



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICE

June 21, 2023

Honorable Mike Morath
Commissioner
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701

Dear Commissioner Morath:

We are pleased to inform you of the U.S. Department of Education's Office of Special Education Program's (OSEP) decision, pursuant to C.F.R. §200.208(e) to remove the Specific Conditions from Texas Education Agency's (TEA) Federal Fiscal Year (FFY) 2023 Part B of the Individuals with Disabilities Education Act (IDEA Part B) grant awards, effective as of the date of this letter. This letter contains a summary of the basis for imposing Specific Conditions on TEA's FFY 2021 and 2022 IDEA Part B grant awards and the actions that TEA has taken that support removal of those Specific Conditions.

The noncompliance that led to the initial imposition of Specific Conditions on the State's FFY 2021 IDEA Part B grant award resulted from OSEP's February 2017 on-site monitoring visit. OSEP subsequently issued findings of noncompliance and required actions in its January 11, 2018, monitoring report¹ and put the TEA on notice of its failure to comply with certain IDEA requirements. On April 23, 2018, TEA submitted its Corrective Action Response (CAR) to OSEP. The CAR detailed actions TEA would take to resolve the findings of noncompliance and the required actions imposed by OSEP in January 2018. OSEP's October 19, 2018 letter required TEA to take certain additional actions to address and demonstrate correction of the findings of noncompliance identified in January 2018, and it informed TEA that OSEP would conduct a follow-up visit in 2019 to monitor TEA's implementation of the CAR. In January 2019, TEA provided additional information about its implementation of the CAR. In May 2019, OSEP conducted another on-site monitoring visit to assess TEA's progress in implementing its CAR and issued a report of the results of its monitoring activities on October 19, 2020. In the 2020 monitoring report, OSEP concluded that TEA had implemented only one of the items in its April 2018 CAR and had failed to implement the additional required actions in OSEP's October 2018 response to the CAR, despite TEA's belief that it had completed all actions outlined in its CAR. In response to OSEP's 2020 monitoring report, TEA submitted numerous documents supporting TEA's assertion that it corrected all findings of noncompliance. On August 27, 2021, OSEP issued its analysis of TEA's submissions, determining that TEA had not taken the necessary actions to correct all the previously identified noncompliance and requiring additional actions to address the continuing noncompliance. On September 28, 2021, TEA submitted documentation to show its progress in carrying out the required actions in OSEP's August 2021 letter. Based on

¹ A copy of OSEP's 2018 monitoring report is available at <https://www2.ed.gov/fund/data/report/idea/dmsrpts/index.htm>

TEA's submissions, OSEP determined that the State had satisfied some required actions but had not satisfied the required actions related to the State's Dyslexia program and the State's general supervision responsibilities.

On October 1, 2021, pursuant to IDEA section 616(g) and 2 C.F.R. § 200.208, OSEP first imposed Specific Conditions on the State's FFY 2021 grant award under Part B of the IDEA due to the State's longstanding noncompliance with ensuring that the Dyslexia program is implemented and monitored consistent with IDEA's requirements for the provision of FAPE, child find, evaluations, and the State general supervision requirements.² OSEP continued to impose Specific Conditions on the State's FFY 2022 grant award.³

On November 1, 2022, as required by the Specific Conditions imposed on the FFY 2022 grant award, TEA submitted documentation demonstrating that 100% of LEAs in Texas had been trained on the changes in the revised Dyslexia Handbook and had verified that all LEAs in the State had posted the To the Administrator Addressed letter (TAA letter) on their local, public-facing websites, and had updated all websites, materials, static resources, and information available to parents and staff to reflect the revised Dyslexia Handbook. At that time, TEA requested that OSEP reconsider its Specific Conditions in light of the substantial progress that the TEA had made in ensuring that the Dyslexia program, including the revised Dyslexia Handbook, was implemented and monitored consistent with IDEA's requirements for the provision of FAPE, child find, evaluations, and the State general supervision requirements.

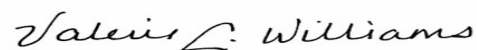
In response to TEA's request, OSEP conducted an onsite visit with TEA staff on February 13 and 14, 2023, to discuss and review the evidence submitted as required by the Specific Conditions on the State's FY 2022 grant award.

OSEP has determined that consistent with IDEA sections 612(a)(1), (3), and (11) and the IDEA regulations at 34 C.F.R. §§ 300.101, 300.111, 300.149, and 300.600 that TEA has satisfied the Specific Conditions imposed on the State's FFY 2022 IDEA Part B grant award.

OSEP appreciates the State's progress and commitment to ensuring that the Dyslexia program, including the revised Dyslexia Handbook, continues to be implemented and monitored consistent with IDEA's requirements for the provision of FAPE, child find, evaluations, and the State general supervision requirements. OSEP will continue to provide technical assistance and monitor for compliance with IDEA's requirements.

If you have any questions, please contact Jennifer Finch, your State Lead, at Jennifer.Finch@ed.gov.

Sincerely,



Valerie C. Williams
Director

² Further details regarding the engagement between OSEP and TEA can be found in the background section of the October 1, 2021 specific conditions at: <https://www2.ed.gov/fund/data/report/idea/dmsrpts/index.html#b-tx>. Those details are incorporated herein by reference.

³ The OSEP July 1, 2022 specific conditions letter can be found at: [tx-2022b-letter.enclosures.pdf \(ed.gov\)](#)

Office of Special Education Programs

cc: Justin Porter

Associate Commissioner and Chief Program Officer
Department of Special Population and Policy

Kristin McGuire
State Director of Special Education