or Madam:

By all means put my children and myself on the list of people owned "compensatory services". We are [REDACTED] Tell me how you can compensate my son for failing to recognize him as a person with a learning disability? Tell me how you can compensate me and my children for ignoring a "child find issue" for 3.5 years when my son was diagnosed in [REDACTED] grade and we moved to Texas in [REDACTED] and the school district removed all of his accommodations that made him a successful honor student? Tell me how much it is worth to be graduated 600 in your class rather than the top 10? How much is it worth to be belittled and berated by an assistant principal? How much is it worth to be denied FAPE? How much is it worth to graduate without distinction, when you are truly one of the brightest? How much is it worth to tell another child who was gifted in [REDACTED] that she is "squarely average", because no one in Texas has ever seen a twice exceptional child before? The TEA created this culture that encouraged the denial of these children. Why are any of these people allowed to still have jobs? Why are they not in prison for their actions which are in contradiction to their employment - which is to protect the children of Texas? How could you begin to make it up to my family for what we were put thru? The vigorousness of the denial by the school and the TEA's actively turning a blind eye that encouraged this to exist! Tell me how I could be possibly limited to a prescriptive time period, when the TEA and the school district acted in bad faith? Tell me how I should waste another minute following thru on a due process hearing to have exhausted every remedy within a corrupt system?

Checking schools every 6 years is a joke! Your plan only talks about money to hire new personnel for the TEA. Where will the money come from to compensate those who have been DAMAGED? How could you even put a price on the loss of self esteem. The devastation and hardship, the loss of confidence! There should be punitive damages for the cavalierness of the school districts and TEA who outright, discriminated against this group of people! There is not enough money to compensate me for sitting thru bogus ARD meetings where the school district ignored their own handbook or the TEA's Handbook for Dyslexic Students and failed my children.

The treatment for dyslexia has only been around for 50 years! One in 5 children have it. It could impact 20 % of the population and insure a better outcome. Why would the TEA or school districts in Texas allow these children to FAIL! Why would they not teach these children with brilliant minds in the way they learn. This "special" population includes people like, Steve Jobs, Bill Gates, Albert Einstein, Thomas Edison, Steven Spielberg. I am infuriated to think that someone would consider my child to be someone without a future! I paid \$12,000 to remediate my own children's dyslexia, to AVOID academic failure. I did not ask a public or a private school to pay for this. All my children needed was to be accommodated, and the school actively persued me with retaliation in order to not provide FREE, extended time. The TEA supported this. Please, tell me how much is this worth? I would hope to never put my precious children thru this for all the money in the world!

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** feedback on draft corrective action plan  
**Date:** Monday, January 22, 2018 1:19:24 PM

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TEA,

First off, thank you for requesting feedback on the draft corrective action plan. My thoughts are as follows.

This situation has stemmed from TEA's PBMAS system and enforcing corrective action on districts who had a higher percentage of students identified with disabilities. TEA determined 8.5% was the targeted "ideal" percentage for districts. If a district was over that percentage, they were required to go through the corrective action process with TEA to lower their identification rates. Now that this has come to light, districts that are under this percentage or who have followed TEA's guidance to lower their identification rates are being accused of denying students special education.

Child Find efforts are already a requirement under IDEA. Districts already spend money and time notifying and inviting parents to refer their child if they suspect a disability. Additional Child Find efforts is a good effort but districts should not be pressured to identify students with disabilities if they do not meet the eligibility criteria or demonstrate educational need. Educational need should be more clearly communicated to parents and staff. Educational need is not straight A's. It should include academic and functional success but not at a level of perfection.

Additional education may be warranted with regard to students who are English language learners. Research supports that academic language takes 7-10 years to develop. Identifying students who are learning English as having a disability (including speech-language impairments) is a discriminatory practice. The individual needs of each student must be taken in to consideration when evaluating for a disability.

TEA's plan shows a significant increase in FTEs for TEA to provide oversight to school districts. There is not money in the current plan that would provide funding for school districts to hire additional staff to complete the evaluations for special education or for the increased Child Find efforts (cost for mailings, Public Service Announcements, and time).

Corrective Action 1: This plan has TEA doing site visits at all districts over a 6-year period and desk audits for all districts every couple of years. This is reverting to the "old monitoring" system that was determined to be ineffective. This increases time demands for staff to accommodate the paperwork and face-to-face interaction with TEA. The stress level for staff is also a factor that needs to be considered. If districts are not doing business well, that's one situation but districts are doing business well is a different situation. Efforts such as this inevitably pull staff from working with students.

Corrective Action 2: Offering to do a special education evaluation on every student who has been in RTI more than 6 months, on a 504 plan, and receiving dyslexia/dyslexia related services is unwarranted. Each student in these categories should be reviewed to determine if they are being successful with the current supports they are receiving. If they are being successful, they do not need to be tested for special education. If they are not being successful, an evaluation should be offered.

TEA/Texas should consider moving Dyslexia under the IDEA category of learning disability like most of the nation. Texas legislation moved dyslexia to general education many years ago. If dyslexia were “housed” under special education this would provide a clearer view of the data and allow for Texas to be compared to other states. Currently, we are comparing apples to oranges when looking at identification rates across states.

For students found eligible (Corrective Action 2), how far back will compensatory services go? Who will pay for these services? (looks like the LEA will be responsible). When would compensatory services be provided given the existing state instructional minutes requirements? What about students who are on the “created RTI/504/dyslexia” list who have previously been evaluated for special education and did not qualify? For previously evaluated students, what if they qualify with a different disability that was not of concern previously? Would compensatory services apply in these cases? How far back would the compensatory services go? What if cases have already been through the due process (Legal) and supported the district’s determination that there is not a disability but these students are receiving 504 or dyslexia services?

TEA’s offer to create a list of approved vendors to help districts contract with them to provide compensatory services is a kind gesture. However, TEA should consider providing funding for LEAs to provide the compensatory services rather than spending tax dollars to do the RFP process for districts. This gesture inadvertently supports the private business rather than supporting LEAs to complete the work.

The timeline on Corrective Action 2 needs to be clarified. When would the evaluations need to be completed? The timeline shows parents would be notified by March 1, 2019 and compensatory service vendor list by August 2019. Spring is already heavy with special education evaluations. Texas has timeline laws that “stop” the timelines during the summer break. If these referrals are added to the referral list, this would be over burdensome for districts. Timelines that stop over the summer and resume when school starts also overlap with students who transfer in to districts. This has the potential to significantly increase workload for districts.

Corrective Action 3: Providing resources are fine. Educating parents is a benefit. We already

do this. TEA also has a parent support/service department that is currently housed at Region 10. Could we simply funnel these efforts to this program and free up funds that would have been spent on this action item to support LEA work?

Dyslexia Handbook Revision: TEA should review what other states do for dyslexia. Possibly consider aligning dyslexia under learning disabilities.

Professional Development: Quality professional learning is always advantageous. Quality is the key! Emphasis needs to be on general education teachers to help them know when a student needs to be referred for a special education evaluation. Specific research-based training is needed for English Language Learners to safeguard discrimination.

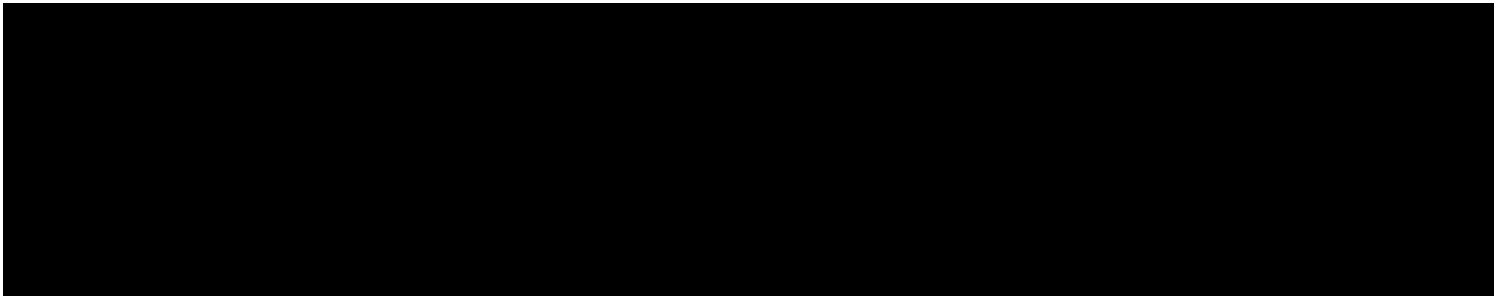
Professional Development is needed on inclusive practices and instructional techniques. Inclusion does not mean the student is simply allowed to sit in the room and a special ed staff member teaches them on the side. General education teachers need to know how to meet the needs of students with disabilities. Special education teachers/paraprofessionals need training on supporting students in an inclusive environment to team with the general education teachers.

Corrective Action 4: How will TEA determine if a district has identification gaps in order to qualify for the assistance of an escalation team?

Overall, this plan provides significant funding and FTEs for TEA. TEA needs to consider provision of funds for LEAs to implement the plan. Remember: this problem was created by TEA but the plan puts the work on the LEA.

Regarding exploring teacher certification and credentialing (pg. 12), this is a really good idea. Current higher education and alternate certification programs do not require much instruction on disabilities. If TEA increases credentialing requirements for special education teachers, this may increase shortages of quality special education teachers.

Again, thank you for the opportunity to provide feedback.



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** "Special Ed Fix" as reported in the Houston Chronicle  
**Date:** Monday, January 22, 2018 11:06:59 AM

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To whom it may concern:

Children with Autism and ADHD need to also included in this "fix". Most of these children are often misplaced and brought in and out from structured learning to general ed. They are also placed with children of different diagnose, ages and grades. For example, my son's class has a second, third, fourth (my son) and fifth grader. The teacher has four grade levels to everyday, that is beyond overwhelming. Please feel free to contact me.

Thank you,  
[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Feedback on special ed  
**Date:** Sunday, January 21, 2018 6:34:52 PM

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Greetings:

I'm pleased to finally see movement on this issue; in the past couple of years, I've communicated w/Brian Rosenthal, formerly w/the ***Houston Chronicle*** (now w/the ***NY Times***) to convey my experiences & to make investigative recommendations on this matter.

When I worked with [REDACTED] GED program a few years ago, I had students who told me of their Special Education assessments but who were sidelined and not provided special education services. They dropped out of school & were then enrolled in GED classes.

When I reported this situation to my Supervisor, **I was sidelined as well, and eventually let go**, even though I was a Recognized Teacher, with a M. Ed. from Harvard University. I was the first [REDACTED] [REDACTED] when [REDACTED] was created.

Pls include GED students in your Action Plan, as many who have fallen through the cracks can be found there. And, pls focus on Adult Education programs throughout the state, esp. with the [REDACTED] program, as I was penalized (kicked out) for daring to bring up this matter.

All the best,

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [Schwinn, Penny](#)  
**To:** [TexasSPED](#)  
**Cc:** [Porter, Justin](#)  
**Subject:** Fwd: TEA Plan and Response to the Monitoring Letter  
**Date:** Sunday, January 21, 2018 5:36:58 PM

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[REDACTED]

[REDACTED]

[REDACTED]  
**Date:** January 21, 2018 at 5:15:20 PM CST

**To:** [Penny.Schwinn@tea.texas.gov](mailto:Penny.Schwinn@tea.texas.gov)

**Subject:** TEA Plan and Response to the Monitoring Letter

Dear Ms. Schwinn:

I am the parent of an autistic child who was denied services by my local school district for many years. Despite their refusal to provide appropriate special education services for my child, my local district was more than willing to spend in excess of \$100,000 in one year for attorneys' fees to support this denial of services. The staff at my regional education service center knew of this denial, participated in it, and supported it. One of these regional education service center staff members "graduated" to employment at TEA, working with Kathy Clayton and Gene Lenz. I had numerous telephone conversations with Kathy Clayton over several years, and she likewise supported and approved of the denial of services to my child.

This letter is in response to the recently issued "TEA Plan and Response to the Monitoring Letter." My comments are made from the viewpoint that the 8.5% cap on special education enrollment was wrong – but that this was just the tip of the iceberg in the ways that disabled children in Texas have long been denied their federally-guaranteed right to a free appropriate public education.

1. I applaud that the Plan assumes that TEA is committed to including significant stakeholder engagement in a meaningful way. I sincerely hope the input allowed by parents will indeed be both significant and meaningful.

I have attended numerous stakeholder involvement events at my regional education service center. Many of these events were facilitated by a TEA employee who was obviously trained in the Delphi Technique; i.e., while the facilitator's job was supposedly non-directive, neutral, and non-judgmental, the opposite as actually true. The facilitator was there to move the meeting to a predetermined conclusion that omitted any criticism of TEA and/or special education in Texas.

In one instance, it was arranged for an education service center employee to act as

a recorder for the meeting. TEA provided a template to record information on, it was loaded on a laptop, and the comments recorded by the education service center employee would appear on a screen for the audience to see. The first drawback with this was that the recorder was unfamiliar with the template and, therefore, slow in filling it out. This limited the number of people who could provide input. The most important drawback, however, was that it was obvious that the education service center employee always recorded comments that were positive about TEA and special education, but often edited or completely failed to record negative comments.

2. I applaud that the Plan assumes that “TEA will ensure that all milestones of drafting, research, approval and implementation of the corrective action plan are open and transparent.”

Transparency has long been lacking in Texas Special Education.

Taxpayer dollars are used for employees of local school districts to join T-CASE, TASA, TASB, and NELI, etc., and for employees to attend workshops and training events sponsored by these organizations. Materials on these entities’ websites are usually password protected. Parents, who are willing to pay to attend these training events, are often denied access. In other words, we are not allowed to know what our educators are being taught at our expense.

Many local educators and regional education service center employees have Twitter accounts that they “tweet” from during the business day – making comments that are derogatory to the need for improved services to special needs students. I have called these negative comments into question on occasion, and the response has been that the Twitter account is suddenly no longer open to the public – only to approved followers.

No more should someone from TEA attend a meeting that is not open to the public, much less parents, to discuss the “expectation gap for what is required by law and what is desired, the entitlement.” See: Comments attributed to Gene Lenz at Texas School Alliance Meeting of Special Education Directors, San Antonio, Texas, October 4, 2012:

<http://studylib.net/doc/6799705/texas-school-alliance-meeting-of-special-education>

3. I applaud that the Plan includes that “TEA will create and execute statewide professional development for all educators . . . that will include elements both for inclusive practices and instructional techniques as well as broader identification and related Child Find practices.” If this part of the plan comes to fruition, I would hope that it means fewer presentations by regional education service centers and “professional organizations” that are not in the best interest of the student. For instance:

I have in my possession T-CASE materials in which FAPE (Free Appropriate Public Education) was defined to mean “firewater, alcoholic potions, and other elixirs,” and IEP (Individual Education Plan) was defined to mean “individual edible portions.”



I have in my possession T-CASE materials that taught the most important thing for a district to do when faced with an autistic child was to “budget money for a good attorney.” Gene Lenz sanctioned this T-CASE presentation in a letter that he wrote to Senator Jane Nelson.

I have in my possession TASB materials that taught that ARD meetings should be scripted; the room should be uncomfortably cold; straight-back chairs with no padding should be provided; avoid the appearance [meaning it is acceptable to know this and operate in this manner – just don’t show it] of program availability, money, or trustees driving the decision-making process, and co-opt difficult parents.

I attended a training session at an education service center in which the presenter stated that ARD (Admission, Review, and Dismissal) means “anguish, remorse, and denial on the part of the parents.”

I attended a training session at an education service center in which the presenter posed a hypothetical: Assume you are a special education director, sitting in your office, on a normal business day. Your secretary comes into your office and tells you there are parents in the waiting area who have just moved into the district, they have a special needs child, and they want to visit. You meet with the parents, they tell you about their child, and they tell you what the district they are moving from has been providing. You listen and think that it all sounds reasonable, and it sounds like services you are providing to other children. The presenter then recommends: Before you make any comment, try to determine if this family looks like they could be difficult. If you think that possibility exists, take a hardline with them – don’t agree to anything – because you want to teach them up front who’s boss.

4. I applaud that the Plan indicates that “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.”

The restructuring of grant agreements with ESCs to be outcomes-oriented is long overdue. For too long, consultants at ESCs have been paid outrageous salaries to go through the motions of presenting the same information year after year after year – information that was directed to telling local school districts what they wanted to hear, with the outcomes for disabled students never improving. In other words, ESCs were never expected to produce positive outcomes for students. Furthermore, when ESCs are evaluated, TEA has had a policy of parents not being allowed to participate in the evaluations – even though ESCs are to serve as the first point of contact for school districts, parents, and other community stakeholders and, in accordance with 34 CFR §300.382(j) are to provide joint training of parents and special education, related services, and general education personnel.

Such a document review is greatly needed. At one point in time, when the educational establishment was adamant that it would not provide Applied Behavior Analysis as an intervention for autistic students, Region 11 touted

“holding therapy” on its website as an alternative, and it provided a link to a website for a holding therapy practitioner, [REDACTED], who was then serving a sentence in a [REDACTED] prison for having killed a child during a holding therapy session.

5. I disagree with the portion of the Plan that calls for engagement with and feedback from 100% of ESC SPED Directors, ESC Executive Directors, and ESC CORE Group. From my perspective, these individuals are part of the problem. In the last week, the following comments appeared in several newspapers across the state:

“It has been an epidemic,” said [REDACTED], a [REDACTED]-based lawyer who until 2015 was under contract as a TEA hearing officer. “It’s going to take a while and a whole lot of hearings and lawsuits for it to finally be resolved.”

