



Continuing Advisory Committee for Special Education

Report to the Governor of Texas
and Texas Legislature

January 2019

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Executive Summary

The Continuing Advisory Committee for Special Education (CAC) is the state advisory panel required by the Individuals with Disabilities Education Act (IDEA) to:

- Advise the Texas Education Agency (TEA) of unmet needs within the state concerning the education of children with disabilities;
- Comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities;
- Advise TEA in developing evaluations and reporting on data to the Secretary of Education under Section 1418 of IDEA 20 U.S.C. §1418;
- Advise TEA in developing corrective action plans to address findings identified in federal monitoring reports under Part B of IDEA; and
- Advise TEA in developing and implementing policies relating to the coordination of services for children with disabilities.

The CAC also advises TEA on standards related to significant disproportionality determination and is required by state statute to submit a report to the legislature biennially with recommended changes to state law and agency rules relating to special education.

The committee is comprised of 17 members. Governor Greg Abbott has appointed Shemica S. Allen, Teresa A. Bronsky, Jo Ann Gama, Stephanie Y. Martinez, Jana C. McKelvey, and Kristin K. Tassin and reappointed Erin S. Wilder to the Continuing Advisory Committee for Special Education for terms set to expire on February 1, 2019. He also appointed Karen W. Beasley, Elizabeth A. "Beth" Donaldson, Rachel A. Dreiling, Kristine H. Mohajer, Agata K. "Agatha" Thibodeaux, and Jo Ann Garza Wofford and reappointed Jana S. Burns, Julia Wesley Erwin, Robin H. Lock, and Laurie Goforth Rodriguez for terms set to expire on February 1, 2021. The committee provides policy guidance on special education and related services for children with disabilities in Texas.

Chair: Teresa A. Bronsky of Plano is head of school for Bridge Builder Academy in Richardson. She is a member of the Plano ISD Special Education Advisory Committee and House District 67 Educational Advisory Board. She is also a member of the Council for Exceptional Children, Association for Supervision and Curriculum Development, and the National Association of Special Education Teachers. Bronsky received a Bachelor of Science in elementary education with a specialization in special education from Texas Woman's University.

Vice-Chair: Shemica S. Allen of McKinney is CEO and founder of Personalized Learning Solutions, LLC. She is a member of the Council of Parent Attorney and Advocates and the National Association for Professional Special Education Advocates. She is a former coach for the Special Olympics of Texas. Allen received a Bachelor of Science in education from the University of Arkansas and a Master of Science in kinesiology from Texas Christian University.

Vice-Chair: Stephanie Y. Martinez of Laredo is the student success coordinator at Texas A&M International University in Laredo. She was previously appointed as a student regent to the Texas A&M University System Board of Regents. She is a Big Sister for Laredo Big Brother Big Sister and volunteers for Casa de Misericordia, South Texas Food Bank, and Laredo Animal Protective Services. Martinez received a Bachelor of Arts in communications from Texas A&M International University, where she is also currently completing her Master of Art in communications.

Agatha K. Thibodeaux of Katy is parent and advocate of the special needs community. She is a member of Katy Independent School District Parent Teacher Association and former member of the American Marketing Association. Thibodeaux received a Bachelor of Arts in marketing from Metropolitan State University in Denver.

Elizabeth A. "Beth" Donaldson of Stowell is an education specialist for Windham School District. She is a member of the Texas Educational Diagnosticians' Association, Legacy Christian Parents, Teachers and Friends and former volunteer of Some Other Place. Donaldson received a Bachelor of Science in education, a Master of Education in special education, and a diagnostician certification from Lamar University.

Erin S. Wilder of Round Rock is a statewide transition specialist and certified rehabilitation counselor for the Texas Workforce Commission. Wilder received a Bachelor of Science in psychology from Texas Tech University and a Master of Education in vocational rehabilitation counseling from The University of Texas at Austin.

Jana S. Burns of Saginaw is director of Teaching and Learning for Region 10 Education Service Center and is a former director, principal and teacher for Eagle Mountain-Saginaw ISD. She is a member of the Texas Association of School Administrators, Texas Council of Women School Executives, Texas Council of Administrators of Special Education, and Association of Education Service Agencies. Burns received a Bachelor of Business Administration from the University of North Texas, a Master of Educational Leadership from Texas Woman's University, and a certificate in education leadership from Tarleton State University in Stephenville.