[REDACTED] said the federal findings confirm what she and others who have worked with special education cases knew was happening.

“There was a cap,” on the percentage of students that school districts should designate as special education. “It was statewide.”

Some parents have fought unsuccessfully for years to obtain services.

“They had been seeking evaluations since kindergarten, which is the first step in obtaining special education services,” [REDACTED] said. “They were denied.

“I came across one kid, he was legally blind. They were getting sent to alternative schools, or seen as a behavior problem.

“They were basically being denied an education.”

Similarly, on January 19, 2018, [REDACTED] d.D., Superintendent of Schools, [REDACTED], issued a letter that admits that “. . . TEA in 2004 began monitoring the percentage of special education students in school districts, and penalized districts with a special education enrollment of greater than 8.5 percent,” and requests support for public schools “. . . in unraveling the mess TEA created with requirements that agency put in place.”

Where have ESC SPED Directors, ESC Executive Directors, and ESC CORE Groups been since 2004? When did any of them challenge the 8.5% cap established by TEA? When did any of them stand up and say this was wrong? Involving them in this Plan for improvement is tantamount to seeking input from the administrators of Nazi Germany Extermination Camps on how to improve the treatment of the Jews.

6. No matter how much input is gathered, and no matter what Plan is ultimately implemented, nothing will change until the culture of public education changes in Texas.

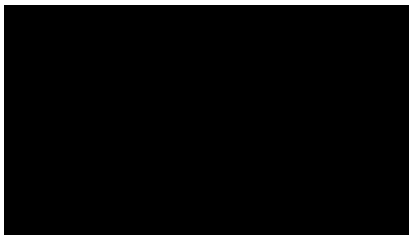
The Individuals with Disabilities Education Act (“IDEA”) was passed by

Congress after a heated battle between healthcare and public education interests. Both contended that the other should be responsible for educating disabled children. When IDEA was passed, healthcare viewed it as a victory, and public education viewed it as a loss. Public education approached this legal mandate with sour grapes in its mouth, resulting in a decision to do as little as possible to conform with IDEA, yet still meet the letter of the law.

Special education teachers and administrators really didn't exist in Texas prior to IDEA. Suddenly, educators found that they could quickly climb the bureaucratic ladder by going into special education. No one really cared about the children – the emphasis was doing as little as possible for them and to still meet the letter of the law. No one really expected results for the children – only that school districts were complying with the law. Consequently, special education became populated with individuals who were intent at preserving the system – their advancement and their benefits – at the expense of the children. Hence, the blatant example of the 8.5% cap.

For this Plan, or any other Plan, to succeed, and for change to be effected, no more should Texas educators be allowed to proudly say that we don't have to provide the Cadillac, only the Chevrolet. No more should law firms who specialize in special education law state on their websites: "Special education is a central responsibility for school districts. Helping them determine the best use of resources in service of these clients is where I focus my service to our clients."

Thank you for your consideration of my comments. I look forward to a dramatic change in the rendition of public education services to disabled children in Texas so that no other family has to live through what my family has lived through with my child. It was very disheartening to seek help from the people that are charged by federal law to help you, only to discover that they spend all of their time and resources to avoid meeting their legal mandate.



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Special Ed draft plan thoughts  
**Date:** Sunday, January 21, 2018 12:49:11 PM

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Please spend the \$84.5 million on our Special Ed Teachers, an increase in salary, plus additional resources on the classroom level for our students!

There is always money for your draft plans, monitoring duties or reviewing, state testing, and reports!  
We have a multitude of educated, knowledgeable, caring staff at the school level, let them do their jobs! Stop testing our Special needs students on “grade level” then turning around and defunding campuses for poor performance, in some instances due to our Special needs population.

Stop expecting the property owners of the great State of Texas to fund our public schools. The state must do it's part! The business community must do their part, with taxes also. This is unequivocally the worst state for its size for funding public education! Shameful!

Sincerely,

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Special needs  
**Date:** Saturday, January 20, 2018 5:54:05 AM

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I strongly recommend that there be a provision for students having emotional and behavioral issues. Often, these children and their families go through the school system without any one addressing the dysfunctional and disruptive home life they are struggling with every day. Many of these students are very smart, creative and crying out for attention in negative ways. When this happens in the classroom in a class of 20+ first graders, without some caring support and alternative instructional strategies, these children become a distraction to others in the environment and continue to miss out on foundational learning including reading, comprehension, math, spelling and listening skills. Of course this issue results in having a "learning disability" because they are getting farther behind their peers.

The emotional and physical needs of traumatized and unsupervised children can become not only an educational tragedy, but these individuals end up being dealt with by the justice system as well as the medical community including all sorts of pharmaceutical interventions. Teachers cannot be alone in trying to reach these students that have severe and pervasive behavior and emotional needs. We no longer can afford to pass the buck to the next grade or school or state in some cases. Counseling, pacing, therapy and community outreach must be implemented to stop the misdiagnoses of "special" needs. Instead, call it what it is: individual personality and environmental disfunction. This is in no way exclusive to economically disadvantaged, race, religion or other beliefs. Somehow, we need to have counsellors, nurses, doctors, nutritionists, therapists and parents more involved in the comprehensive plan to educate and prepare our young leaders and citizens of tomorrow.

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Feedback-Corrective Action  
**Date:** Friday, January 19, 2018 12:43:25 PM

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To whom it may concern,

I live in [REDACTED] Texas, and [REDACTED] with Autism who attended [REDACTED] during the 2016-2017 school year, when he was in Kindergarten. Currently, he attends a private behavior program.

I strongly oppose the corrective action plan. The funding and resources seem to go to TEA, not the school districts and people on the front lines. TEA is the agency that messed up, but they get to hire all the extra staff?

When my son attended [REDACTED], I noticed that they were low on help, especially support staff (i.e., school psychologists, etc). I do not think that is their fault. It was likely due to funding. I noticed this plan requires all public and charter schools to offer an evaluation to every child on 504 and RTI. Why is that necessary? For one, I have a good friend who has a son on the 504 plan. Her son is doing great on the plan. Why would it be necessary to test him for Special Education and put him through a battery of tests? If the 504 or RTI plan is working, leave it alone. Is a Special Education evaluation typically offered to kids who are on grade level? Please allow the resources and funding to go towards children that actually need the help. I was planning to enroll my son in public school again for the 2017-2018 school year. However, it is likely that the school district will be stretched so thin that my son's needs will not be met.

[REDACTED]

**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** USDE Corrective Action Plan feedback  
**Date:** Friday, January 19, 2018 8:37:18 AM

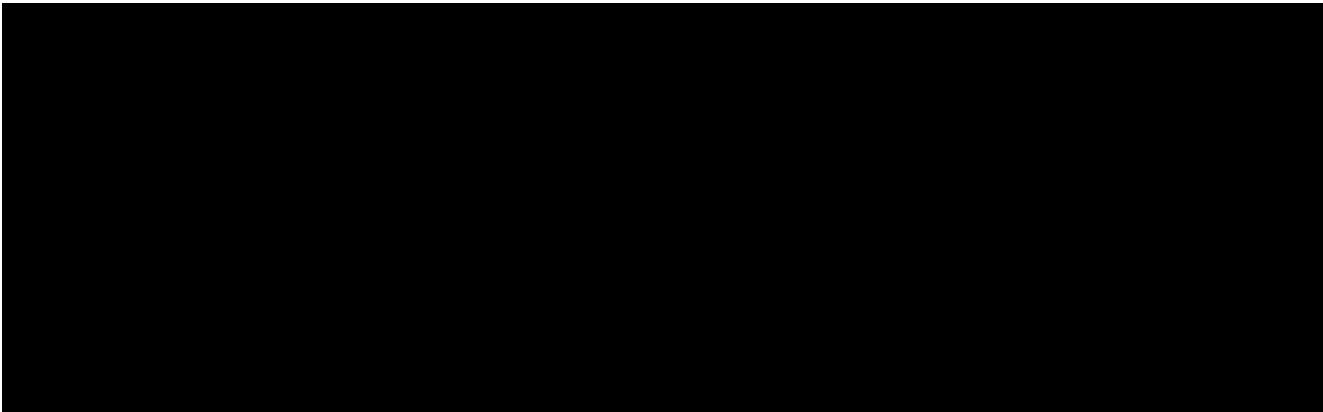
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I feel that this action plan could have provisions to facilitate communication and cooperation between administration responsible for regular education and those responsible for providing special education services.

I am an Occupational Therapy Assistant and I spend the majority of my time in specialized classrooms and with students participating in inclusion in the regular education setting. I have seen a serious division between the two and much of the process being "lip service" where it looks good on paper but without substantive implementation.

Our director of SpEd said "our children are regular education students with specialized needs"- which is absolutely true, but rarely a truly realized expectation. My experience has been that (despite huge outreach and frequently offered trainings from our special education department) there has been minimal active participation on the part of regular education (both educators and administrators) to make our students and their education a priority. The quality of education and effective identification of students would be much better served if there were improved cooperative approaches to the education of ALL of our students.

Thank you for your time.



**From:** [REDACTED]  
**To:** [TexasSPED](#)  
**Subject:** Corrective Action Feedback  
**Date:** Thursday, January 18, 2018 9:50:43 PM

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Hello,

I am an LSSP at a school district in Texas. I am writing in regarding to the following section of the corrective action proposal:

“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.”

First, I have a [REDACTED] with down syndrome and a [REDACTED] child with profound Autism. I am a huge disability advocate. However, this section of the plan is not appropriate or feasible. A Special Education evaluation should not automatically be offered, solely based on the fact that a student in in a RTI, 504, and/or dyslexia program. If the students in RTI, 504 or dyslexia are making meaningful progress and/or performing adequately in the general education setting with these supports, a Special Education evaluation would not be warranted. To qualify for Special Education, there has to be a disability and educational needed.

Second, it is not feasible that a school district would be expected to perform Special Education evaluations at a rate that is infinitely higher than average. It is urgent that children with disabilities with an educational need be identified and evaluated. However, the resources of a school district must be taken into consideration. A thorough and comprehensive evaluation typically takes 40 + hours for the evaluator, which includes testing, observations, analyzing and gathering data, and report writing. That does not include the initial referral meeting and ARD meeting. Most assessment team members do not have secretaries or clerks. We do not in our district. Conducting interviews and gathering rating scales, questionnaires, etc. is solely the responsibility of the assessment team member. It is often difficult to obtain these forms in a timely manner. I suspect it will be even more difficult if there is an influx of evaluations, and teachers have a mountain of evaluation forms to complete. After the evaluation is complete, we review the evaluation with the parent and present the evaluation to the ARD committee. Many of us also draft parts of the IEP, including goals, FBA, BIP, etc. For many LSSPs, in addition to evaluations, we also provide Special Education Counseling services. Therefore, before making these demands, the people involved must be considered. We are human beings. We have families. Also, we were not complicit regarding the 8.5% cap. For one, neither me nor my colleagues that I spoke with were aware of the 8.5 % cap.

In summary, TEA must consider whether the students in RTI, 504, or dyslexia program are already performing adequately. Even when that is considered, there will likely be an influx of evaluations. TEA must consider providing the school district with resources to have those completed, as the assessment staff members of the school districts did not create the 8.5% cap rule and followed the rules and regulations in place, as we understood them. Please help each school district to secure additional assessment staff needed to perform the evaluations



that are necessary and warranted, in order to ensure quality evaluations and that we are all able to continue performing our jobs at the highest level.

Thank you for your consideration.



**From:** [Jacobson, Ann](#)  
**To:** [Kilpatrick, Amy](#)  
**Subject:** FW: suggestion CAP #3  
**Date:** Wednesday, January 17, 2018 4:38:00 PM

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**Sent:** Tuesday, January 16, 2018 10:10 AM

**To:** Porter, Justin <Justin.Porter@tea.texas.gov>; Jacobson, Ann <Ann.Jacobson@tea.texas.gov>

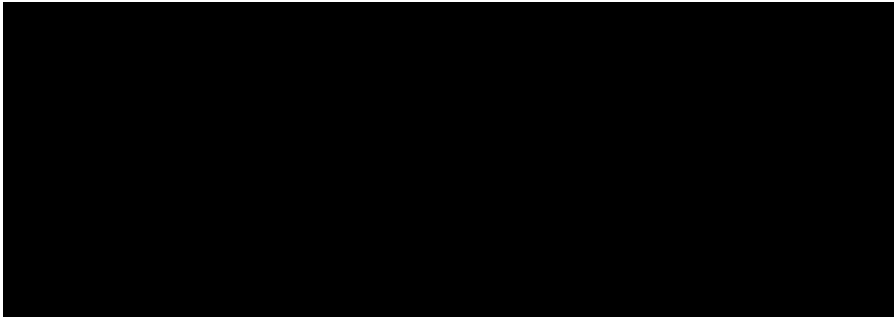
**Subject:** suggestion CAP #3

Good morning,

We discussed a couple ideas,

1. Create a robust, information rich app with a parents as the primary user containing information including: Sped, dyslexia, 504, RtI. We know parents use their smart phones for a variety of purposes.

2. Mandatory initial Sped training with annual updates much like we do got GT training. (maybe 15 hours sped, 15 hours GT)

  
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**From:** [Jacobson, Ann](#)  
**To:** [Kilpatrick, Amy](#)  
**Subject:** FW: Corrective Action Plan  
**Date:** Wednesday, January 17, 2018 4:37:48 PM

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**Sent:** Tuesday, January 16, 2018 10:58 AM  
**To:** Porter, Justin <Justin.Porter@tea.texas.gov>  
**Cc:** Jacobson, Ann <Ann.Jacobson@tea.texas.gov>  
**Subject:** RE: Corrective Action Plan

Just a few ideas that may or may not be good:

- I agree with [REDACTED] about the relationship among RTI/Section 504 and Special Education Evaluation and would love to see a **required** principal training
- Possibility of Child Find Intake Centers to assist families
- In the findings from OSEP, they shared commentary related to the length of time that children were receiving RTI intervention in a tiered model that potentially delayed formal evaluation to special education. Although this needs to be individualized and not a prescriptive timeline, could TEA provide guidance with “not to exceed” language with a timeline that is fair and reasonable.

Thanks for asking,  
[REDACTED]

---

**From:** Porter, Justin [<mailto:Justin.Porter@tea.texas.gov>]  
**Sent:** Monday, January 15, 2018 12:37 PM

**Cc:** Jacobson, Ann  
**Subject:** Corrective Action Plan

Colleagues,

I’m attaching a form reflecting initial thoughts for corrective actions to be part of the plan submitted to the governor on Thursday. It might be helpful if you were to review the bullets before tomorrow’s TETN. We can discuss and put some context around them at that point and then y’all can take some time (sorry but just a few hours) to formulate any initial feedback you’d like to provide. Please keep in mind, this is targeting the initial draft to go to the governor on Thursday. After that point, we will be seeking substantially more feedback to inform the final plan that will be sent to USED in the next 2~3 months.

The attachment is not intended for you to send to your networks. There will be opportunity for further input from LEAs later.

Thanks!

Justin

Justin Porter Ed.D.  
Executive Director  
Department of Special Populations  
Texas Education Agency

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**From:** [Jacobson, Ann](#)  
**To:** [Kilpatrick, Amy](#)  
**Subject:** FW: Input on Corrective Action Plan  
**Date:** Wednesday, January 17, 2018 4:36:11 PM

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**From:** Porter, Justin  
**Sent:** Wednesday, January 17, 2018 8:59 AM  
[REDACTED]  
[REDACTED].gov>  
**Subject:** RE: Input on Corrective Action Plan

Thanks so much [REDACTED]

Justin Porter Ed.D.  
Executive Director  
Department of Special Populations  
Texas Education Agency

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**From:** [REDACTED]  
**Sent:** Tuesday, January 16, 2018 5:01 PM  
**To:** Porter, Justin <[Justin.Porter@tea.texas.gov](mailto:Justin.Porter@tea.texas.gov)>  
**Subject:** Input on Corrective Action Plan

Justin,

Here are some thoughts after reviewing the proposed corrective action plan:

Corrective Action One:

- The roles of ESC personnel will need to be clearly defined regarding the process of monitoring of LEAs, providing technical assistance to LEAs, and training LEAs.
- While I believe more frequent monitoring is necessary, it is also important that follow-up with districts on findings is conducted in a more stringent manner than is currently in place. Plans written must be reviewed for fidelity of implementation. Additionally, failure on LEAs to implement the plan must be addressed. LEAs must know that these actions are a requirement of law and are not an option.

Corrective Action Two:

- How will the guidance for expectations of evaluations in dispute of potentially eligible students differ from new referrals in an LEA?
- How will external review and appeals board function with current practice of Facilitated IEPs and/or advocacy groups encouraging parents to proceed with litigation?
- TEA and ESCs should also publish the information on their websites.

- Difficult task will be to determining an appropriate metric which truly captures what families believe. Something other than surveys needs to be explored.

Corrective Action Three:

- The roles of ESC personnel will need to be clearly defined regarding technical assistance.
- Will the enhanced individualized customer service call center be an expansion of SpedTex or will it be an additional component at TEA and/or at each ESC?
- TEA and ESCs should also publish the information on their websites.

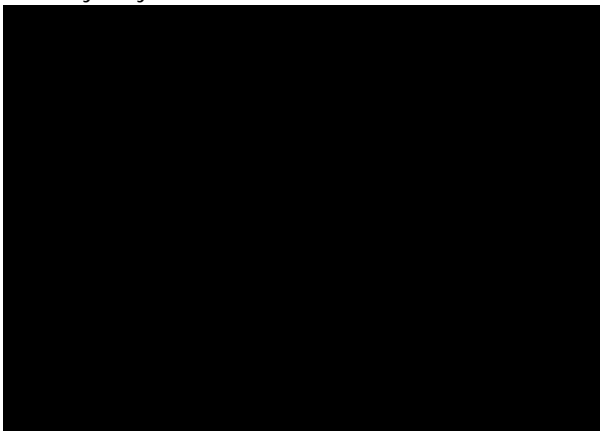
Additional Thoughts:

I believe LEAs will be effective at establishing and meeting these compliance issues. However, the aspect of quality instruction to students with disabilities is not addressed. This is a prevailing factor of improving outcomes for students with disabilities.

According to state law, we have opted to include RtI in SLD eligibility models. Likewise, we have opted to separate dyslexia from the federal SLD definition and recognize it as a general education disability. We should consider the implications of such decisions and recognize the confusion created by such decisions which have led to these findings.

ESCs should be viewed as a liaison between TEA and LEAs. The relationships already built at the ESC level should be utilized by TEA as the valuable resource they are and should be used as a strong marketing component with other stakeholders.

Thank you for being in the spotlight of this storm. I feel confident we can develop a stronger special education program that will benefit students under your guidance. Please let me know if I can assist in any way.



[REDACTED]

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**From:** [REDACTED]  
**Sent:** Friday, February 16, 2018 9:36 PM  
**To:** TexasSPED  
**Subject:** Corrective Action Feedback/Concerns  
**Attachments:** Corrective Action Feedback-TEA.docx

I collected feedback from various stakeholders across my districts as well as from area meetings I have attended in Regions 4 and 5. Since I did not include all of these in my original survey responses, I thought I would get them to you this way.

--  
[REDACTED]

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[Redacted]

**From:** [Redacted]  
**Sent:** Tuesday, February 6, 2018 12:29 PM  
**To:** TexasSPED  
**Subject:** Corrective Action Plan Feedback  
**Attachments:** Corrective Action Plan Feedback Round 1.docx

A meeting was held with the [Redacted] Special Education Directors to collect feedback for the corrective action plan and this feedback is attached. [Redacted] compiled the feedback in the attached document as it was directly provided. There were 7 [Redacted] facilitators that were present to assist in the process and 49 participants that are listed below. All feedback was aligned to each corrective action activity in the attached document. Please feel free to contact me directly if you need additional information.

The participants that attended this group discussion and provided feedback are as follows:

[Redacted list of participants]



Holly Lambert, Ingram ISD

[REDACTED]

[REDACTED], Special Education Support Services  
Education Service Center, Region [REDACTED]

[REDACTED]

Follow [REDACTED] 2 on Facebook and Twitter for the latest education updates.

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[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, February 20, 2018 1:37 PM  
**To:** TexasSPED  
**Cc:** [REDACTED]  
**Subject:** Decoding Dyslexia Texas - [REDACTED]  
**Attachments:** Corrective Action Draft Input - [REDACTED] - Decoding Dyslexia Texas.pdf; Corrective Action Draft Suggestions.pdf; iep\_flowchart\_Final.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

### Corrective Action Draft Input - [REDACTED] - Decoding Dyslexia Texas

Culture of denying "dyslexia is not in sped" is alive and well, sadly we have heard this at every level in our state and unacceptably continues to date, over a month passed the scathing OSERS letter of findings and corrective action mandate. Until dyslexia is not prejudged and predetermined as "not a disability under IDEA in Texas" no amount of money or monitoring will be enough. This is the most important comment I can make.

1. We encourage the Commissioner to come out with a formal statement to all TEA staff, ESC grant awardees, Superintendents, School Boards, LEA's and Attorneys dealing with Special Education/504 that dyslexia falls under IDEA and students and families should be encouraged to explore any and all avenues available to help their children obtain FAPE. - This can be best addressed in a letter from the commissioner.
2. We would hope that all Attorneys involved in LEA decisions, policy and training, hired by a LEA , ESC or the TEA and paid for by money derived from families tax dollars know Federal Law and ultimately have the students best interest in mind in crafting and monitoring policy. A shift in mindset that Public Education is for Students will be a new perspective in our state, and that parents are partners and collaboration is the new choice. - This can be best addressed in a letter from the commissioner.
3. The Texas Dyslexia Handbook MUST BE revised to remove language that suggests predetermination into 504 or misinformation confusing IDEA as it relates to dyslexia - Revision should be happening now - the SBOE had authorized revisions - common sense has not prevailed, schools, LEA administrators, some TEA peeps and some involved with dyslexia and SPED at ESC still point the handbook implying Dyslexia is served under 504 - this has got to stop!
4. Because many districts do some form of testing for dyslexia already, to comply with the corrective action, a huge backlog of FIE's may slow a necessary process - suggest a. Allowing/Encouraging the use of prior testing for dyslexia be considered as part of the FIE if testing would be redundant. b. Allowing the use of Private Testing provided by Parent from Qualified Testers suffice. c. Exploring other avenues to qualify for IDEA services including failure to respond to RTI and Prolong specialized instruction in a 504 plan.
5. A robust effort to educate all level of educators and administrators in our state on the intent of the Child Find process under IDEA should be a priority. Parent are central to the process and yet districts, the State Dyslexia Handbook and policy across the board circumvent IDEA Child Find mandates by offering parallel misuse of 504 in a strange way that requires training. This is a large part of the violation exposed by the OSERS report state. Suggest the Online Portal **See Attached Corrective Action Draft Suggestion PDF**
- 6 Knowledgeable, trained and certified teachers (also known as CALTs or similarly certified) on best practice for dyslexia should be working with students under IDEA SLD for Dyslexia, regardless of if they have a SPED license. Specialty Certification should trump any generalist certification!
7. Monitoring responsibility going forward needs to be transparent and accessible and used to leverage actions that ultimately help students. Transparency and accessibility to parents and LEA's should be a priority every 6 years monitoring is not effective, students, families and schools need real time monitoring and immediate supports to navigate to success- Strongly encourage this is done via online SPED portal - **See Attached Corrective Action Draft Suggestion PDF**

Thank you for your time considering my input - combined with the attached TXSPED Portal idea **See Attached Corrective Action Draft Suggestion PDF** and my past input on the initial draft which you already have. I hope this is helpful in crafting a plan that helps our state move forward and students succeed.

As always I remain available to help in anyway! The Very Best,

  
Decoding Dyslexia Texas

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, February 6, 2018 7:59 AM  
**To:** TexasSPED  
**Cc:** [REDACTED]  
**Subject:** Feedback on Initial Draft Corrective Action Plan  
**Attachments:** CAP Comments.pdf

Dear Sir,

Please find the attached comments on the proposed corrective action plan.

[REDACTED]  
Executive Director, [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] EMAIL  
[REDACTED] WEBSITE

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[REDACTED]

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**From:** [REDACTED] >  
**Sent:** Monday, February 19, 2018 10:04 AM  
**To:** TexasSPED  
**Subject:** Feedback to the Corrective Action Plan  
**Attachments:** 2.19.18 Corrective Action Plan Feedback - Dyslexia District Level Contacts.docx; 2.19.18 Corrective Action Plan Feedback - Dyslexia District Level Contacts.pdf

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To Whom it May Concern:

Please find attached the collective feedback to the current draft of the Corrective Action Plan from district-level dyslexia contacts across Region [REDACTED]. We respectfully ask you to take this feedback into consideration as you move forward with the next phase of revising the Corrective Action Plan in preparing to submit it to the US Department of Education.

Sincerely,

[REDACTED]  
Educational Specialist, Dyslexia and Related Disorders  
Education Service Center, Region [REDACTED]  
1314 Hines Ave  
[REDACTED]

Follow [REDACTED] on Facebook and Twitter for the latest education updates.



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[REDACTED]

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**From:** [REDACTED] >  
**Sent:** Monday, February 19, 2018 10:06 AM  
**To:** TexasSPED  
**Subject:** Feedback to the Corrective Action Plan  
**Attachments:** 2.19.18 Corrective Action Plan Feedback - Dyslexia District Level Contacts.pdf

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To Whom it May Concern:

Please find attached the collective feedback to the current draft of the Corrective Action Plan from district-level dyslexia contacts across Region [REDACTED]. We respectfully ask you to take this feedback into consideration as you move forward with the next phase of revising the Corrective Action Plan in preparing to submit it to the US Department of Education.

Sincerely,

[REDACTED]

Follow [REDACTED] on Facebook and Twitter for the latest education updates.



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[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, February 21, 2018 12:01 PM  
**To:** TexasSPED  
**Subject:** Fwd: CAP draft comments  
**Attachments:** image001.png; ATT00001.htm; Comments [REDACTED]\_CTD\_02202018.pdf; ATT00002.htm; Comments [REDACTED]\_CTD\_1142018.pdf; ATT00003.htm

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**To:** "Schwinn, Penny" <[Penny.Schwinn@tea.texas.gov](mailto:Penny.Schwinn@tea.texas.gov)>, "Porter, Justin" <[Justin.Porter@tea.texas.gov](mailto:Justin.Porter@tea.texas.gov)>, "Tiffany Williams" <[TWilliams@txdisabilities.org](mailto:TWilliams@txdisabilities.org)>  
**Subject:** CAP draft comments

Penny and Justin,

I have attached our comments on the draft plan. As we've discussed a bit - I have focused on funding concerns and hate that I will miss the next meeting to discuss that matter further.

I have also attached our initial comments as we reference them in the second draft comment.

Please let me know if you have any questions or concerns.

Take care,

[REDACTED]

Senior Public Policy Specialist



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, February 20, 2018 3:17 PM  
**To:** TexasSPED  
**Subject:** Highstakes holder interest  
**Attachments:** TEA Initial Draft Proposal.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I want to continue providing feedback throughout this process. I have little ones at stake. Only read as far as the yellow highlights but will finish reading today.

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, February 20, 2018 2:44 PM  
**To:** TexasSPED@tea.texas.gov.  
**Subject:** Input on CAP  
**Attachments:** Suggestions TEA Proposed Action Plan.docx

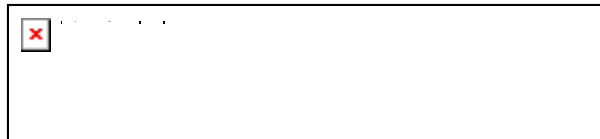
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good day.

I have attached a document with comments, & suggestions. I want to stress the importance of communication before & after the CAP is submitted. Many parents, educators, & the public have lost faith & trust in TEA. While you cannot please everyone, allowing input & being as transparent as possible going forward is so important. I feel that revising the complaint process right away would go a long way to show parents, & the public, that you are listening. In many cases just a call to a special ed director from TEA saying we notice a number of complains, questions about X in your district. Do you have any thoughts about why this might be?

I have a variety of perspectives on special education. I worked at TEA in 70's, TX special ed director for 25 years, & now with [REDACTED].

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]



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[Redacted]

**From:** [Redacted]  
**Sent:** Tuesday, February 20, 2018 2:49 PM  
**To:** TexasSPED  
**Subject:** Input on CAP  
**Attachments:** Suggestions TEA Proposed Action Plan.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good day.

I have attached a document with comments, & suggestions. I want to stress the importance of communication before & after the CAP is submitted. Many parents, educators, & the public have lost faith & trust in TEA. While you cannot please everyone, allowing input & being as transparent as possible going forward is so important. I feel that revising the complaint process right away would go a long way to show parents, & the public, that you are listening. In many cases just a call to a special ed director from TEA saying we notice a number of complains, questions about X in your district. Do you have any thoughts about why this might be?

I have a variety of perspectives on special education. I worked at TEA in 70's, TX special ed director for 25 years, & now with [Redacted].

[Redacted] | Education Specialist

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, February 20, 2018 12:23 PM  
**To:** TexasSPED  
**Subject:** Input on the USDE Corrective Action Plan for Special Education  
**Attachments:** Corrective Action Feedback Final KK.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello

I wish to submit more in depth input on the current USDE Corrective Action Plan for Special Education that the online survey does not allow. Please find attached my input for the state. I would also like to register as a stakeholder in Special Education. I have worked in this field for over twenty years in both traditional and charter schools and am interested in continued dialogue in support of our special needs students. If you need additional information from me, please let me know.

Thank you,  
[REDACTED]

[REDACTED]

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**From:** [REDACTED] >  
**Sent:** Tuesday, February 20, 2018 4:46 PM  
**To:** TexasSPED  
**Subject:** School Problems  
**Attachments:** WEBINAR INPUT 2017.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Saturday, March 3, 2018 9:01 AM  
**To:** TexasSPED  
**Subject:** SPED Action Plan Response  
**Attachments:** TEA letter.docx

Please see the attached letter regarding TEA's Corrective Action Plan for Special Education. Thank you.

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, February 20, 2018 10:05 PM  
**To:** TexasSPED  
**Subject:** Stakeholder Response to OSEP Corrective Action and TEA Draft Plan  
**Attachments:** Report.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Thank you for the opportunity for stakeholders to share our questions and comments regarding the OSEP Corrective Action Plan and TEA's Draft Plan. Hoping the attached comments will support the Agency in moving forward towards compliance and ensuring all students with disabilities have access to their rights under IDEA.

Many Thanks!

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, February 8, 2018 2:23 PM  
**To:** TexasSPED  
**Subject:** TCTA comments on TEA draft special education Corrective Action Plan  
**Attachments:** TCTA comments on TEA initial draft CAP.docx

To Whom it May Concern: The Texas Classroom Teachers Association, representing 50,000 classroom teachers and instructional personnel statewide, has the attached comments regarding TEA's draft special education Corrective Action Plan.

We appreciate this opportunity for input.

[REDACTED]



[REDACTED]  
Texas Classroom Teachers Association  
PO Box 1489, Austin, TX 78767  
tcta.org · 888.879.8282 · 512.469.9527(f)





[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, February 15, 2018 12:34 PM  
**To:** TexasSPED  
**Subject:** TEA USDE Draft Corrective Action Plan Feedback  
**Attachments:** Corrective Action Plan 2-9-18 [REDACTED] Questions and Responses.docx

Greetings,

Attached please find feedback from [REDACTED] regarding the TEA Draft Corrective Action Plan. Please feel free to contact me at [REDACTED], should you have any questions or need clarification.

Thanks,

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, February 20, 2018 2:18 AM  
**To:** TexasSPED  
**Subject:** USDE  
**Attachments:** teal.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Pease accept this letter as my contribution for the focus group. Thank you in advance for making this opportunity possible.

Sincerely yours,  
[REDACTED]

"Our prime purpose in this life is to help others. And if you can't help them, at least don't hurt them."  
Dalai Lama

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, February 20, 2018 1:55 PM  
**To:** TexasSPED  
**Cc:** Schwinn, Penny; Porter, Justin  
**Subject:** Written Comments on draft CAP  
**Attachments:** 180220.DRTx ltr to TEA\_comments on initial draft CAP\_FILED.pdf

**Importance:** High

We have some written comments to share in addition to our comments through the stakeholders process. Thank you.

[REDACTED]

[REDACTED]

Disability Rights Texas | 2222 W. Braker Ln. | Austin, TX 78758  
512.407.2781 *direct* | 512.454.4816 *main* | 512.323.0902 *fax*  
[REDACTED] | [www.disabilityrightstx.org](http://www.disabilityrightstx.org)



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TEA Initial Draft: Corrective Action Plan

## Feedback from District-Level Dyslexia Contacts

NOTE: Personnel listed in parenthesis indicates the point of view represented by this question/comment.

### 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.*

1. 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.

No feedback offered.

2. 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.

- What support is being provided? This appears to only be a review. (Dyslexia Teacher)
- Will team members be knowledgeable about SPED and Dyslexia? (School Administrator)
- This has already been proven to be an ineffective model for monitoring, yet this is still being proposed. (School Administrator)
- What training will there be for the team so that monitoring is consistent? (School Administrator)
- Where is the funding coming from? (Reading Specialist)
- Is this specifically for Dyslexia or Special Education? (Special Programs Director)

TEA Initial Draft: Corrective Action Plan

**Feedback from District-Level Dyslexia Contacts**

3. 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.

No feedback offered.

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.

No feedback offered.

5. **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.

No feedback offered.

6. Adjust the PEIMS data collection components to ensure adequate information for monitoring, while maintaining strong controls on data privacy.

- What will ensure consistency across districts on RTI label? (Dyslexia Teacher)
- What does the monitoring system look like? Are we monitoring students per tier? (District Administrator)

7. TEA will explore having a diverse team of reviewers, including peer reviewers, students with disabilities, sped educators, etc.

TEA Initial Draft: Corrective Action Plan

**Feedback from District-Level Dyslexia Contacts**

- How will confidentiality be maintained when a student with a disability is included on this team? (School Administrator)
  - How will training be provided to ensure that reviewers will be consistent? (School Administrator)
8. All monitoring reports will be publicly reported for full transparency. LEAs will have 30 days to respond to any published reports.
- We understand transparency, but TEA should invest time, effort, and finances to student initiatives. (School Administrator)
9. The existing parent survey process will be aligned to the year that districts are reviewed.  
No feedback offered.

**Outcomes for Corrective Action 1:**

No feedback offered.

**Corrective Action Plan 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.*

1. **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

## TEA Initial Draft: Corrective Action Plan

### Feedback from District-Level Dyslexia Contacts

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.