Jana C. McKelvey of Austin is a founding member and steering committee member for Texans for Special Education Reform, member of the Eanes ISD Parent Working Group and a project advisory committee member for the Young Leaders for Safe and Inclusive Communities' Project at SAFE (Stop Abuse For Everyone). She also volunteers for Camp Grace at Austin Oak Church and as an educational consultant. She is a former member of the Eanes ISD Digital Learning Task Force and a former volunteer for the Westlake Chapter Young Men's Service League and the Global Orphan Projects. McKelvey received a Bachelor of Science in agricultural economics from Texas A&M University.

Jo Ann Gama of Edinburg is the co-founder, president, and superintendent of IDEA Public Schools. She is also a founding board member of Latinos for Education. She is a former teacher with Teach for America, former member of the President's Commission on Educational Excellence for Hispanics. Gama received a Bachelor of Arts in international relations from Boston University and a Master of Education in educational leadership from the University of Texas Pan American.

Jo Ann Garza Wofford of New Braunfels is a vice president and senior fiduciary administrator for Wells Fargo Investment Fiduciary Services. She is a member of the New Braunfels Parent Teacher Association and the New Braunfels Independent School District's Special Education Parent Advisory Committee, a group which she was instrumental in creating. She is also a former member New Braunfels Parent Advisory Committee and the District Education Improvement Committee. Garza Wofford received a Bachelor of Business Administration in finance from The University of Texas at Austin.

Julia Wesley Erwin of Austin is an attorney. She is a member of the Lake Travis ISD Special Education Parent Advisory Committee and the Texas Education Agency Accountability Policy Advisory Committee, secretary and treasurer of the Lake Travis Athletic Booster Club, parent coach and volunteer for Texas Special Olympics. She is a former member of Texas Young Lawyers, former president of the Lake Travis Middle School Athletic Booster Club, and parent representative of the LTMS "Olweus" Committee. Erwin received a Bachelor of Arts in political science and Spanish from Texas Tech University and a Juris Doctor degree from the University of Houston Law Center.

Karen W. Beasley of Bronson is a former special education resource/inclusion teacher for the Jasper Independent School District. She is a member of the Council for Exceptional Children, Autism Society of America, and Autism Speaks. Beasley received a Bachelor of Science in interdisciplinary studies from Stephen F. Austin State University and an autism intervention certification from University of North Texas, and is completing a Master of Education in foundations in behavior analysis from the University of Cincinnati.

Kristin K. Tassin of Missouri City is an attorney at Dry & Tassin, PLLC and is co-founder and director of the charitable organization, Father's Joy. She is a trustee for the Fort Bend Independent School District, member of the Fort Bend Chamber of Commerce and the Exchange Club of Sugar Land, and a fellow of the Houston Young Lawyers Foundation. She was also the founding president of the Heritage Rose Elementary Parent Teacher Organization and has served on the Heritage Rose Campus-Based Leadership Team, FBISD Parent Advisory Council, FBISD Steering Committee for Facilities Planning, and FBISD Educational Futures Conference and chaired a local legislative district advisory team on education. She has been a FBISD student mentor since 2013. Tassin received a Bachelor of Science in quantitative business analysis from Louisiana State University and a Juris Doctor degree from Louisiana State University Law School.

Kristine H. Mohajer of Leander is the education program specialist for the Texas Department of Family and Protective Services. She is a member of the Austin Community College Foster Student Committee, Texas Children’s Commission, and the Texas Head Start Advisory Board. Mohajer received a Bachelor of Science in journalism and business administration from Bowling Green State University in Ohio and a Master of Public Administration from Texas State University.

Laurie Goforth Rodriguez of Dickinson is the director of special programs for Dickinson Independent School District. She is president-elect of the Gulf Coast Association of Special Educators and committee member of the Houston Livestock Show and Rodeo. She is also past president of the Arc of the Gulf Coast. Rodriguez received a Bachelor of Science in secondary education from Oklahoma State University and a Master of education from the University of Houston.

Rachel A. Dreiling of Dallas is a pediatric nurse practitioner in the emergency department at Children’s Health. She is a member of the National Association of Pediatric Nurse Practitioners, Pediatric Nurse Certification Board. She is also a member of the Shelton School Parents Association and the Parish Episcopal School Parents Association and former member of the Junior League of Dallas. Dreiling received a Bachelor of Science in nursing from Southwestern Oklahoma State University and a Master of Nursing from Texas Woman’s University.

Robin H. Lock of Lubbock is a vice dean for the College of Education and professor in the College of Education Special Education program at Texas Tech University. She is a member of the Special Education Information Center (SpedTex) State Advisory Board and Learning Outcomes Project Education Faculty Workgroup for the Texas Higher Education Coordinating Board. Lock received a Bachelor of Science in elementary education, a Master of Education in special education, and a Doctor of Philosophy degree in learning disabilities from The University of Texas at Austin.

CAC Policy on Encouraging Public Participation

The CAC meets approximately four times each year in Austin, Texas. The public is welcome to attend the meetings. The committee encourages public participation by

- including a public comment period at meetings;
- receiving written comments from the public; and
- convening meetings that are accessible to the public.

Below are the procedures and general guidelines to speak at a CAC meeting.

1. Individuals who wish to provide public comment must sign up to speak by completing an information card at the location of the meeting between 9:00 a.m. and 11:00 a.m. the day of the meeting.
2. Each speaker will have a maximum of three minutes to speak, and speakers will be heard in the order they sign up. Individuals who wish to provide written comments to the CAC during the meeting should bring 17 copies of the written comments to the CAC meeting so that they can be distributed to the committee members.
3. The public comments period will take place after lunch to give ample time for visitors to sign up to speak and will last no more than 30 minutes. As many speakers as possible will be heard within that period. The CAC chair may ask individuals who wish to speak on the same topic to consolidate their comments.
4. A speaker who signs up by the 11:00 a.m. deadline but is unable to speak because of the 30-minute time limit will be given the opportunity to speak first at the next meeting.

The public may submit comments to the CAC care of TEA using the following email address: CAC@tea.texas.gov. TEA will forward public comments to all committee members. Comments sent to the CAC must not include personally identifiable student information.

Summary of Committee Recommendations

1. Full Individual and Initial Evaluation: Currently parents must make a formal written request for evaluation to school administration. Our recommendation would allow for parents/guardians to make a verbal request for a Full Individual and Initial Evaluation to any school district administration.
2. High School Graduation Requirements: Broaden the scope of state credits available as graduation credits of special needs students. Having Vocational Adjustment Class as an option would provide a State elective credits to satisfy State graduation requirements.
3. The Admission, Review, and Dismissal Committee: Require school districts to issue a prior written notice when refusing to convene a requested ARD meeting. Prior written notice must contain a comprehensive description of the action proposed or refused by the school district. According to IDEA, the notice must include a description of the action proposed or refused by the school and an explanation of why the school proposes or refuses to take the action.
4. Qualifications of Special Education, Related Service, and Paraprofessional Personnel: Require paraprofessionals to complete job-related professional development in special education annually in order to renew their educational aide certificates.
5. State Individualized Education Program Facilitation: Allow more time for parents to file a request for IEP facilitation, both parents and school districts could save money on attorney fees and settle disagreements in the best interests of students.
6. Educator Certification and Educator Preparation Programs: Require all certified educators in Texas be prepared to detect and educate students with disabilities, as well as understand and implement positive behavior interventions and supports, as required by the federal Individual with Disabilities Education Act (IDEA). Transform educator preparation programs to reflect student population more accurately by preparing educators to instruct students with dyslexia, dyslexia related disorders, and students with disabilities.
7. Impartial Hearing Officers: Hearing officers should have experience in the field of special education to better assist the parties in resolving disputes. Attorneys without such experience are not as likely to understand the education framework, implementation of special education laws and regulations and the practical effects of what is being requested and/or denied in a specific case.

8. Individualized Education Program Facilitation: IEP facilitation should be required in Texas to better facilitate dispute resolution with the aid of a knowledgeable and experienced facilitator, potentially reduce the cost incurred by parents and districts in due process hearings, and potentially accelerate dispute resolution, which is in the best interest of the student.
9. Review of Special Education Services: Require school districts to adopt policy to review implementation of special education services in the district and publish an audit report at least every five years.
10. School Board Member Training: Require school board trustees to receive training on district governance of laws and regulations related to special education as well as reviewing and evaluating district implementation of special education services.

Recommendation 1

Full Individual and Initial Evaluation

The Provision of Services for Students with Dyslexia and Related Disorders – Revised June 6, 2018 letter concludes that, every LEA (Local Education Agency) has an obligation to refer any student who is suspected of having a disability and needing special education services for an evaluation under IDEA. ¹

Parents of both neuro-typical and special needs students are more involved than ever before in their children’s educational success. In 2016, 79 percent of students had a parent who attended a school or class event and 43 percent had a parent who volunteered in school or served on a committee, compared with 67 and 39 percent, respectively, in 1996. ²

Texas Education Code §29.004 states that a parent must make a written request to the school district for full individual and initial evaluation of a student for the process of evaluation to begin. However, many parents/guardians are not aware or made aware of this. To mitigate this confusion, parents or guardians should be able to verbally state to their teacher or school administrator that they would like their child evaluated.