- Does the 3 million include money for the impending lawsuits? (Dyslexia Teacher)
  - What are the key indicators? (School Administrator)
  - Will TEA provide more funding for assessment staff? (School Administrator)
  - The third party campaign will be funded by whom? (School Administrator)
  - Who's going to monitor the third party? (School Administrator)
  - What is the criteria in selecting the third party? (Director)
  - What will monitor the third party? (Director)
  - What are the key indicators? Does this then mean all RTI students? If so, how do we staff testing 20% of a student population that hits the RTI pyramid? (Dyslexia Teacher)
2. A call center will be expanded, as discussed in the response to Corrective Action 3.
- Is the call center representative articulate and well-versed in Dyslexia and Special Education? (School Administrator)
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.
- What about the students with asthma? (District administrator)
  - What if the school does not suspect a disability under IDEA? (Director)
  - Where will districts find the extra staff needed to complete the evaluations? If contracted, the costs can be quite expensive. Where will funding for the extra staff come from, as the district will be still using the same pot of money?
  - Should students served in 504 for an allergy or asthma be considered too? Should a team review the data to determine which students need an evaluation? (School Administrator)
  - Clarify 6+ months of RTI – does this mean consecutive or cumulative? At what level of RTI should a student be considered to meet this criteria? (School Administrator)
  - Staffing!!!!????

TEA Initial Draft: Corrective Action Plan

**Feedback from District-Level Dyslexia Contacts**

- If the student's being successful are we continuing to offer the services? (School Administrator)
  
- 4. 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.
  
- District will need more funding to meet these. How will that funding be allocated? (Dyslexia Teacher)
- Please clarify, are you asking for procedures in assessing students? (School Administrator)
  
- 5. *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. 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.
  
- How would a district determine how far back a child should be considered for compensatory services? (School Administrator)

**Outcomes**

No feedback offered.



TEA Initial Draft: Corrective Action Plan

## Feedback from District-Level Dyslexia Contacts

**Correct 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 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) .

1. *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.
- Third party contracts will be costly, more money taken away from districts. (School Administrator)
2. 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.
- Will updates to the *Texas Dyslexia Handbook* impact student qualification for special education? (School Administrator)
3. *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

## TEA Initial Draft: Corrective Action Plan

### Feedback from District-Level Dyslexia Contacts

special education evaluation process. TEA will include the trends and other interesting data points in the biannual report (noted in the appendix).

- No feedback offered.
  
- 4. *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.
  - How are you going to disseminate the PD modules? (Director)
  - What cost will the district encumber for this training? (School Administrator)
  
- 5. *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.
  - Are these people part of the three-man Review and Support Team or additional staff? (Dyslexia Teacher)

#### Outcomes:

- No feedback offered.

#### **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.*

TEA Initial Draft: Corrective Action Plan

**Feedback from District-Level Dyslexia Contacts**

1. *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.
  - No feedback offered.
2. 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.
  - No feedback offered.
3. 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.
  - No feedback offered.
4. 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.
  - No feedback offered.
5. Until the Escalation Team is in place, the School Improvement team will focus existing monitoring activities on currently identified high needs LEAs.
  - No feedback offered.
6. *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.
  - No feedback offered.

**Outcomes:**

- No feedback offered.

## Points to consider regarding corrective action plan

### Corrective Action One Thoughts.....

No additional funding to districts but additional funding for oversight? Wouldn't more money for student direct services make more sense?

Plan does not address the concern of the parents which is more direct support and quicker turn around on testing.

Time and intensity of visits for oversight takes resources away from students. Remember DEC visits?

Unrestricted access is not realistic...testing days?

Reports are published publicly the same time districts are receiving it without opportunity for corrections of information.

What will be required of LEAs during these visits?

Continuity among compliance personnel in a systems that are vastly different based on size and campus makeup?

Interruptions to classrooms and schedules?

More unfunded mandates contained in the corrective action.

Monitoring should focus on improving outcomes for students rather than checking off boxes in folders and time away from students for the LEA.

What specially designed instruction do students need who are already successful, making progress, etc.? Must remember there must be an educational need.

Self-audits may be a solution? Require districts to review all special program folders to look for students who are not making progress and may need a referral, contacting those parents not ALL parents.

We need clear guidelines on Dyslexia/504/RTI and SPED and how they should coordinate between programs.

Put money into Region Service Centers to support districts with training (supportive), versus TEA (punitive)

Onsite reviews should occur when there is significant evidence of non-compliance

What will the review teams look like? Who and how are they chosen and how is confidentiality preserved?

How would the effectiveness of site visits be measured?

How are site visits related to student benefit?

Have we looked at the root cause of the 8.5% issue and addressed that? If we were following the TEA guidelines to get there, why do we need more oversight? We obviously follow the rules....

We should focus on moving forward, not going back.... There is no way to reverse time and try to decide what may have been.

### **Corrective Action Two**

Not all students need to be tested and the wording sounds like ALL students in these programs need to be tested...If there are no suspected disabilities and programs are working, why would we indicate that what they have been receiving is wrong or doesn't deserve the recognition it deserves?

Why are we contracting with 3<sup>rd</sup> parties that may or may not have any experience with education? Sounds like an opportunity to build big business again, such as Pearson.....

How far back are we identifying students.....some have graduated....are we testing them too?

Where is the funding and the manpower to test all of these students?

Can we give a refusal to test for students who were/are successful and show no indication of a suspected disability and if so how is this explained to parents in a way they can understand or will we be accused of denying services.

Wouldn't this money be better spent closer to students instead of oversight and unnecessary testing?

Locating and funding additional assessment staff.

There should be limitations set for how far back we go and what compensator services will be.

Should follow IDEA rules...in order to evaluate, one must suspect a disability. Not all students under RTI/504/Dyslexia have a suspected disability under IDEA.

We have always assessed students with a suspected disability, but the language in the CAP make it sound like we were not. All stakeholders need to be trained in what it means to suspect a disability and the educational need for services. Differences are addressed through regular educational programming, disabilities require specialized instruction. Even without disabilities students can have differences that can be difficult to address in the classroom setting.

If students have responded well to interventions, then current rules indicate there would not be a need for further testing.

Where does the money come from to provide compensatory education in already maxed out budgets.

Do we have to assess students who were previously tested and did not qualify?

How will we respond and pay for the potential for increased request for IEEs?

How will compensatory services be defined and for how far back? A student could potentially have gaps large enough to qualify now, but may not have qualified if tested earlier. Perhaps a folder review to ensure that we are referring students in the system now. Increased special and general education

collaboration would assist with this and perhaps the money should be put to more special education staff to support general education staff.

Has the call center been effective to date? Perhaps adding support to the Region Service Centers to allow parents a more personalized approach as they know their districts better and have a more direct relationship to get things done?

Many students are being served well under these other programs but the language in the CAP indicates that if they were not tested for SPED it is a problem.

We need more discussion with parents that not every student who struggles has a disability.

We have many requests from parents requesting testing because school is too hard for their child and they don't want them to have to work too hard or that their income from SSI would be more if they have a "problem". We need more education for parents and support from government agencies in our profession instead of all the negative accusations. We have a lot of great people doing great things for students. Sometimes though, life is going to be hard.

### **Corrective Action Three**

3<sup>rd</sup> Party vendors? What are their qualifications to provide these resources and how are they evaluated?

How will you not only get the information out, but truly help all stakeholders understand these programs and that not all differences are disabilities that need specialized instruction.

Dyslexia needs better definition on how it integrates with special education. Reading differences are often a better descriptor of what is going on, but often supported through the dyslexia programs.

Will all teachers be required to attend these trainings? If so how do they squeeze more into the days assigned? Put this money toward paying teachers for more days to help cover their already taxed time so quality PD can occur and have time still for planning and getting ready for students more effectively.

Perhaps all teachers at elementary level should be trained in effective reading instruction and rely less on pull out which can be difficult to accomplish without pulling them from time from other important parts of their day. Secondary teachers should be trained how to support struggling readers and using strategies to minimize reading differences/struggling readers. Then the focus can be truly on the students with more severe issues to be more effectively addressed.

Our commissioner does not feel that class size matters as much as other factors, but if all teachers were trained well in teaching reading and their class sizes were under 18, NOT ability grouped, they could accomplish the differentiation that we are asking them to do.

Providing training in UDL and requiring its implementation in general education would greatly reduce the need for pull out and better support inclusive practices.

What are the requirements for the PD and who will be required to attend?

We need clarification on the expectations of RTI, Dyslexia, 504 and the integration with SPED for consistency if others are expected to provide oversight.

Funding for all programs to ensure ability to appropriately assess and staff.

Define more clearly how Dyslexia and 504 is supposed to be coordinated. Perhaps we should move to a model that required Dyslexia to have a medical diagnosis and reading differences addressed through other programs other than the Dyslexia program.

Where are we finding the qualified staff that will be required to manage any of this plan?

#### **Corrective Action Four**

Language of the CAP seems to lay responsibility of the 8.5 % “misunderstanding” on the LEAs...

The statement that the 98 new indicators under PBMAS will not result in punitive action seems disingenuous when districts can lose funding due to disproportionality.

What are the “key indicators” that are utilized to target specific districts for escalation?

Why are we writing a corrective action plan based on data from 1% of the districts in the state?

Who will triage? What are their qualifications and on what criteria will these districts be identified?

Again 3<sup>rd</sup> party vendors, quality teachers with time to teach are most critical to student success.

Large district experienced people do not understand small schools and vice versa, so how will these teams be trained to understand the needs of various sizes and cultural backgrounds that make up our districts.

System overall is creating more distance between parents and districts. We should be building collaborative relationships. Need clear understanding of what these programs are and how they intertwine with each other to the benefit of students.

When will TEA/State see all learners are gifted and in need and strive to implement a better student engagement model to respect the needs of all learners?

What are the long term implications of over identifying students as “disabled”? What does this do to their future?

Shouldn't we create a strong learning environment for all students based on their individual needs and not have to have labels to just do the right thing for students?

Most educators are trying to do great things for students but are greatly impeded by the mountains of paperwork and compliance checks. Many are leaving the field or not joining over frustration of how the system works. We MUST be respected for our knowledge, dedication and experience of how to work with students. We are lifelong learners who enjoy building young minds.

Most districts, I believe, have done a great job identifying students and working with our direction of utilizing RTI to close gaps and support students. Allow us to review our folders in all programs and determine what students may have been missed and need further evaluation.

We are getting many requests to take care of things that used to be the responsibility of the parent, we need clear direction on where the district's responsibilities stop and parents or other agencies should be picking up. Though we search for and try to coordinate services, so many times it is outside our area of expertise and we cannot find resources for the parents.

How can outside agencies and school districts better coordinate to provide services to students, increasing parent satisfaction overall?

Funding is needed to provide better/more support to students through appropriately trained staff.

Character education and behavior management strategies taught to all teachers should be required in all schools and funded to assist with the increase amount of behavioral issues that teachers face every day that is consuming the time of so many staff members.



# STAKEHOLDER RESPONSE FROM [REDACTED] TO TEA

February 9, 2018

1:00 – 4:00 p.m.

## **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. **(TEA –Hiring to Increase monitoring)***

### **Questions:**

Does TEA want input on review process now? Or does input come later after individuals have been hired?

Who are the 3<sup>rd</sup> party Facilitators?

Where is the 2.3 million annually be coming from?

### **Adjust the PEIMS data collection:**

When will PEIMS be implemented to identify students in RTI?

Are we currently putting enough information for the monitors into PEIMS?

### **The existing parent survey process will be aligned to the year that districts are reviewed.**

How do parents get access through the survey right now?

Do we provide access to our parent information?

## **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. **(Child Find – Students who deserve special education services who have not been evaluated and not received special education services who deserve special education services.)***

## **Questions:**

How do you define “who should have been” referred? What is the criteria? What is the timeline for the referrals?

Where does the money come from to hire staff in order to evaluate?

How far do we go back with regard to looking at what students will need to be evaluated?

Current students? Students who have left the district?

RTI/Section 504/Dyslexia: Can TEA specify/establish criteria for the students who will need to be evaluated.

Uniform criteria?

Identify appropriate party?

Do we need to provide compensatory services? What does that look like?

How far back do you go when looking at compensatory services?

What is a vendor going to do for an LEA? Will TEA come to the LEA to help figure out what that will look like?

## **CORRECTIVE ACTION PLAN 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 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) .*

## **Questions:**

Is there a way for Harlandale to set up criteria on what we should look for regarding specific information on students in the referral process? (We need a unified way of reporting data for the referral process).

What is the complete set of pathways appropriate for students with dyslexia?

## **CORRECTIVE ACTION PLAN 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 the State's dyslexia program. **(TEA will monitor school district implementation of IDEA requirements).***

## **Questions:**

What is their criteria for determining who will be visited first? When do districts find out when they are selected?

Is there a way to track the students who DNQ through PEIMS?

TEA Initial Draft: Corrective Action Plan

**Feedback Round 1**

**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.*

- 1. 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.**
- PBMAS was to the point that you were doing a plan for your district that were interrelated (ELL & SPED, etc.) and now it seems like SPED is being taken out as an island and not collaborating with others within the district
- 2. 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.**
- What will the “desk audit” look like?
  - What do they mean by “portfolios of LEA”s—is it something we would submit to TEA?
  - 8 teams of 3 people—3 people could handle a small-medium sized district, but could not handle a larger district. It seems like they are hiring a lot at the TEA level to manage the school districts. Is it going to be what we really need? Probably not.
  - There's monitoring being planned for, but not services—will this translate into improved services for children? The dollar amount is for hiring not necessarily services for students.
  - Does everything in PBMAS go away?

## TEA Initial Draft: Corrective Action Plan

### Feedback Round 1

- Would significant disproportionality become a separate monitoring process?
  - If a district has significant disproportionality does this trigger an ongoing investigation beyond the visit once every 6 years? How often will spot checks occur? Will this trigger a visit outside of the planned visit?
  - What about schools that are due for a PBMAS monitoring visit for this year?
- 3. 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.**
- No comment
- 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.**
- What kind of 3<sup>rd</sup> party facilitator? What does that mean?
  - Need to ensure that statewide stakeholder input is ongoing, not just for the initial set up.
  - Sounds similar like old DEC visits—forms, each team doing the same thing, etc.—seems very similar
  - Why does a third party facilitator need to be hired if they are hiring so many additional TEA staff? Can't TEA do the work? What's the purpose of the 3<sup>rd</sup> party facilitator?
  - Will there be a connection with SPP indicators regarding initial evaluations? Will it connect with the upcoming data in PEIMS? Will it connect with upcoming documentation of Rtl components in PEIMS?

TEA Initial Draft: Corrective Action Plan

**Feedback Round 1**

- I think that the plan should include 3 years of training of each district and require attendance of staff at training vs going in right away and monitoring. then after the training > then do monitoring.
- I agree. I would like training up front rather than reactive. I want to prepare my staff and district for changes.
- As so often seems to happen, child find obligations may not be met and sped teams are left to feel the brunt of the burden for correction. It will be very important for Superintendents and C&I teams to understand this is not only a sped issue.

**5. 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.**

- Are there training components to be folded into this process? Training is going to be vital. Consistent training is going to absolutely be needed for these monitors so there is consistency across districts within these visits. During the old DEC visits one monitoring team might approach one district differently and another team is focused on different aspects at a different district.
- How will the teams be organized? I would think the makeup of team should look different for those that focus on larger districts vs. those that focus on smaller districts. The makeup of the teams should also consider the individuals' experiences.
- How will the teams be assembled? What about the team member's experiences? In thinking of transparency, that should be taken into consideration. Districts need to understand the dynamics of the team members who will be providing input so transparency can take place.
- Will the teams be assigned to the district and stay year after year so that a working relationship will form? Or will it change every year which might provide inconsistent information and support?
- During DEC, depending on the person you get, their perspective and depth of knowledge was always different—there was not any consistency. This process needs to be different than this.
- TEA hearing officers have not been informed of special education and have made bad decisions so there is a worry about these teams making recommendations when they do not have the knowledge needed to make an informed decision.

**6. Adjust the PEIMS data collection components to ensure adequate information for monitoring, while maintaining strong controls on data privacy.**

TEA Initial Draft: Corrective Action Plan

**Feedback Round 1**

- What does this mean??
  - Will they be getting input from our electronic providers for ARD systems currently that aligns with PEIMS data so that we do not have to hire additional people to do this for us. We are paying for our ARD system to align with the data and if the process changes, will it also change with our current systems?
- 7. TEA will explore having a diverse team of reviewers, including peer reviewers, students with disabilities, sped educators, etc.**
- What is the purpose behind this statement? What is this statement addressing?
- 8. All monitoring reports will be publicly reported for full transparency. LEAs will have 30 days to respond to any published reports.**
- The district needs to see it before they publish it to be able to determine if there are any inaccuracies that might need to be addressed before it's public information.
  - I think the LEAs should have 30 days to respond before it is being published.
  - Can comments be considered? If we are responding to something that is already out there, can the district feedback be considered before it's published?
  - Concerns also expressed about the media getting a hold of a report that might not contain accurate information and might cause a similar uproar like the recent Houston Chronicle article.
- 9. The existing parent survey process will be aligned to the year that districts are reviewed.**
- Will the parent survey be aligned with the results provided from the visit? Currently we send the survey out in spring and get the results in the fall.

**Outcomes for Corrective Action 1:**

- If we submitted these goals as SMART goals, they would get kicked back because these goals have nothing to do with outcomes for students.
- This is a broad response for a very isolated action in this plan which is child find. It seems like everything is being monitored but not addressed in the actual plan.



TEA Initial Draft: Corrective Action Plan

**Feedback Round 1**

**Corrective Action Plan 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.*

**1. 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.**

- Aren't we already required to do this? This is overkill—monitor what we are already supposed to be doing. Don't come up with another campaign.
- I worry about the context of these sessions. The listening sessions brought up contented parents and were given an opportunity to share their stories and it might not have been the whole truth story. It feels like a setup and damaged some relationships with parents.
- Attorneys will be waiting to attend these sessions.
- "will target specific districts with key indicators"—what are those indicators?
- The Action plan focuses on children that have been referred for an initial evaluation under IDEA, but what about Identifying Section 504 students? Will it be the same process as done under IDEA?