The CAC is recommending the following addition to Tex. Education Code §29.004 Full Individual and Initial Evaluation:

(c) If a parent or legal guardian makes a verbal and/or written request to a school district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the district shall, not later than the 15th school day after the date the district receives the request;....

Recommendation 2

High School Graduation Requirements

Experience tells us that students with disabilities are most likely to be successful in employment when they possess a strong work concept and real work experience, before they leave high school. One could make the argument that this applies to all students, but it is particularly impactful for students with disabilities and the research supports this assertion.

In 2009, the then-National Secondary Transition Technical Assistance Center (NSTTAC) (now the National Technical Assistance Center for Transition – NTACT) conducted a systematic literature review to identify in-school predictors of post-school success in the areas of employment, education, and independent living for secondary students with disabilities. From this, 16 evidence-based predictors of post-school employment, education and independent living success were identified.³

Many of these identified predictors support the CAC's recommendations, specifically:

- Students with 2 or more paid jobs during high school were more likely to graduate from high school.
- Students who participated in paid work experience and had a job at the time of graduation were 5.1 times more likely to be engaged in post-school employment.
- Students who participated in paid or nonpaid work experiences in the Spring semester were more likely to have work experience opportunities in the summer.
- Students who participated in programs with pre-vocational training, job search training, specific job skills training, and student internships were more likely to have work experience opportunities in school.
- Students who participated in school-based programs that included career major (sequence of courses based on occupational goal), cooperative education (combines academic and vocational studies with a job in a related field), school-sponsored enterprise (involves the production of goods or services by students for sale to or use by others), and technical preparation (a planned program of study with a defined career focus that links secondary and post-secondary education) were 1.2 times more likely to be engaged in post-school employment.
- Students who participated in vocational education were 2 times more likely to be engaged in full-time employment.
- Participation in work study increased the likelihood of full-time employment more than two times.
- Students with higher self-determination skills were more likely to be engaged in post-school employment and independent living.

The CAC is recommending the following addition to 19 TAC §74.11 High School Graduation Requirements:

(g) Elective credits may be selected from the following:

(1) High school courses not required for graduation that are listed in the following chapters of this title:

(K) Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development); and

(i) Vocational Readiness and On the Job Training (up to four state credits), as determined by the student's admission, review, and dismissal committee in the student's individualized education program. A Special Education teacher certification is required for this class.
(ii) Transition/Vocational Readiness – 1 to 4 state credits. Potential content: college access/readiness, self-advocacy, social skills for work, soft skills for work, career exploration.

Currently the VAC can only be used for local credit and does not satisfy graduation requirements. This means the only vocational option available to students with disabilities are courses offered through Career and Technical Education (CTE). Having VAC as an option would provide a State elective credit to satisfy State graduation requirements. See Appendix A.

Recommendation 3

The Admission, Review, and Dismissal Committee

Require school districts to provide a Prior Written Notice form when the district refuses to convene a requested ARD meeting. The CAC has been informed that parents are requesting ARD meetings and being told by school personnel that the parental concern can be discussed in a parent conference or discussed at the next annual ARD meeting. Requiring districts to document the meeting refusal in a Prior Written Notice form will create documentation for the parent on their attempts for meaningful participation in their child's education. A parent can ask for prior written notice to be provided when a school district has informed the parent of actions it plans or refuses to take in a phone call, in a meeting, or as part of a conversation. The advantage of asking for the school district to provide prior written notice when refusing to convene an ARD meeting will provide a parent detailed explanation in writing of the decision the school has made or refuses to make in relation to their child. Also, by having school districts provide prior written notice of meeting refusal may deter school personnel from informing parents that a meeting cannot be convened or delaying parent's request for a meeting.

According to IDEA, the prior written notice must include a description of the action proposed or refused by the school and an explanation of why the school proposes or refuses to take the action.

The CAC is recommending the following addition to 19 TAC §89.1050(e) The Admission, Review, and Dismissal Committee:

(e) Upon receipt of a written request for an ARD committee meeting from a parent, the school district must: (2) ~~within five school days~~, provide the parent with prior written notice within five school days explaining why the district refuses to convene a meeting.

Amend to require school districts to put the refusal to convene a meeting in a prior written notice and not just written notice.

Recommendation 4

Qualifications of Special Education, Related Service, and Paraprofessional Personnel

Require paraprofessionals/educational aides who are assigned to work with students eligible for special education services to attend annual training in the areas of child development, instruction methods, behavior interventions & management, trauma-informed care, and disability specific. The CAC has been informed that many paraprofessionals are supporting students in general education, inclusive, and co-teach settings. The Texas Education Code (TEC) states that paraprofessionals are required to have certification training authorized and recognized by Texas Administrative Code (TAC), Title 19, Chapter 230, but requires no continuing education. Paraprofessionals, especially those with an Educational Aide II or III Certification, are delivering and reinforcing instruction to students. According to 19 TAC §230.61 educational aides with an Educational Aide II or III Certification can perform the following job duties including working with individual students and groups, working with individual students in drills and exercises, assisting the teacher with instructional activities, and helping the teacher implement methodology.

The CAC is recommending the following amendment to 19 TAC §89.1131(c) Qualifications of Special Education, Related Service, and Paraprofessional Personnel

(c) Paraprofessional personnel must be certified and may be assigned to work with eligible students, general and special education teachers, and related service personnel. Educational aides may also be assigned to assist students with special education transportation, serve as a job coach, or serve in support of community-based instruction. Educational aides paid from state administrative funds may be assigned to special education clerical or administrative duties.

Currently educational aides are not required to obtain continuing professional education hours to renew their certificates every five years like professional employees of the district such as superintendents, principals, teachers, etc.

The CAC recommends that that TAC Title 19, Chapter 230 be amended to require paraprofessionals to complete continuing education and professional development hours in special education each school year in order to renew their educational aide certificates.

The CAC further recommends amendment of 19 TAC §230.65 to require professional development as a requirement for reissuance of an educational aide certificate.

Recommendation 5

Individualized Education Program Facilitation

There are multiple processes a parent can employ when an ARD meeting ends in disagreement. These include mediation, filing a state complaint, or filing a due process in order to resolve the disagreement. Currently parents only have five calendar days from the meeting date to decide on a course of action, which may not provide parents with sufficient time to research and process all available options.

Dispute resolution can be very costly to both parents and school districts. Due process is not only costly in monetary terms but may impact the services provided to the student and the parent-school relationship. IEP facilitation helps keep members of the IEP team focused on the student and on developing an IEP that provides a FAPE to the student. IEP facilitation can be an option to utilize when there is a sense from any of the participants that the issues at the IEP meeting are creating an impasse or acrimonious climate.

- *Analysis of Special Education Due Process Hearings in Texas* by G. Thomas Schanding, Gail M. Cheramie, Hannah Hyatt, Sarah E. Praytor, and Jessica R. Yellen published in SAGE Open on April 1, 2017. [See Appendix] In this article 139 Texas special education due process hearings that occurred between 2011 and 2015 were examined. The primary student disability eligibilities involved in the cases were autism, emotional disturbance, and other health impairment. The most common issues involved in the dispute included the Individualized Education Program (IEP), evaluation, and placement. Districts prevailed in approximately 72% of cases. ⁴
- *A Longitudinal Study of Special Education Due Process Hearings in Massachusetts: Issues, representation, and student characteristics* by W.H. Blackwell and V.V Blackwell published in SAGE Open in 2015. [See Appendix] In this article, the issue of legal representation for parents was noted. Parents with attorneys prevailed in 30.8% of hearings, 20.5% prevailed when representing themselves with advocate support and 10.7% when representing themselves without any support. ⁵

The CAC is recommending the following amendment to 19 TAC §89.1197(e)(3) State Individualized Education Program Facilitation:

(e) In order for the TEA to provide an independent facilitator, the following conditions must be met. (3) The request for IEP facilitation must have been filed within five ~~calendar~~ business days of the ARD committee meeting that ended in disagreement, and a facilitator must be available on the date set for reconvening the meeting.

This change will allow parents more time to research their options and may deter the filings of due process, therefore decreasing the costly and negative effects of due process hearings on students, parents, and school districts. By allowing more

time for parents to file a request for IEP facilitation, both parents and school districts could potentially save attorney fees and settle disagreements in the best interest of the student.

Recommendation 6

Educator Certification & Educator Preparation Curriculum

Require all certified educators in Texas be prepared to detect and educate students with disabilities, as well as understand and implement positive behavior interventions and supports, as required by the federal Individual with Disabilities Education Act (IDEA). Transform educator preparation programs to reflect our student population more accurately by preparing our educators to instruct students with dyslexia, dyslexia and related disorders, and students with disabilities.