**2. A call center will be expanded, as discussed in the response to Corrective Action 3.**

- Do you see how much it costs to do this?
- Do they really have so many calls that they can't handle it right now?
- Do they anticipate more calls? Where's the data to support this expansion?



TEA Initial Draft: Corrective Action Plan

**Feedback Round 1**

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.
- I think that maybe they can narrow these areas down a little bit. We could end up with a lot of referrals that may not be appropriate. How about looking at students that are not making progress for a designated length of time and then consider how to approach that group instead of ALL students in 504, RtI and dyslexia programs.
  - There's different ways to run RtI so it is unfair to monitor it all the same—there needs to be a review if there's progress before an outreach to parents occurs or you are looking at our sped rates to increase to 20% Do we really want the state of Texas to be the state that has the highest percentage of students with disabilities?
  - Big concern for very rural areas already concerned with # of qualified assessment personnel. Also consider capacity of teachers and other staff...with limited access to continuing education then the struggles with good, quality intervention of struggling students is real.
  - Where will the LSSPs be found to do these evaluations? In one district we're looking at 4000 students that would need to be evaluated under this current plan.
  - Is it tier 1 making progress? Tier 2 making progress? This goes against what we are doing by helping them to make progress
  - If a student is successful up in 504, what do we need to look at differently? We are looking at setting parents up to be frustrated.
  - Once we contact parents we are telling them that we failed to identify their child and that can be liability for us. If we are only given 45 days to provide an assessment, how can we do this? We are not given any money for this.
  - When districts have provided notice and parents indicated that they refused testing look at those. A 504 student may only have a peanut allergy—and are successful so why would we offer a sped assessment?
  - TEA set up a system that drove down assessment numbers. TEA should have a plan for helping to fund this. TEA set this up as their corrective action plan and should be responsible and more involved in paying for it.
  - Currently dyslexia doesn't fall under special ed. Are they going to realign or monitor how 504 and RTI is conducted?

## TEA Initial Draft: Corrective Action Plan

### Feedback Round 1

- LRE has been in existence for years for our students. If they are successful in the LRE it doesn't make sense to put them in a more restrictive environment because we would be going against their LRE.
  - Can we get clarification on students in section 504? Some kids need 504 for allergies, asthma, etc that have no need for testing. We need parameters on students in 504. This is very similar to those students that just need related services.
  - If a district has not developed RtI—what does this mean for them?
  - “Opportunity for testing”—does this take away the district need to deny testing—right of refusal.
  - The district still needs to do its due diligence and maintain the right of refusal.
  - Procedural safeguards need to be updated to align with this process.
  - At every 504 meeting you have to consider if further testing is needed so this seems redundant.
  - FIE & SDI—if dyslexic students are evaluated and identified it may require an additional indicator. Many dyslexic therapists are not special education certified or trained.
  - There may need to be a consideration for SBOE certifications to accept the Dyslexia credentials to appropriately serve students within special education.
  - Align Texas with the rest of the US and make dyslexia an eligibility category.
  - Dyslexia teachers are not special education certified? Do we hire special education certified teachers?
  - We test and let the evaluation drive the decisions. If we do a refusal, we still monitor them and if they are not making progress we go back and test again. We do follow these. (district response)
  - This system is lacking by identifying the districts that are struggling. Some districts have systems in place that are strong and this isn't helping those districts. I see a lot of problems with making this work. Funding is not going to be there to provide services to the students that is going to be required. This is an issue.
  - Reviewing the whole plan in itself when you look at the verbiage of campaign---when you look at this corrective action as a whole there are a lot of “holes” in this. This is not a win.
- 4. 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.**
- The timeline—you are asking us to put out things before everyone is trained by August 19<sup>th</sup>.

TEA Initial Draft: Corrective Action Plan

**Feedback Round 1**

5. *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. 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.

- Remove SOME and change to ALL.
- Millions of dollars were forged out to vendors previously for tutoring and this sounds like a similar process and it didn't equate to services being provided to students
- Who identifies these students? Who makes this determination?
- We are assuming it would be handled through the ARD meeting based off what's been done previously.
- Additional funds---additional paperwork I need to provide to TEA to get the funds to my finance office so my office can pay the vendors or will TEA pay the vendors directly? The process to get the money could require more work and more money for the district.
- The funds for compensatory services per district is not very much and likely will not even fund a teacher if we also consider our special education numbers will increase.
- What does "appeals process is provided to all parents (real time)" mean? Will there be an "all call" for parents to declare their child should be in sped?

**Outcomes**

- These are activities, not outcomes. They are district based for the state.

TEA Initial Draft: Corrective Action Plan

Feedback Round 1

**Correct 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 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) .

1. **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.

- Please flesh out extensive stakeholder feedback.
- This SHALL include timelines, forms.....I think it needs to be included not left up as MAY
- Meet accessibility criteria that districts have to follow—translations, accessibility, etc...
- Forms—does this mean consent to test form? How does this address how it gets to us, when our timeline would get started?
- What about the quality of the services? An RFP does not guarantee a good, quality service that is in the best interest of our students.
- Rural school districts are still a concern. Quality, certified, licensed staff are hard to come by, no matter what \$ we have available.

2. 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 Initial Draft: Corrective Action Plan

### Feedback Round 1

- Have the people that wrote this read the handbook? It is already doing a good job of this. There is one statement that should be revisited, “Generally in Texas, however, dyslexia identification and intervention most often happen through general education rather than special education.
  - When would the handbook be revised? What’s the timeline?
  - Do they intend to define Rtl more clearly? They need to provide more guidance and clarity with the Rtl focus.
  - Dyslexia, IDEA & Section 504 are all clearly identified but Rtl is not (by the state of TX), so clarifying the Dyslexia handbook is great, but Rtl needs to be clarified. TEA must provide clarity on Rtl for district to utilize in order to implement this Action Plan with purpose.
- 3. *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).**
- While the call center is a good idea, I’m not seeing the funding coming to the district level to help the students and help the districts do what is being asked of them.
- 4. *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.**
- What does this look like for “roll out” to the Districts? We already give up enough time for state mandated trainings. How many hours will this be? When will it occur? Will they pay teachers to attend during the summer? This is a big ask and the funding is at TEA’s level. This will cost money to implement in the district and we are being left
  - Topic suggestions: differentiated instruction, highly effective strategies, highly effective interventions, and more focus on interventions focused on specific areas of deficit
  - This is only addressing the initial push but what happens to brand new teachers or when new teachers move in? How will this be addressed and funded?

## TEA Initial Draft: Corrective Action Plan

### Feedback Round 1

- University programs need to catch up to this. They are not even aware of certification requirements for special education. This needs to trickle down to universities
- This also needs to include paraprofessionals for training.
- University changes should include Administrator prep programs too. Special Programs can "get you into trouble" quickly, but are a small component of the training. Ultimately the Principals control more than we do because they are responsible for implementation.
- Training has to be followed up by rigorous and timely follow - up, such as observing the use of research- and evidence-based practices in the classroom. Where is that in this plan...PD alone is not enough.
- Follow up training is critical!
- Will this be beginning of year training through an online system that they check off and never really get follow up or will this be like the reading and math academies where they go through a real training with activities and accountability?
- Will the revised dyslexia handbook be in timeline with this rollout?
- How will this tie to TTES or the TEA 4 priorities?

5. ***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.

- Are they going to provide more guidance on Rtl if there will be monitoring?
- Will additional staff be hired for Rtl?
- Monitoring for special education has been addressed, but it hasn't been addressed for dyslexia/dyslexia-related, IDEA, Section 504 and Rtl? Will it be funded?
- Will there be specific guidance pertaining to Section 504? Who is responsible for 504? If it will be monitored it needs to be standardized to have an effective monitoring plan.
- Advocate with the legislature for the importance of funding.
- this was TEA's 8.5% idea to monitor districts . So they need monitoring! They need to remove all of their PBMAS requirements that create Artificial numbers. Remove the %. Let the schools do their jobs.

#### Outcomes:

- 3<sup>rd</sup> bullet is an example of a SMART goal.
- Little if any action that TEA is required to do where it failed to develop clear guidance for Rtl but allowed districts to use Rtl for a means to decrease sped referrals.

TEA Initial Draft: Corrective Action Plan

**Feedback Round 1**

**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.*

- 1. 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.
- Will there be funds for the teams at the district level?
  - It seems like they are weighing the support at the wrong end. It seems like they should weigh the support BEFORE an escalation team might be needed. Everyone should be trained to do the right thing from the start.
  - What direct support will these escalation teams provide while they're in districts to improve student outcomes?

## TEA Initial Draft: Corrective Action Plan

### Feedback Round 1

2. **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.**
  - No comments
  
3. **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.**
  - Wasn't that part of the previous issue is that we met expectations at 8.5?
  - What are districts going to have to self-report? How will this be gathered? Will it be this new PEIMS code? Will it be from the 8.5 data?
  - How and when will the self-reporting occur?
  
4. **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.**
  - Who pays for the team?
  - What defines a negative report?
  - What kind of technical assistance? Since the teams are more than monitoring of compliance, but also best practice. What does this look like for a district?
  
5. **Until the Escalation Team is in place, the School Improvement team will focus existing monitoring activities on currently identified high needs LEAs.**
  - What is an identified high need LEA?
  - What does this mean?
  - If you follow the rules, you are going to need this type of team. Luckily the ones that didn't follow the rule are going to be okay.
  - Nothing in the plan addresses what's going to happen at the TEA level whose plan put us here. They are passing the blame on the local level.



TEA Initial Draft: Corrective Action Plan

**Feedback Round 1**

6. *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.

- Will TEA pay for this service?
- Will ESC's be considered a 3<sup>rd</sup> party vendor?

**Outcomes:**

- How many years does the "SPED identification gaps" cover?
- 1.5 million cost of the vendors is about procurement of them and not about paying for them.

**Other Comments:**

- I don't see the difference between the 8.5% cap and the 1% cap for students taking STAAR alternate. This is a federal regulation but there's been a lot of conversation around this and I do not see the difference.
- 46 FTEs are in the plan and it's all for compliance issues. Where are the funds for helping student outcomes?

# DYSLEXIA

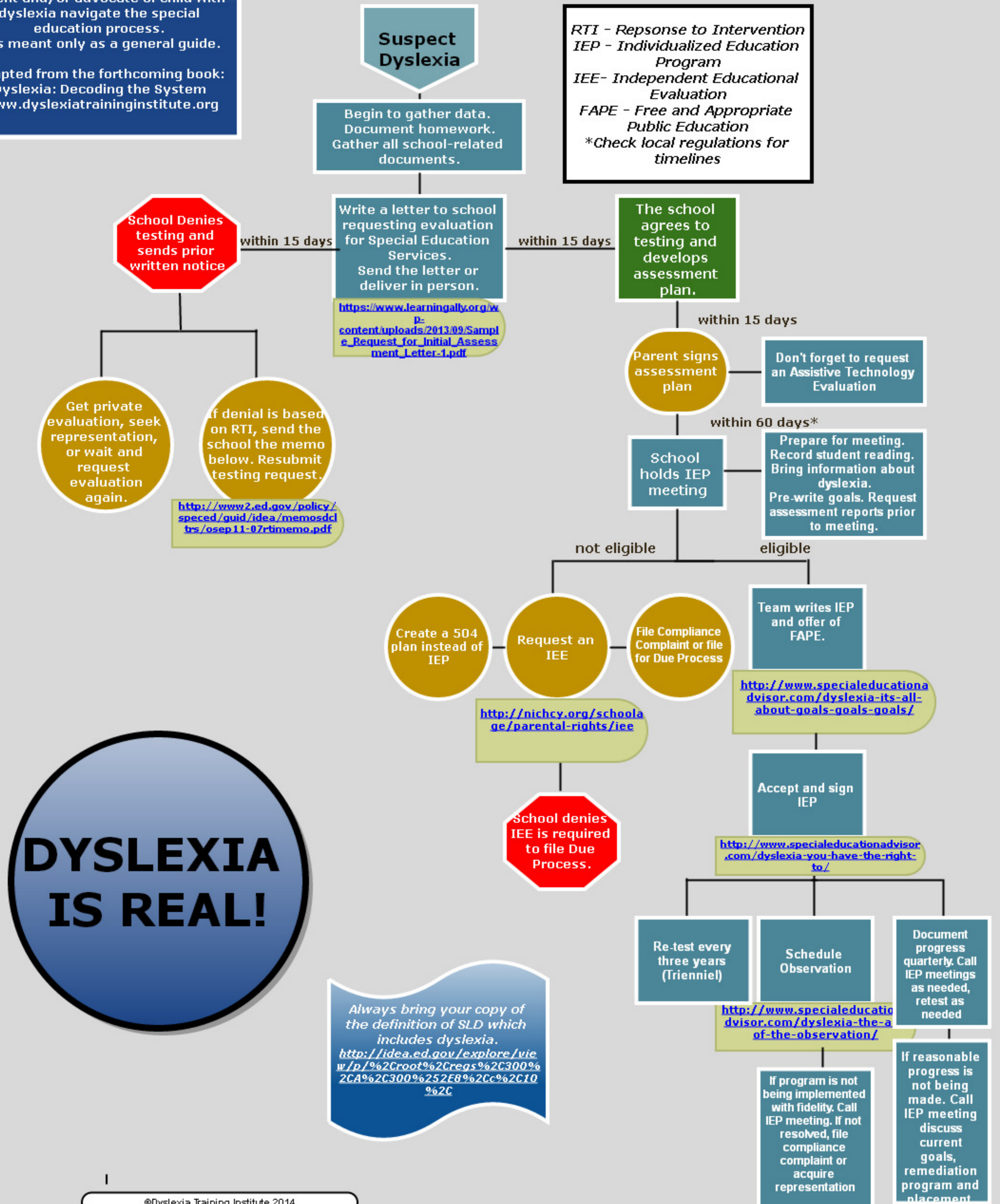
## TRAINING INSTITUTE

EDUCATION CHANGES EVERYTHING

Dr. Kelli Sandman-Hurley  
Dyslexia Training Institute

This flowchart is a visual aid to help a parent and/or advocate of child with dyslexia navigate the special education process. It is meant only as a general guide.

Adapted from the forthcoming book:  
Dyslexia: Decoding the System  
[www.dyslexiatraininginstitute.org](http://www.dyslexiatraininginstitute.org)



**DYSLEXIA IS REAL!**

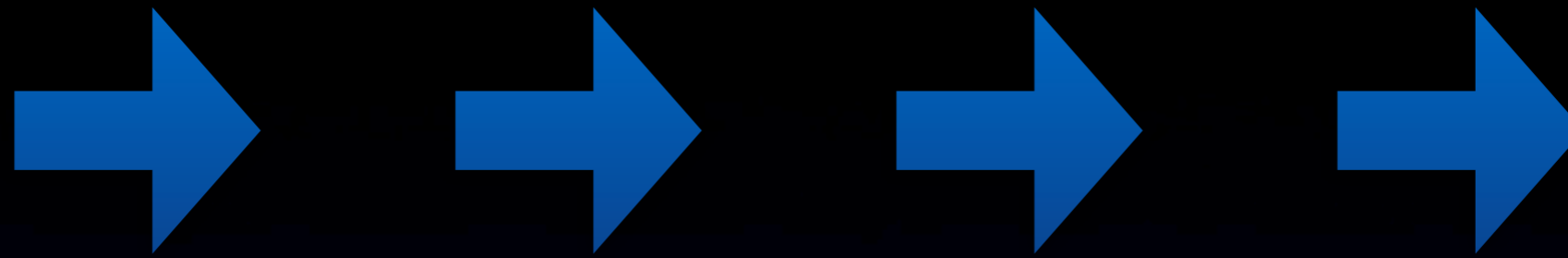
Always bring your copy of the definition of SLD which includes dyslexia.  
<http://idea.ed.gov/explore/view/p/%2Croot%2Cregs%2C300%2CA%2C300%252E8%2C%2C10%2C>



**Corrective Action Idea**

# Texas Special Education Portal

Parents - Educators - Administrators  
Begin The Child Find Process Here



- Initiating the Child Find process on the Texas Special Education Portal starts a 45 day series of duties to be performed by the school at no cost to the parent including a Full Initial Evaluation or FIE, convening a team including the parent who together reviews the FIE and other data including parent input, student performance in and out of school, to determine the students need for Special Education and Related Services. TEA will Monitor timeline compliance and outcomes as part of it's Federally Required Monitoring Duty.

# Child Find

- The Child Find Process on the TXSPED portal can be started by either the Parent or the School.
- Child Find is the First Step in a referral process to explore if a child suspected of having a disability or known to have one, regardless of severity, may need specialized instruction to meet grade level expectations.



# What Could a Parent Expect?

- Share Data about the child from a variety of sources both home and school, including any outside evaluations.
- Authorize the school to start the FIE process
- Get information about the relationship between Parents and the School who ultimately become a team (ARD Committee) that will determine whether the child has a disability and displays educational need.
- Be guided to resources and info on any disability issues, The Child Find Process that must be completed within 45 days

# TXSPED Portal Contains

- Online Entry System to start the Child Find Process for each child.
- Info for Parents/Teachers/Administrators about Child Find and SPED
- Procedural Safeguards and parent/teacher friendly explanations mailed or viewable online.
- Links to resources, Federally Funded PTI centers, Regional ESC and Federal supports
- TXSPED Portal is a real time database to support and monitor child find activities in the state, with a bonus of aggregating data to help guide budget decisions at the SEA, LEA and Campus level, based on determination decisions logged during the Child Find process. It creates a transparent trackable process accessible by the parent - school - LEA and the TEA where important timelines can be inputted and tracked, triggering reminders and supports, access to resources in real time, fostering collaborative relationships among all stakeholders. Timeline and Determination decisions logged, parent satisfaction surveys housed, dispute input area with corrective action steps captured would create a transparent, data driven process which triggers real time proactive, supports and efficient child first use of state and local resource.