It has been brought to the committee's attention that Individual Education Plans (IEPs), including Behavior Intervention Plans (BIPs), are not always implemented or documented appropriately nor are they timely re-evaluated to ensure the plan is yielding the desired results. In addition, general education teachers are not effectively implementing positive behavior interventions as required by IDEA, which results in an increased rate of failure of students. Failure to implement an update BIPs can result in negative academic and disciplinary consequences for the student, including in-school or out-of-school suspensions. A single out of school suspension in 9th grade is associated with a 50% increase in the chance a student will drop out of school and a 19% decrease in enrollment in postsecondary education (Balfanz et al., 2015).⁶ Controlling for other risk factors (antisocial behavior, deviant peer group), receipt of an out of school suspension is a significant predictor of future antisocial behavior (Lee et al., 2011).⁷ Out of school suspensions are more strongly related to negative outcomes than in school suspension (Noltemeyer et al., 2015).⁸

The CAC is recommending the following addition to Tex. Education Code §21.044. Educator Certification:

- (a) The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate.
- (b) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in detection and education of students with dyslexia, dyslexia related disorders, and students with disabilities eligible under the federal Individual with Disabilities Education Act (IDEA), 20 U.S.C. sec. 1412, in accordance with 20 U.S.C. sec. 1412(a)(3) (sec. 300.111), the Child Find provision of IDEA.
- (c) The instruction under Subsection (b) must:
 - (1) be developed by a panel of experts in the diagnosis and treatment of dyslexia and other disabilities as listed in 34 CFR §300.8 of IDEA who are:
 - (A) employed by institutions of higher education; and

- (B) approved by the board; and
- (2) include information on:
 - (A) characteristics of dyslexia and other disabilities as listed in 34 CFR §300.8 of IDEA;
 - (B) identification of dyslexia and other disabilities as listed in 34 CFR §300.8 of IDEA; ~~and~~
 - (C) effective, multisensory, evidence-based strategies for teaching students with dyslexia and other disabilities as listed in 34 CFR §300.8 of IDEA; and
 - (D) effective, evidence-based strategies and methodologies for teaching students with varying abilities including, but not limited to, differentiated instruction, co-teach instruction, development and implementation of appropriate curriculum modifications, and development and implementation of appropriate classroom and other educational accommodations.

(c-1) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, trauma-informed care, substance abuse, and youth suicide.

- (g) Each educator preparation program must provide information regarding:
 - (1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;
 - (2) the effect of supply and demand forces on the educator workforce in this state;
 - (3) the performance over time of the educator preparation program;
 - (4) the importance of building strong classroom management skills and the skills necessary for the implementation of positive behavior intervention and supports, including understanding and implementation of student behavior intervention plans.
 - (5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H; ~~and~~
 - (6) appropriate relationships, boundaries, and communications between educators and students; ~~and~~
 - (7) teacher's responsibility related to implementing a student's Individualized Education Program.

The CAC is recommending the following addition to 19 TAC §228.30. Educator Preparation Curriculum:

- (a) The educator standards adopted by the State Board for Educator Certification (SBEC) shall be the curricular basis for all educator preparation

and, for each certificate, address the relevant Texas Essential Knowledge and Skills (TEKS).

(b) The curriculum for each educator preparation program shall rely on scientifically-based research to ensure educator effectiveness.

(c) The following subject matter shall be included in the curriculum for candidates seeking initial certification in any certification class:

(1) the code of ethics and standard practices for Texas educators, pursuant to Chapter 247 of this title (relating to Educators' Code of Ethics), which include:

- (A) professional ethical conduct, practices, and performance;
- (B) ethical conduct toward professional colleagues; and
- (C) ethical conduct toward students;

(2) instruction in detection and education of students with dyslexia, dyslexia related disorders, and students with disabilities as indicated in the Texas Education Code (TEC), §21.044(b);

(3) instruction regarding mental health, trauma-informed care, substance abuse, and youth suicide, as indicated in the TEC, §21.044(c-1);

(4) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;

(5) the importance of building strong classroom management skills; and

(6) the framework in this state for teacher and principal evaluation; and

(7) instruction in detection and education of students with disabilities as indicated in TEC §21.044(b).

(d) The following subject matter shall be included in the curriculum for candidates seeking initial certification in the classroom teacher certification class:

(1) the relevant TEKS, including the English Language Proficiency Standards;

(2) reading instruction, including instruction that improves students' content-area literacy;

(3) understanding and implementation of positive behavior intervention supports;

(4) for certificates that include early childhood and prekindergarten, the Prekindergarten Guidelines; and_

(5) the skills and competencies captured in the Texas teacher standards in Chapter 149, Subchapter AA, of this title (relating to Teacher Standards), which include:_

- (A) instructional planning and delivery;
- (B) knowledge of students and student learning;
- (C) content knowledge and expertise;
- (D) learning environment;
- (E) data-driven practice; and
- (F) professional practices and responsibilities.

Recommendation 7

Impartial Hearing Officers

Attorneys without such experience in special education law are not as likely to understand the education framework, implementation of special education laws and regulations and the practical effects of what is being requested and/or denied in a specific case regarding a child with disability. Therefore, impartial hearing officers should have experience in the field of special education to better assist the parties in resolving disputes and better evaluate the facts and evidence presented to the officer.

The CAC is recommending the following addition to 19 TAC § 89.1170(a). Impartial Hearing Officer:

- (a) The Texas Education Agency (TEA) will maintain a pool of impartial hearing officers to conduct due process hearings. The TEA will assign cases to hearing officers who are private practice attorneys with experience in the field of special education based on an alphabetical rotation. The TEA will assign cases to hearing officers with experience in the field of special education who are employed by the State Office of Administrative Hearings (SOAH) in accordance with the procedures specified in the interagency contract between the TEA and SOAH. If, however, a request for a hearing relates to the same student who was involved in another hearing that was filed within the last 12 months, the TEA will assign the recently filed hearing request to the same hearing officer who presided over the previous hearing, unless a party has an objection that hearing officer being assigned in the subsequent hearing. In addition, the same hearing officer may be assigned to hearings involving siblings that are filed within 12 months of each other.

Recommendation 8

Individualized Education Program Facilitation

Individualized Education Program (IEP) facilitation should be required in Texas to better facilitate dispute resolution with the aid of a knowledgeable and experienced facilitator, to potentially reduce the cost incurred by parents and districts in due process hearings, and potentially accelerate dispute resolution, which is in the best interest of the student.

The CAC is recommending the following addition to 19 TAC 89.1196. Individualized Education Program Facilitation:

(a) For the purpose of this section and Texas Education Code, §29.019, individualized education program (IEP) facilitation refers to a method of alternative dispute resolution that involves the use of a trained facilitator to assist an admission, review, and dismissal (ARD) committee in developing an IEP for a student with a disability. The facilitator uses facilitation techniques to help the committee members communicate and collaborate effectively. ~~While Public education agencies are not required to offer IEP facilitation as an alternative dispute resolution method, the Texas Education Agency (TEA) encourages the use of IEP facilitation as described in this section.~~

(b) A public education agency is not prohibited from incorporating elements of IEP facilitation into ARD committee meetings that are conducted without the assistance of a facilitator as described in this section. For example, a public education agency may provide training on communication skills, conflict management, or meeting effectiveness to individuals who participate in ARD committee meetings to enhance collaboration and efficiency in those meetings.

(c) A public education agency ~~that chooses to offer IEP facilitation under this section~~ may determine whether to use independent contractors, employees, or other qualified individuals as facilitators. At a minimum, an individual who serves as a facilitator must:

- (1) have demonstrated knowledge of federal and state requirements relating to the provision of special education and related services to students with disabilities;
- (2) have demonstrated knowledge of and experience with the ARD committee meeting process;
- (3) have completed 18 hours of training in IEP facilitation, consensus building, and/or conflict resolution; and
- (4) complete continuing education as determined by the public education agency.

(d) A public education agency ~~that chooses to offer IEP facilitation under this section~~ must ensure that:

- (1) participation is voluntary on the part of the parties;

- (2) the facilitation is provided at no cost to parents; and
- (3) the process is will not used to subsequently deny or delay the right to pursue a special education complaint, mediation, or a due process hearing in accordance with Part B of the Individuals with Disabilities Education Act (IDEA) and this division.

(e) A public education agency that chooses to offer IEP facilitation under this section must develop written policies and procedures that include:

- (1) the procedures for requesting facilitation;
- (2) facilitator qualifications, including whether facilitators are independent contractors, employees, or other qualified individuals;
- (3) the process for assigning a facilitator;
- (4) the continuing education requirements for facilitators; and
- (5) a method for evaluating the effectiveness of the facilitation services and the individual facilitators.

(f) A public education agency that chooses to offer IEP facilitation under this section must provide parents with information about the process, including a description of the procedures for requesting IEP facilitation and information related to facilitator qualifications. This information must be included when a copy of the procedural safeguards notice under 34 Code of Federal Regulations (CFR), §300.504 is provided to parents, although this information may be provided as a separate document and may be provided in a written or electronic format.

...