- Utilized properly this could make obsolete the need for 6 year cycle monitoring visits. - which is far too long to serve students in need.
- Monitoring and supports would be in realtime triggered by data. Embedded technical assistance and supports from the TEA and ESC and other sources would encourage collaboration and knowlege sharing instead of hand slapping after the fact.



20 February 2018

## Stakeholder Response to OSEP/TEA Corrective Action Plan

*“One Main Purpose of IDEA is to ensure that students with all disabilities have available to them a free and appropriate education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.*

*Special education means specially designed instruction to meet the unique needs of a child with a disability. Related services are special services needed to support students’ special education services so they can make progress to meet their academic goals. Related services can include services such as occupational therapy, speech language therapy, counseling services, etc...*

*Under IDEA, parents are given a large level of participation at every stage of the process.”*

(The above excerpt is taken from *The Parents Guide to the Admission, Review, and Dismissal Process*, Texas Education Agency, April 2016)

[https://framework.esc18.net/Documents/ARD\\_Guide\\_ENG.pdf](https://framework.esc18.net/Documents/ARD_Guide_ENG.pdf)

### Questions/Comments Regarding Corrective Action 1:

1. **Question:** What specific documented guidance has TEA initiated to All ESC’s and LEA’s regarding how the Child Find Mandate needs to be initiated moving forward to align state practices with Federal Child Mandate 34 CFR 300.111 and 34 CFR 300.101?
  - Section 300.111 The State must have in effect policies and procedures to ensure that-- (i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and (ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

- Section 300.101(c) has been revised to clarify that a free appropriate public education (FAPE) must be available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course, and is advancing from grade to grade.

<https://idea.ed.gov/explore/view/p/,root,regs,preamble1,prepart1,B,.html>

2. **Comment:** Request that TEA document specific, explicit direction to All ESC's and LEA's including specific guidance that ALL student referrals of a suspected disability must be initiated through an FIE. This includes referrals for dyslexia, dysgraphia, dyscalculia and all dyslexia related disorders regardless of (*perceived*) severity.
  - 1) All requests for evaluation are moved to FIE process.
  - 2) Parents receive copy of *Procedural Safeguards* and *Parent's Guide to the ARD Process*.
  - 3) PWN within 15 days
  - 4) Appropriate training (and re-educating) regarding: providing for the IDEA rights to identify, locate and serve students with disabilities, regardless of severity and ensuring the IDEA rights of all students currently receiving specialized instruction and modified coursework due to their learning disability.
  - 5) Accountability through loss of funding when LEA's are non-compliant.

### **Question/Comments Regarding Corrective Action 2:**

1. **Question:** What are the policies and procedures currently in place to ensure that all our children in Texas “regardless of the severity of their disability” and who are in need of “special education and related services” are identified, located, evaluated, and served?

2. **Comment:** TEA may consider including in the revised *Parents Guide to the ARD Process* and the revised *Texas Dyslexia Handbook* documented guidance to ESC's and LEA's regarding a) All requests for evaluation are moved to FIE process. b) Parents receive copy of *Procedural Safeguards* and *Parent's Guide to the ARD Process*. c) PWN within 15 days. d) [Link for the Preamble to IDEA](#) included in both the revised *Parents Guide to the ARD Process* and the revised *Texas Dyslexia Handbook*.
3. **Question:** What is the current process to ensure transparency and accuracy in the documentation and alignment of Federal and State Law in the Legal Framework?
4. **Comment:** TEA may wish to consider utilizing federally funded disability rights entities like DRTx to assist with ensuring the alignment of state law and practices to Federal Mandates.

### **Questions/Comments Regarding Corrective Action 3: CFR 300.503**

1. **Question:** How will the revised Dyslexia Handbook include documented guidance to ESC's and LEA's regarding Child Find, FIE's, SLD definition, IDEA protection for students receiving specialized pullout instruction under 504, and identification/eligibility requirements for high cognitive ability students with learning disabilities in the following:
  - a. Child Find Mandate- ALL evaluations initiated through an FIE.
  - b. Protection of current students receiving specialized instruction under authority and protection of IDEA. (IEP with goals related to reading, writing, spelling, etc...)
  - c. Provide guidance on the identification and eligibility for SLD including dyslexia and related disorders, dysgraphia, dyscalculia, etc... in our high cognitive ability and gifted population (twice-exceptional).

2. **Comment:** It may be prudent to include knowledgeable and highly experienced ESC Child Find experts/consultants, along with knowledgeable Diagnostic/Evaluation experts/consultants in SLD identification in all student subgroups on the Handbook revision process to assist with the task of reconciling, that current Texas dyslexia, Child Find, 504 and RtI practices will be aligned and congruent with Federal IDEA law.
  
3. **Question:** How has the TEA provided explicit documented guidance regarding evaluation and eligibility practices of students with SLD when “even though the child has not failed or been retained in a course, and is advancing from grade to grade” are appropriately deemed eligible under IDEA?
  
4. **Comment:** The Preamble to IDEA provides clarity for states regarding Child Find Section 300.101(c) has been revised to clarify that a free appropriate public education (FAPE) must be available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course, and is advancing from grade to grade.

<https://idea.ed.gov/explore/view/p/,root,regs,preamble1,prepart1,B,.html>

#### **Questions/Comments Regarding Corrective Action 4: Monitoring Plan**

1. **Question:** How is the TEA utilizing the ESC’s to assist with mandatory training/education of school administrators, Special Education Directors, Special Education teachers, Speech/Language Pathologists, Licensed Dyslexia Therapists, Dyslexia teachers, Occupational Therapists, etc., of the loss of Federal funding implications if TEA and LEA’s choose not to move forward with the expectations outlined in the OSEP Corrective Action Plan?

2. **Question:** How is the Commissioner of Education engaging with the Governor, law makers, Agency staff and stakeholders to convey the importance of securing funds towards the implementation of the Corrective Action Plan in order for the state of Texas to be in compliance with Federal IDEA Law and sustain current Federal Grants and Federal Funding to the Agency, ESC's and LEA's?
  
3. **Comment:** As a stakeholder who engages with LEA's, and ESC's, it would appear the current level of initiation and communications across Texas has not been elevated to grasp the implications of a state receiving a written Corrective Action Plan from the US Department of Education in the one job the Federal Government asks states to do...to locate, evaluate, and serve ALL students with disabilities regardless of the severity. Now that we are aware that Texas has failed at their one job, we are hopeful the Agency and their leadership will surround themselves with Special Education experts from our state and across the national to assist with the Reconciliation Process.
  
4. **Comment:** Hospitals and Health Care Facilities MUST be compliant with Joint Commission or risk loss of funding and possible closure. In looking for components of implementation for a plan, the state of Texas may consider a non-profit regulatory system similar to the function of the Joint Commission.

Thank you for the opportunity for stakeholders to share our questions and comments. We support the Agency in moving towards compliance and ensuring all students with disabilities have access to their rights under IDEA.

## Suggestions on TEA Draft Proposed Action Plan

1. More training in teaching reading.
2. Require ESCs to provide certain amount of training on teaching students with Dyslexia reading, & other subjects.
3. Require ESCs to provide certain amount of training for educators to become Dyslexia specialists.
4. TEA should provide transparency on how it spends the \$18 million of IDEA funds budgeted for statewide projects, & the \$106 million budgeted for administration, & reprioritize the use of some of these funds.
5. Review the state process of dealing with complaints, & revise to increase its ability to create systemic change, & go beyond just compliance. Consider adding staff. Review how other states do this, & input from CADRE.
6. Encourage schools to use attorneys less, especially at ARD/IEP meetings.
7. Address the use of waivers of rights at mediations. Some parents do not understand the waiver, & the mediation is not successful.
8. Address the fact that the “heavy” use of attorneys puts many parents on the defensive, & upsets others since it takes money away from services for students, & staff.
9. Reduce funds to ESCs or develop plan on how to get them to provide more, & better services to educators, & students. Get in-depth input from schools, & special ed administrators on this.
10. Coordinate with, & periodically meet with Partners Resource Network (PRN), & other statewide associations (Parent 2 Parent; Family to Family; ARC-TX; Disability Rights-TX). This should go beyond a meeting with ESC parent liaisons.
11. Include Dyslexia, & Autism groups in #10, or ideally have some separate meetings with them.
12. Periodic meetings with TX Council of Administrators of Special Education (TCASE).
13. Consider requiring, or encouraging districts to have special ed advisory committees. Years ago this was required in all states. Some states, & TX districts still do this.
14. Give districts direction, guidance on allowing parent observation in classrooms. Limiting, restricting, or not allowing observations upsets parents, & does not create an image of cooperation.
15. Increase efforts to decrease the overuse of disciplinary practices, & the pushing out of students with disabilities.
16. Recognize, & address the growing number of students with disabilities being homeschooled.
17. Provide schools with guidance, resources, & encouragement to use academic alternative schools, or the technology, & programs they use for students with disabilities.
18. Allow, & encourage schools to use extended school services (ESY) for some students to catch up, but do not “regress”. Some states allow this.
19. Dissolve the SPEDTEX project at ESC 10. Use some of the funds to contract with a parent association or PTI to do key SPEDTEX functions, & the rest for dyslexia training.
20. Detailed, & current reporting of all special education advisory committee meetings, & discussions, & allow written, & verbal input to the members/committees.
21. Proposed compensatory services should include access to dyslexia specialists.
22. What are role of 2 new staff dealing with dyslexia regarding monitoring?
23. More clarification is needed on “focus” of escalation team. Does this go beyond district’s child find obligations? What do “critical & urgent issues” include? **Must** go beyond “identification gaps”.
24. Funds for expanding call center (spedtex ?) would better spent with existing parent groups.

Corrective action 1 says “Increase the size of the Review & support team” to 25, but the proposed budget shows 26.5 staff. It appears that there are currently no members of this team. Is that correct?

## Good Elements in Plan

All monitoring reports will be publicly reported for full transparency.

Compensatory services to students, with some state funding.

Statewide professional development for all educators.

One new staff member specifically dedicated to dyslexia/dyslexia-related guidance, support, and technical assistance, & one 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 RtI.

Escalation team.

Technical assistance vendors?? Not sure, if this is good or bad. Some parents feel that there is too much use of private entities.

Restructuring grant agreements ESCs to be outcomes-oriented, & close document review and approval of all ESC materials to ensure guidance in the field remains clear.

Review & support teams. “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.” “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.” **Excellent!**



Texas Classroom  
Teachers Association

PO Box 1489 | Austin, Texas 78767 | [tcta.org](http://tcta.org)  
888-879-8282 | 512-477-9415 | Fax: 512-469-9527

To Whom It May Concern:

The Texas Classroom Teachers Association, representing 50,000 classroom teachers and instructional personnel statewide, has the following comments regarding TEA's proposed Initial Draft Corrective Action Plan, drafted in response to orders from the U.S. Department of Education, Office of Special Education Programs.

**Regarding Corrective Action One**

- We strongly support TEA's proposal to increase its monitoring capacity and to increase the size of the Review & Support Teams in special education.
- **Regarding development of TEA's review process**, the initial draft CAP provides that this will be done with significant stakeholder consultation. We applaud this, but want to make sure that TEA includes teachers and instructional personnel as stakeholders with whom the Agency will engage in significant consultation for these purposes. As the most immediate in-school point of contact for students, teachers have valuable knowledge upon which TEA should draw to inform the development of an effective review process.

Additionally, the review/monitoring process should be used not just for purposes of past incidents of students for whom referral for special education services was denied/delayed, but also for new instances of students being denied/delayed referral for special education services.

- **Regarding on-site visits by Review/Escalation Teams**, the initial draft provides that teams will require unrestricted access to the school and staff, the flexibility to make both unannounced and scheduled visits to schools and districts, and the ability to review all necessary records and conduct confidential interviews with stakeholders (including staff). These are all essential components of an effective monitoring/review process and we strongly support them.

However, we have several suggestions with regard to these components. First, regarding unannounced visits to school/districts, TEA should outline in the CAP, at least generally, the conditions which would trigger an unannounced visit. We strongly suggest that some of those conditions include the use of a risk-based analysis of data collected by the Agency.



Additionally, TEA should establish a mechanism (in addition to interviews), by which teachers/staff and parents can confidentially report to TEA instances (past, current, and in the future) in which districts are not meeting IDEA's Child Find and FAPE requirements. These reports should be included in the risk-based analysis.

Finally, the conditions triggering on-site visits, including the risk-based indicators, should be informed by educators and parents.

### **Regarding Corrective Action Two:**

TEA's initial draft CAP provides that "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. Additional provisions include "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."

As part of this process, TEA should establish a mechanism by which teachers/staff and parents can confidentially report to TEA any students falling into the above-listed categories who may have not been identified by the district. TEA monitoring of the process should include consideration of these confidential reports by teachers/staff and parents.

### **Regarding Corrective Action Three:**

- TEA's initial draft CAP provides that "TEA will contract with an outside entity to create a **suite of resources** for parents of children suspected of having a disability that will describe the differences between RTI, the state Dyslexia Program, Section 504 and IDEA. The resources will be developed in conjunction with extensive stakeholder feedback and will include how and when school staff and parents may request interventions and/or services under these programs."

Since these provisions refer to a suite of resources which will include how and when school staff and parents may request interventions and/or services under these programs, and that the resources will be developed in conjunction with extensive stakeholder feedback, TEA must include teachers/staff as among the stakeholders with whom TEA will consult in developing the resources. Again, as the most immediate in-school point of contact for students, teachers have valuable knowledge upon which TEA should draw to inform the development of these resources.

- The initial draft CAP also provides that “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.”

We applaud the provision that the content development of the TEA-offered statewide professional development will be informed by the perspectives of educators, special education students, and field experts. It is essential that teachers/instructional staff be included in development of the content to ensure that it is relevant and of value to them. However, TEA should not just consult teachers/instructional staff about the content, but also about the **best delivery mechanism**. The initial draft CAP provides that the statewide professional development will be structured initially as a training institute for teachers around the state. This may or may not be the most effective/useful delivery mechanism to use, and consideration should also be given to other delivery mechanisms identified by teachers.

Additionally, TEA needs to clarify in the CAP what the conditions for teacher/instructional staff participation in the statewide professional development are – past experience in Texas has shown that incentivizing, rather than mandating, participation has been quite effective (reading institutes), and we would encourage this approach.

Finally, the initial draft CAP’s provisions that “All participants will be required to demonstrate content proficiency and implementation before being noted as having participated in the full program” needs to be clarified. What is meant by this and how will it be accomplished?

As an organization representing classroom teachers (both regular and special education) and instructional personnel across the state, we’d like to be included among the stakeholders with whom TEA regularly consults as the CAP is further developed and executed, as well as other state policy special education matters. We have been involved for many years as a stakeholder in TEA development of special education policy and would like to continue to do so.

Thank you for this opportunity to comment. We appreciate the many opportunities that TEA will be providing for stakeholder input throughout this process.

February 21, 2018

Dear Governor Abbot and Commissioner Morath,

I am writing in regards to TEA's Corrective Action Plan for special education. As our student population grows, so do the numbers and needs of our special education students. I am encouraged that our government is developing a plan to support these student's needs, and hope change trickles down to local schools through the feedback provided.

This is my twelfth year in education and my third year working with students in a resource/ inclusion setting. In this short time, I have noticed several trends in the department of special education:

1. The number of students receiving services has risen, but the number of support staff has not.
2. The number of responsibilities put on a special education teacher have increased, but the support has not.
3. The number of student needs have increased, but the training has not.

Many special education teachers feel defeated. The system is broken. What is on paper is not the reality of the school day. More funds are needed for training. More funds are needed for personnel. With the budget cuts and recapturing of funds from school districts, I am concerned that our resources, staff, and training needs will continue to be a struggle for special education students and personnel.

TEA's Corrective Action Plan can become the bold plan needed to meet the ever-changing needs of our special education students. I implore you to reach out to teachers and parents beyond the survey. Dig deep and find the right solutions for our students. Thank you for your consideration in advance.

Respectfully,

[REDACTED]

Special Education Inclusion Teacher

[REDACTED]

My name is [REDACTED] and I am the parent of a 20-year-old daughter with a diagnosis of Asperger Syndrome, anxiety and depression. My daughter, [REDACTED] is a 2016 graduate from [REDACTED] in San Antonio Tx located on the campus of [REDACTED].

I want to share with you the hurdles we have had to face with the special education system in NEISD.

My daughter was diagnosed with Asperger Syndrome at the age of 6. She received this diagnosis after being evaluated over a period of 3 days by a PhD therapist. Her pediatrician first addressed his concern that she was demonstrating the characteristics of a child on the spectrum and her psychiatrist concurred. At the time, my daughter had been attending a private school and the summer between her transition from private school to public school she was tested. I shared the results with my daughter's new school [REDACTED] and was told the school district wouldn't accept any outside testing and diagnosis. I then began the daunting task of filling out more paper work, so the school could have her tested by the districts master's level therapist. This therapist, within the first 6 weeks of school, spent maybe 2 hours with [REDACTED] and then discussed my daughters school performance with her teacher who was new to [REDACTED] and to my daughter. Through this interaction, the therapist concluded and informed me that my daughter didn't have Asperger syndrome. In addition, the districts OT refused to work with my daughter even though it was obvious she was having problems with muscle control as evidenced by her difficulty maneuvering the stairs at school and other activities that required balance and coordination. Her suggestion to me was to put my daughter on a diet and put her in gymnastics. I pointed out to this OT that there were many other children that were over weight that didn't have difficulty with balance and muscle coordination that my daughter displayed. The OT stated she wasn't going to provide my daughter with any services and she didn't feel the developmental delays my daughter was exhibiting interfered with her education. After the evaluations and my daughter was denied services, I refused to accept this school therapist evaluation and the school district had me select an outside consultant to evaluate my daughter, again! I took her to a contracted PhD therapist who stated in her evaluation that "beyond a shadow of a doubt" my daughter did have Asperger syndrome. While this was a relief to hear because by this point it had become obvious my daughter was on the spectrum due to her behavior, a year had lapsed meaning my daughter wasn't receiving the services she needed to thrive in school. From the time the district stated providing my daughter services, the only services she received was Speech Therapy.

Fast forward to High School. Towards the end of her freshman year, the special education department met with my daughter and I and recommended my daughter no longer participate in special ed as she was only receiving speech therapy and appeared to no longer benefit. She was discharged from special ed with the understanding and assurance that she **COULD ALWAYS BE PUT BACK INTO SPECIAL ED**. By 10<sup>th</sup> grade, my daughter was spiraling into a deep depression, partially due to the struggles she was facing because of the Asperger syndrome. She was also starting to struggle academically which she had never done in the past. I spoke with her therapist and psychiatrist on various occasions to try and determine if she was struggling because of her depression or because of learning

disabilities that hadn't been identified up to this point because high school especially ISA was requiring academic skills she hadn't had to utilize until this point. (I do want to be very clear about one thing. The teachers at ISA were the BEST. They were very supportive encouraging and realistic about [REDACTED] struggles and while they didn't allow her to do less than what was expected, they consistently provided support and accommodations to help her achieve deadlines and maintain a high-grade point average.)

When [REDACTED] entered her Jr year, her depression had much improved. However, she continued to consistently demonstrate academic struggles including some type of processing disorder that was interfering with her ability prioritize assignments, juggle her responsibilities and organize her thoughts, papers, etc. All of these issues did make her anxiety exacerbate. I spoke with her school counselor [REDACTED], explained [REDACTED] had previously received Special Ed services, and that I wanted to have [REDACTED] tested to identify the core of her academic struggles, so we could start making plans for accommodations when she went to college. [REDACTED] promptly refused my request for testing. I considered having an outside source test [REDACTED] but I remembered the experience from first grade when I learned the school district wouldn't recognize out of district testing results. [REDACTED] continued to struggle her senior year with the same issues. I asked her counselor, Julie Magadance, to please have [REDACTED] tested for learning disabilities. [REDACTED] was very supportive and completed the paper work and request for testing. I received a call from [REDACTED], the school psychologist. She stated she received the request for testing for my daughter, but she wanted to know why exactly I wanted her tested since she was an A B student. I explained several times that while she appeared to be an above average student, and that I knew she was capable of being an above average student, she was demonstrating serious academic problems and that if not for the constant assistance and accommodations from her teachers, [REDACTED] would be failing. I explained to her that I was concerned these issues would seriously affect her success in college if they weren't identified now to make sure [REDACTED] understood the root of her challenges and so we could get special accommodations in college. After having me print approximately 12 years of testing, evaluations, recommendations and reports costing over \$30.00, [REDACTED] informed me she wasn't going to test [REDACTED] because she would be graduating from school in the next 4 months. She acknowledged [REDACTED] was struggling but reiterated that **she would not test her**. Her solution was to refer [REDACTED] to the DARS worker who worked at the school with special ed students who were graduating and planned to attend college.

[REDACTED] and I met with the DARS worker in Feb of 2016. The DARS worker was to get back with us to provide more information about a college program called 2 plus 2. She also requested I provide various documents to her for qualifying [REDACTED] for the programs. After 3 months, we never heard back from this worker whose name is [REDACTED] despite the fact I contacted her numerous times. I remembered her telling us that she was at [REDACTED] on specific days, so I had to ambush her to speak with her and determine my daughter's status with regard to the DARS program. By this point graduation was 3 weeks away. After I tracked her down at school, she scheduled an appointment with me only to cancel and reschedule and cancel 2 more times. I began to realize she wasn't going to follow thru on her responsibilities when my daughter graduated from High School and [REDACTED] was not responding to my text messages or voice mails. (I had entrusted this state worker with financial documents, health reports and other very personal information only to be left

wondering where all this personal information was now, was it safe and how could I locate and contact Ms. [REDACTED] superiors to get my documents returned and to figure out what to do next). No [REDACTED] never did get into the 2 plus 2 program that Ms. [REDACTED] had encouraged [REDACTED] to enroll in with DARS and [REDACTED] Community College. I ended up contacting another DARS office. The worker had no idea about the 2 plus 2 program. Regardless, I took [REDACTED] to this worker as I knew she was going to need some type of support or advocate once she was enrolled in college. Today, my daughter struggles with the same issues as in school. I did have her evaluated after she graduated and just as I had been speculating, she has a processing disorder in addition to other learning issues. I believe had [REDACTED] been evaluated in high school, these issues could have been identified and she could have been working on coping skills to learn how to co-exist with her disabilities. In turn, she would have been better able to recognize and have a better understanding of the triggers that escalate her feelings of anxiety and depression. On a side note, [REDACTED] had attendance issues in high school. Many of the days she missed were precipitated by the intense anxiety she felt when she tried to plan out her school day and became overwhelmed by what she perceived as insurmountable projects, assignments and trying to juggle her academic responsibilities. Her self-esteem and confidence were and continue to be severely damaged. Unfortunately, my precious daughter's struggles didn't end when she graduated. I do not want to make the events of her life since graduation public, so I will end my recount at this point.

I understand and respect the need to utilize school funds in a way that will best serve the needs of the district as well having a limit as to how the school can assist a child. However, when parents recognize a deficit or limitation in their child and must depend on the school to complete evaluations since the school district won't accept outside evaluations, this really limits the amount of assistance a child can get in school, for school. I am aware that there are guidelines and protocols that school faculty are expected follow. I am also aware that faculty has a responsibility to advocate for students who are exhibiting struggles and limitations that directly or indirectly impact the student's ability to excel in school. I feel the more I requested assistance for my daughter in High School, the more apparent it was that a power struggle was taking place with [REDACTED] and [REDACTED]. As I close, I implore you to please recognize the struggles many students face doesn't fall into easy to define and understand diagnosis'. The struggles these students face have an impact on their well-being long after graduation. If we parents are to entrust the school system to meet our children's educational needs, the school system is going to have to be realistic about how interwoven the needs are and what the needs look like for each child and listen to the parents when they voice concerns about their child's struggles. I did my part as a parent. I made sure all my daughter's medical, mental health, educational, environmental and special interest needs were a priority and met to my fullest ability, but the reality is that when a child must spend the majority of their day in school and the school doesn't acknowledge or address the challenges the child is exhibiting or the concerns the parents are voicing, the child's is being neglected!

Addendum: I attended a Pathways To Adulthood conference after completing this letter but before I sent the letter. I learned that the school was to have planning sessions with the student and the student's family to address future plans and needs as well as what would need to be met in order for the student to achieve these identified goal. No one ever had

this type of meeting with my daughter. No team looked at what [REDACTED] day would look like regarding how she would spend the day from 8-5 after graduating. [REDACTED] has become very isolated and her depression has become very serious, requiring hospitalization. The reality is that [REDACTED] needed a transition plan when she graduated and to receive information about various programs that would be available to assist her with transitioning. Absolutely no plans or information were discussed prior to [REDACTED] graduation.

Thank you in advance for your time and attention to this issue. I am expecting to receive acknowledgement of this email. I can be reached at [REDACTED] or [REDACTED]  
[REDACTED]

Sincerely,  
[REDACTED]

School year	Sped %	Enrollment	Sped count	504 count	Sped+504	SPED tested last 5 years = 597 (SPP 11)	SPED found eligible last 5 years = 480 (SPP 11)	Total number of Prior Written Notices: Refusal to Test in last 5 years = 49
2003-04	16.6	-	-	-	-			
2004-05	17.6	5825	1023	-	-			
2005-06	16.0	5996	959	-	-			
2006-07	15.0	6077	910	-	-			
2007-08	13.7	6424	883	-	-			
2008-09	13.1	6642	867	-	-			
2009-10	11.8	6837	807	-	-			
2010-11	11.9	6925	825	-	-			
2011-12	11.1	7075	782	193	975			
2012-13	10.2	7117	728	289	1017	147	117	49 (a tenth of those found eligible)
2013-14	10.1	7231	733	402	1135	141	111	
2014-15	9.4	7185	678	519	1197	113	96	
2015-16	9.3	7049	658	642	1300	80	63	
2016-17	8.9	7169	641	869	1510	116	93	
2017-18	9.1	7152	648	911	1559	-	-	1

It is recognized that the special education process can be a complex process. It is also also recognized that our parents and our students have rights to clearly understand how this process develops. Though not always fully understood at the time, these rights are communicated regularly. Concerning evaluation, identification, and eligibility, parents and students have always had, and continue to have, a right to certain reliefs when they disagree with the decision made by their local school. These reliefs or processes that are already in place and are presently available to parents include:

- an Independent Educational Evaluation,
- dispute resolution,
- due process hearing,
- mediation,
- IEP facilitation,
- complaints to the Agency,
- contacting the special services director at the ESC, and/or
- support from the Parents Resource Network and Texas Project FIRST.

Additionally, IDEA still requires LEAs to give Prior Written Notice of Proposal, and Refusal, concerning identification, evaluation, programming, and placement. Said another way, LEAs may still



provide Notice of Refusals when it's information indicates a student **does not have a disability** or if the information indicates the student with a disability will not need **Specially Designed Instruction**. Most will agree that an LEA should not provide IDEA/special education entitlement for services to a student whom does not meet both of these two prongs of special education eligibility. The rights to Prior Written Notice as well as the processes for appealing are explained to parents within the "Parent's Guide to the A.R.D. Process" and in the "Notice of Procedural Safeguards". Parent rights related to both special education and Section 504 are also detailed to parents in the [REDACTED] ISD Student Handbook. It is suggested that these processes which are already established be strengthened and invested in.

Therefore, LEAs which have not received complaints or been investigated for failure to identify students for services should not be initially lumped into the CAP in the pursuit of potential non-referrals. And, unless there have been allegations made against them, is it a reasonable use of taxpayer dollars to require LEAs which have never dipped below the 8.5% threshold to also engage in the expensive proposal of revisiting all past RTI/dyslexia/504 students for possible sped eligibility? Given the current processes already in place for Prior Written Notice, IEEs, due process, complaints, parental support, etc. it seems a much better use of state resources and school staff's time to not blanket every district with certain Corrective Action requirements. Referencing the data table above, [REDACTED] ISD has conducted 597 initial evaluations over the past five years. These evaluations were conducted within our LEA by eight educational diagnosticians and eight speech language pathologists. Regarding the TEA Proposed Initial Draft Plan statement that "*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*", please consider the financial impact and productivity decrease when a district such as [REDACTED] will have over nine hundred Section 504 students for reconsideration "*for any parent or appropriate party who requests it.*" Instead of revisiting students whom have gone through the process already and whom have been given proper notice of the decision and notice of rights why not use these dollars to strengthen the "appeal" processes already there?

Instead of dedicating dollars and committing evaluation staff and special education providers away from their current responsibilities with students to investigate the potential "should have been referred", our district respectfully suggests that these Corrective Action efforts be directed to enhancing other activities at both the state level and the local level.

(1) At the state level:

- a. The Agency can refine the state's capacity to respond to complaints, hearings, phone calls, investigations, etc. If / when there is a substantiated concern from a parent, a quick response by the Agency directed to the LEA in question will address real concerns, and be an immediate win-win for everyone.
- b. If that particular LEA needs additional Agency support or intervention then that level of monitoring would be understood. The Agency can address these exceptions in an efficient and effective manner.

- (2) At the local level;
- a. LEAs might perhaps be required to demonstrate its efforts of explaining the special education process to its local parents. A potential Corrective Action Plan element might require a need for LEAs to advertise, convene, and document annual parent meetings in an effort to communicate more clearly the contents of the ARD Guide and the Procedural Safeguards.
  - b. An LEA should conduct well-documented Referral Process trainings with campus and district staff responsible for delivering RTI, dyslexia, 504, and sped services.
  - c. Evidence of these Parent Meetings and Referral Process trainings could be submitted annually to the state agency.
- (3) LEAs ask for clarification on two subjective components related to the identification of students with disabilities for IDEA eligibility.
- a. For one, what does it mean to suspect a disability? Given the many factors which can negatively impact a child's capacity to progress in the enrolled grade level curriculum, every struggle is not necessarily an indication that there is a disability. The influence of determinant and exclusionary factors such as opportunity to learn, poverty, and mobility must be considered. If a district does not suspect the struggles to be a result of a disability, then there is not an obligation to evaluate. Evaluation staff and referral teams wade cautiously through this aspect of Child Find.
  - b. The other subjective component is related to the definition of specially designed instruction. The need for SDI indeed separates a 504 student from a special education student. LEAs seek additional clarification in identifying what is "specially designed" with instructional delivery in some settings. With increased access to powerful instructional technology; with a rise of complex student behaviors not related to IDEA-recognized diagnoses; with prevalent social challenges; and increased enrollments of ELLs we are to the point of "something special" for most; not the few! Adding to the confusion when attempting to limit "specially designed instruction" for just those in special education :
    - i. Dyslexia services as a form of specially designed instruction based upon a *reading condition*.
    - ii. The TSBVI requesting counts on 504 students, as well as special education students, with visual impairments.
    - iii. Recent legislation allows the creation of general education behavior settings for students below the third grade.
    - iv. Non-IDEA-eligible students with serious behavior disorders such as Conduct Disorder could have behavior plans and multiple supports, similar to their Emotionally Disturbed classmates.

## WEBINAR INPUT 2017

Age 3 PPCD did not include Speech in the ARD meeting, but he could not talk. Our insurance did not cover speech therapy. ARD meetings were emotionally draining and intimidating as the professionals explained what he could not do. When he went to another school, learned from other mothers he could qualify for SSI to help pay for therapy. Time was lost and he could have had therapy outside the school all this time.

We were fortunate to learn from [REDACTED], the importance of placing him on Waiver lists. He did finally have some assistance after school and he began to progress. He learned basic Sign language and learned to read. I read to our kids every night. He improved and was able to learn multiplication tables up to 12. He learned how to program his Dynavox speaking device at home.....which should have happened at school also, but most were unfamiliar with his device. Thus began our long journey of learning how to advocate in ARD meetings and fill out forms to qualify for assistance after school and therapy. We pushed for sign language and our family went to community classes at [REDACTED], the school where he could have been immersed in sign language instruction, but they would not accept him because he is not deaf.

We even had a lawyer at one time attend an ARD meeting by phone and the schools lawyer convinced us that the teachers would learn his sign language over the summer. This did not happen. They posted the ABCs in sign language in his classrooms. Later, we found an assistant who knew sign language and had worked in another school in this city, but the school would not hire as an aide even though [REDACTED] and I spent 4 hours with her and [REDACTED] related to her very well.

Now he is 16, but still not much progress has been made, especially in the school. He has proven he can learn and surprises people with what he knows on occasion. He is difficult to test as he is non-verbal. Once we counted 860 words he knows in sign language. He seems stuck on reviewing ABC's and still enjoys toddler activities and movies. He can read, but likes books younger than his age. He does not understand basic math and money. He can only ride an adult bike with 3 wheels.

We are still trying to expand his interest level into more age appropriate activities but we have to teach/train the providers first, so this is time consuming.

We have found out over the years that his name has been posted in the newspaper for making A's and B's or straight A's. However, he is in special classes and will not qualify for a real degree. Now we realize that the school is very good at filling out paperwork and giving us meaningless repetitive reports showing progress. They are so concerned with the paperwork, the children with Special Needs are getting left behind, but the papers are complete and detailed because that is the requirement and reports are what make the school look good. Instead of reports the patient need to be followed by people with them who are not hired by the school and should be tested by outside resources. The struggling children are pushed through with modifications and not really learning like they could be.

They are not viewed as capable. I have heard it explained that this school is great if you are college bound, but if struggling, there is no really great help for these students.

They are passed through to make the school look good at the expense of their loss of education.

This is a sad but true story. I realized too late a lot of times and/or was too exhausted to advocate. I think what happens is that everything is agreed upon in the ARD, but who knows how well it is carried out. I did visit on occasion, but was discouraged to visit as he got older.

I did ask for work to be sent home, and other times an overwhelming amount....like you asked for it.....sometimes I would get a reply that so much is done on the computer. He could have memorized his log-on code or lunch number through the years, but he was never taught. It didn't occur to me until these later years that he should know this number by now..... another example of not seeing him as capable. I brought it up in the last ARD meeting and wondered what else he has not been taught that he would have been capable of.

So saying all of this to say, we all need better training for these kids. We need trained individuals that can teach the family and teachers what to do and not to do. They need to follow the child through the

school as a check up on the schools. The parents should not have to teach the teachers about their child. The money needs to follow the person. The experts need to be trained well and able to teach: Do not say what not to do. All communication is behavior. Teach how to handle behavior communication issues. Provide what the child needs. Speech therapy needs to help more with the programming of devices and teaching to program the speech devices of non-verbal students, aides, & parents. It should not have to be advocated for but in this age of technology a requirement. The trained need to be qualified and efficient. If the child uses sign language provide someone who knows sign language. This sounds so simple, but is very difficult to accomplish at this time. The money should go to the people who need it the most. Sadly, the ones who need it the most get the least. What if you were to develop a hardship or healthcare issue which made you unable to speak?

Parents need help to fill out and understand forms. Phone calls to Medicaid, and government Health and Human Services need more efficient phone answering and qualified workers.

The most current issue is he had the choice for [REDACTED] or [REDACTED] p so we chose [REDACTED]. Now he qualifies for home OT, PT, and SPEECH so we took him out of therapy in December to plan for the change. This change has been difficult. There have multiple meetings, companies, and evaluations and paperwork to change from MDCP to CLASS. I found out what companies serve our area in the home for PT, OT, and SPEECH after multiple long waits on the phone and half a day of phone calls. Then when we contacted one, they did not accept [REDACTED]. My understanding was that it was the best company so I did not go away easily. I have made several phone calls and spoke to the Director of the agency. Then I found out that we should have been assigned a care coordinator from [REDACTED] to handle the calls.....So we are in the middle of getting [REDACTED] approved and now it is his third month out of therapy.

We had experiences a high turn over of workers when we used a home health agency for his providers and they were not trained at all. We had to train all of them. They did not even

know he could not talk when they arrived. We changed to the [REDACTED] option and were privileged to find some quality workers on our own through the years.

Since he has changed from MDCP to CLASS, our provider got married and we did not have other resources, so advertised at local colleges. We did not require sign language because we have had a difficult time to find providers with sign language. We did not have experience hiring this way and after no further responses for a few days we hired one who [REDACTED] will have to teach his sign language to. Then, after we hired, we received 3 more responses from providers who know sign language. In hindsight we should have taken interviews over 2 weeks and then made a decision. So this is where someone experienced who knew the market would have been helpful. We are thankful though of what we have at this time and we are trying to hire one with sign language as back-up. If anyone has advise on this situation, please reply. Thanks

Penny Schwinn  
Chief Deputy Commissioner of Education  
Texas Education Agency  
1701 North Congress Avenue  
Austin, TX 78701-1494

RE: Corrective Action Plan – Special Education

Thank you for this opportunity to provide our initial comments and input for the Corrective Action Plan. The Coalition of Texans with Disabilities (CTD) is pleased to be a part of this process and looks forward to continuing this discussion and is excited about other initiatives that TEA can undertake to remediate the harmful actions of the 8.5% enrollment cap to create an equitable and successful public school special education system.

Immediate changes – management suggestions

- CTD requests that TEA **suspend all legal proceedings regarding conflicts over FAPE** and/or services and supports pending a review by an assisted resolution specialist or a third party reviewer while temporarily granting the request for services. There is sufficient reason to believe that certain legal actions (denial of services) are implicated as problematic in the U.S. Department of Education (DOE) letter. Suspending these specific proceedings would be a great first step to rebuild trust for parents and ensure that a case that might fall under the (DOE) concerns does not continue.
- It is critical to **fast-track the assisted resolution concept**, as described by TEA executive staff during the past two meetings. CTD suggests that the expanded staff should include a specialist on evaluations to help Local Education Authorities (LEA's) (and potential contractors) to navigate the potential increase in evaluations.
- Any plan must have a **feedback mechanism** to discover problems and issues that are not being resolved. Traditional monitoring alone cannot address immediate concerns due to the lag time in collecting statewide data. While the final plan must be detailed before implementation, it must also be flexible and agile as the student population shifts from Response to Intervention (RTI) & 504 accommodations into Special Education (SPED). CTD strongly suggests that enrollment will be a fluid situation for at least three years and any plan must be able to address significant semester to semester and annual changes.

General principles

- Terminology matters, and CTD has spoken with several SPED parents who are unclear about what the DOE refers to in the corrective action letter because TEA and school districts use different terminology or definitions as vernacular use in Texas.



- As a rule, CTD prefers that respectful and consistent language is used in regards to people. Respectful language can soften communications problems and help parents and educators understand and implement federal guidance(s).
- For example, Texas uses Admission, Review, Dismissal (ARD) and the DOE uses IEP Team. The use of IEP Team has collaborative implications and would be part of the culture shift that needs to occur.
- Perhaps adoption of DOE terminology might be particularly useful if any training materials from outside the Texas market are found to be useful for teacher and parent training.
- CTD is concerned that simply using “Dyslexia” and not using “Dyslexia and Related Disorders” may continue to ignore many children with associated learning disabilities. DOE identifies this distinction in their letter; however, it is imperative that the corrective action plan use inclusive terminology.
- The English Language Learners (ELL) who also receive SPED, 504 or RTI services need significant focus and procedural changes throughout the entire public education system. The lack of a Spanish STAAR Alternate test is simply atrocious. In addition, as stated below, PBMAS incorrectly aggregates ELL students with disabilities in several areas. A comprehensive revamp on how non-English speaking students with disabilities are regarded, accounted for and served is in order.

#### Corrective Actions

- Recovery
  - SB 927/HB 3437 addressed several of the issues outlined by the DOE adequately and the concepts should be (and appear to have been) added into the proposed plan template by TEA. Disability Rights Texas’ Steven Aleman provided the committee substitute (CSHB 3437) to TEA to address a short term plan. However, we feel that the original (as-filed) bill has great value as long-term planning guidance. We have attached the bill and the bill analysis (see attached).
- Early Childhood Intervention (ECI) and Child Find
  - As TEA is charged with having policies and procedure to ensure “Child Find” from ages 3-21, a more consistent mechanism must be in place to ensure that children who are in ECI are tracked and evaluated when entering PPCD (Preschool Program for Children with Disabilities) or kindergarten. Many children who should receive ECI no longer qualify for this important support and many more do not utilize PPCD after age three. CTD suggests TEA review the collaboration with ECI staff at HHSC in order to create a tracking system that identifies children who received ECI and who may have been referred as required by Child Find but did not qualify for or receive services.
  - Perhaps accepting evaluations for those who have existing ECI or pre-k evaluations and/or IEPs at initial school district intake might streamline the initial IEP Team meetings as so many schools struggle to find evaluators and teachers during the summertime.
  - CTD suggests that ECI contractors are uniquely qualified and experience with providing detailed evaluations. Therefore, leveraging these contractors to meet the potential





obligation for new evaluations, in particular for those children who may be entering kindergarten, would alleviate the pressure on LEA evaluators.

- Extended school hours (ESH) and school year (ESY)
  - Extended school hour and school year programs are extremely difficult for children with disabilities to qualify for. The general education students have much greater access to tutors, summer school and other remediation opportunities due to the focus on accountability testing. CTD suggests that accountability measures be added so LEA's must track and report on the use of ESH and ESY.
  - Many students regress over the summer break; possibly more so for students with disabilities. However, CTD believes it is imperative that ESH and ESY should be utilized on an as needed basis and follow the same guidelines as non-SPED students in order to provide additional instruction when students struggle. Equity is important for all student populations.
  - Both after school tutoring and summer school will be a very useful tool for those who are eventually recognized as unidentified or received inadequate services due to the 8.5% enrollment cap.

#### RTI

- The passage of SB 1153 significantly addresses many of the issues cited in the DOE letter with RTI. However the implementation needs to be fast-tracked in order to impact the next school year.
- In addition, it is imperative that teachers and parents receive adequate training on what RTI is, how it can help the student, and when an evaluation for SPED should occur. RTI appears to be a mystery to LEA's and parents and must be made transparent.
- Significant amounts of teacher in-service training and parent training are absolutely needed.

#### 504

- I have heard many teachers refer to 504 as the only option for students with disabilities and equate 504 with SPED, "same services and everything." As this is obviously not true, it has become clear that basic teacher and parent training are clearly needed statewide.

#### Dyslexia

- As the DOE letter specifies, Texas' handling of dyslexia and related disorders needs a complete overhaul. As the State Board of Education (SBOE) is tasked with aspects such as the Dyslexia handbook and the implementation of HB 1886 it is imperative to ensure that the SBOE adequately works towards all efforts delineated in the corrective action plan.
- It is unclear exactly how TEA should proceed when the Handbook is not technically in TEA purview. However, SBOE support is crucial for positive change.



## Accountability

- It is clearly ironic that monitoring the corrective actions needed for accountability must use the PBMAS system
  - Additional modifications to PBMAS must be made to track and incentivize enrollment increases and other accountability standards expressly stated in the DOE letter.
- In addition, advocates made extensive joint comments (see attached) during the comment period for the 2017 amendments to the PBMAS manual. Those comments were not incorporated into the final published manual.
  - CTD would suggest these changes be reviewed and incorporated into an amended manual as soon as possible.
  - In addition, CTD believes that significant aggregation of data decreases accountability and skews results, for instance:
    - STARR Spanish has been used as the denominator on multiple indicators as there is no Spanish STAAR Alternative assessment. Recommendation: remove the STAAR Spanish from #'s 1, 2, & 4 indicators and creating 3 new SPED indicators in the BE/ESL indicators section (exactly as has been done in the CTE Indicators section when special education students are relevant to that set of indicators).
  - Absolutely no SPED Indicator should be considered “Report Only”
  - Dropout and Graduation rates appear to disregard students who may stay in school from 18-21 years of age. It is crucial that these kids are tracked and districts are held accountable.

## Teacher Training and Certifications

- SB 529 did not pass in the previous legislative session but provides a great templet for teacher training at the LEA and University levels that will be extremely helpful in ongoing efforts to provide special education training and the required certification guidelines for current and future teachers (see attached).
  - This bill was negotiated later in the session as a tiered system for current certified teacher trainings. This model could be potentially helpful considering the costs of training, teacher availability and demands, and the demand on trainers. Suggestions included trainings to begin with general education teachers and aides who currently serve an IEP being trained first, then anyone who works with a student with and IEP, and so on until all teachers and aides have received training. Training topics included behavioral training, focused intervention on students with IDD, autism, dyslexia and related disorders, and many more.
  - Two additional bills that did not pass (HB 3244 & HB 1918) (see attached) would have provided incentives and support to teachers to extend their professional development specifically for special education, 504, dyslexia and related disorders, and autism. A pilot project using grants, or other incentives to pay for training could jumpstart aspects of the corrective action plan. Education Service Centers have the experience and



responsibility and should be leveraged to the fullest extent to provide a significant amount of training for the summer of 2018.

#### Additional Guidance

- Sunset Recommendations
  - The Texas Sunset Commission has reviewed TEA several times over the past decade. Minor parts of the recommendations became legislation, but an actual omnibus Sunset bill has never passed. TEA was always continued with another limited purpose review to be done the following session. Potential agency changes were recommended over multiple reports and some recommendations (including management recommendations) were agreed to be implemented by previous TEA executive management. Unfortunately most of these were never implemented. In particular, repetitive recommendations about stakeholder input and contracting. A review of the Sunset recommendations may be helpful (<https://www.sunset.texas.gov/reviews-and-reports/agencies/texas-education-agency-tea>) for TEA.
  - To address meaningful stakeholder engagement and input, HB 3815 (see attached) was filed as standalone bill. The bill derived from the previous Sunset recommendations and legislation. HB 3815 would have directed TEA to create a public input policy that focuses on public involvement, complaints, negotiated rulemaking, alternative dispute resolution, and adds potential Commissioner appointed advisory committees. This bill did not pass. However, CTD suggests that TEA could use this bill as a guideline to build trust, increase stakeholder input and professionalize the stakeholder input process. In addition, changes outlined in the bill would align TEA with many other state agencies.

CTD has provided a short list of potential changes that would address some of the issues highlighted in the DOE letter. CTD feels that having advocate and parental input into the creation of this corrective action plan is a great first step to achieving success. Please feel free to contact staff member Chris Masey, Senior Policy Specialist, with questions and follow up.

Sincerely,

Coalition of Texans with Disabilities

Penny Schwinn  
Chief Deputy Commissioner of Education  
Texas Education Agency  
1701 North Congress Avenue  
Austin, TX 78701-1494

RE: Corrective Action Plan – Special Education – 1<sup>st</sup> Draft Comments

Thank you for this additional opportunity to provide our comments and input for the Corrective Action Plan Draft. The Coalition of Texans with Disabilities (CTD) is pleased to be a part of this process and is excited about other initiatives that the Texas Education Agency (TEA) can undertake to remediate the harmful actions of the 8.5% enrollment cap to create an equitable and successful public school special education system.

General Observations:

- We feel many of the initial comments that we made on January 15<sup>th</sup> are still relevant and important and should be addressed in the next iteration of the Corrective Action Plan. We have attached our initial comments for ease of reference.
- The stakeholder roundtable has requested multiple times to be provided with an accounting report (or chart) with descriptions of the current uses of IDEA discretionary funds and riders that influence the spending of these funds. CTD believes that understanding how funding streams are currently allocated will increase transparency and facilitate meaningful future budgetary discussions.
- CTD suggests that TEA request a limited purpose review by the Legislative Budget Board to assess the distribution and use of IDEA funds to provide third-party transparency. A limited purpose review would provide legislators with important information in preparation of the 86<sup>th</sup> Legislative Session in January of 2019.

Concerns:

### **Funding**

As discussed at the Special Education Community Stakeholders Meeting on February 9<sup>th</sup>, we feel that it is important that the Corrective Action Plan address comprehensive systemic reforms to special education in Texas. We feel it is a lost opportunity to limit the corrective action plan to existing identifiable discretionary funds. If the corrective action plan is fundamentally limited in scope, we believe that the effectiveness of the corrective action plan will be undermined.

CTD is convinced that this is an opportunity to jumpstart many needed positive changes; beginning with Department of Education (DOE) Corrective Action letter and continuing with increasing the

quality of special education in Texas after the Supreme Court decision in *Endrew F. v. Douglas County School District*. We are concerned that the disability community will not embrace a corrective action plan that is not comprehensive and does not fully address the needs of children with disabilities in public education.

However, we fully understand that resources are limited and that any corrective action plan must receive financial support for both TEA and the Local Education Authorities (LEA's). Therefore, we feel a tiered approach should be implemented:

1. Use of IDEA funds to support LEA's expected increases in assessments and compensatory services
2. Supplemental funding request for 2018-2019 school year for TEA monitoring and startup expenses
3. One-time expenditure request for specific corrective action plan implementation (2020-2021 budget)
4. Creating a new funding goal, objective, and strategy in TEA's Legislative Appropriations Request for the next biennial budget

#### **Use of IDEA funds to support LEA's expected increases in assessments and compensatory services**

We strongly believe that **all IDEA discretionary funds** at this time should be expended only to serve students with disabilities - not used for staffing needs that TEA has outlined to meet the monitoring requirements of the corrective action plan.

Therefore, TEA should set up IDEA discretionary fund grant pools for LEA's to provide for the:

- expected increases in assessments, evaluations, screenings,
- increases in special education staff time to perform the assessments,
- additional staff time for IEP Team Meetings (ARD),
- compensatory services for students with disabilities who were denied services or are not on grade due to the lack of services.

CTD expects that there will be a surge in parents requesting assessments, evaluations, and screenings due to the outreach efforts described in the corrective action plan. These initial services will require additional LEA staff time (and potentially non-staff consultants) to provide these services in a timely manner as mandated by Federal law. In addition, TEA should explore concepts that increase the potential workforce of qualified individuals to provide assessments, evaluations, or screenings, including third party contractors, accepting third-party evaluations, and leveraging ECI providers.

TEA should also consider changing the current standard operations of Extended School Year (ESY) and Extended School Hours (ESH) by LEA's to address the need for compensatory services. Students

without disabilities use ESY and ESH on a regular basis when remediation is needed. However, students with disabilities must show regression (rather than a failure in accomplishment) to qualify for limited extended services. ESY and ESH could provide cost-effective solutions for compensatory services but will require significant changes in current policy and procedure.

#### **Supplemental funding request for 2018-2019 school year for TEA monitoring and startup expenses**

TEA must request supplemental funding from the Texas Legislature to provide funds for additional TEA staff and startup funds for the monitoring objectives of the corrective action plan. A supplemental request would allow for much greater funding and flexibility for TEA to fully deploy the needed staff to address monitoring concerns; rather than limiting monitoring staff to available IDEA discretionary funds.

#### **One-time expenditure request for specific corrective action plan implementation (2020-2021 budget)**

TEA must seek one-time funding (not an exceptional item) for targeted funds to implement initial corrective action plan objectives such as outreach that require a single massive effort. A single funding request would be beneficial to increase transparency and to provide well-defined and achievable activities that relate directly to the goals and directives of the corrective action plan.

#### **Creating a new funding goal, objective, and strategy in TEA's Legislative Appropriations Request for the next biennial budget**

Lastly, TEA must commit to creating a new funding goal, objective, and strategy that focuses on implementation of the long-range goals of the corrective action plan. It is imperative that TEA make the goals of the corrective action plan a permanent and persistent effort that will receive consistent funding to ensure students with disabilities receive the proper supports and services.

With years of Texas legislative experience, CTD believes that a multifaceted funding structure will successfully meet the needs of children in special education and will provide the opportunity for the disability community to support these requests during the 86<sup>th</sup> Texas legislative session. Without funding request from state agencies, CTD has found it very difficult to educate lawmakers on the importance of program and plans like the corrective action plan.

CTD looks forward to continuing this dialogue and supporting TEA's efforts to submit a corrective action plan that address the areas of concern and provides resources and supports for TEA and the LEA's. Please feel free to contact staff member Chris Masey, Senior Policy Specialist, with questions and follow up.

Sincerely,

[Redacted signature]