(i) A public education agency that chooses to offer IEP facilitation under this section must ensure that facilitators protect the confidentiality of personally identifiable information about the student and comply with the requirements in the Family Educational Rights and Privacy Act regulations, 34 CFR, Part 99, relating to the disclosure and redisclosure of personally identifiable information from a student's education record.

(j) The TEA will develop information regarding IEP facilitation as an alternative dispute resolution method, and such information will be available upon request from the TEA and on the TEA website.

Recommendation 9

Specific Powers and Duties of the Board: Special Education Review

Require school districts to adopt policy to review implementation of special education services in the district and publish an audit report at least every five years.

The CAC is recommending the following addition to Tex. Education Code §11.1511 Specific Powers and Duties of the Board:

(a) In addition to powers and duties under Section 11.151 or other law, the board of trustees of an independent school district has the powers and duties provided by Subsection (b).

(b) The board shall:

(1) seek to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community;

(2) adopt a vision statement and comprehensive goals for the district and the superintendent and monitor progress toward those goals;

(3) establish performance goals for the district concerning:

(A) the academic and fiscal performance indicators under Subchapters C, D, and J, Chapter 39; and

(B) any performance indicators adopted by the district;

(4) ensure that the superintendent:

(A) is accountable for achieving performance results;

(B) recognizes performance accomplishments; and

(C) takes action as necessary to meet performance goals;

(5) adopt a policy to establish a district- and campus-level planning and decision-making process as required under Section 11.251;

(6) adopt a policy for reviewing district implementation of special education services and publish an audit report related to district implementation of special education services at least every five (5) years;

(7) publish an annual educational performance report as required under Section 39.306;

(8) adopt an annual budget for the district as required under Section 44.004;

(9) adopt a tax rate each fiscal year as required under Section 26.05, Tax Code;

(10) monitor district finances to ensure that the superintendent is properly maintaining the district's financial procedures and records;

(11) ensure that district fiscal accounts are audited annually as required under Section 44.008;

(12) publish an end-of-year financial report for distribution to the community;

(13) conduct elections as required by law;

(14) by rule, adopt a process through which district personnel, students or the parents or guardians of students, and members of the public may obtain a hearing from the district administrators and the board regarding a complaint;

(15) make decisions relating to terminating the employment of district employees employed under a contract to which Chapter 21 applies, including terminating or not renewing an employment contract to which that chapter applies; and

(16) carry out other powers and duties as provided by this code or other law.

Recommendation 10

School Board Member Training

Require school board trustees to receive training on district governance of laws and regulations related to special education as well as reviewing and evaluating district implementation of special education services.

The CAC is recommending the following addition to Tex. Education Code §11.1159. Member Training and Orientation:

(a) The State Board of Education shall provide a training course for independent school district trustees to be offered by the regional education service centers. Registration for a course must be open to any interested person, including current and prospective board members, and the state board may prescribe a registration fee designed to offset the costs of providing that course.

(b) A trustee must complete any training required by the State Board of Education. The minutes of the last regular meeting of the board of trustees held before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment. If the minutes reflect that a trustee is deficient, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.

(c) The State Board of Education shall require a trustee to complete at least three hours of training every two years on evaluating student academic performance. The training must be research-based and designed to support the oversight role of the board of trustees under Section 11.1515. A candidate for trustee may complete the training up to one year before the candidate is elected. A new trustee shall complete the training within 120 days after the date of the trustee's election or appointment. A returning trustee shall complete the training by the second anniversary of the completion of the trustee's previous training.

(d) The State Board of Education shall require a trustee to complete at least three hours of training on board governance, monitoring and evaluating of district special education services. The training must include a review of pertinent state and federal laws governing special education. A new trustee shall complete the training within 120 days after the date of the trustee's election or appointment.

(e) A trustee or candidate for trustee may complete training required under Subsections (c) and (d) at a regional education service center or through another authorized provider. A provider must certify the completion of the training by a trustee or candidate.

References

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Appendix A

Dickinson High School



February 8, 2018

To The Governor's Advisory Committee for Special Education:

Dickinson High School would like to bring an issue of great concern to the attention of the Governor's Advisory Committee for Special Education.

Under current State graduation requirements, we cannot offer State elective credit for the Vocational Adjustment Class (VAC). Currently the VAC can only be used for local credit and does not satisfy graduation requirements. This means the only vocational option available to our special education students are courses offered through Career and Technical Education (CTE).

These CTE courses are advanced courses that typically lead to a career pathway and a practicum experience. Even with accommodations and modifications, these advanced level CTE courses are often inappropriate for special education students based on the students' identified disability. Having VAC as an option would provide a State elective credit to satisfy State graduation requirements.

Thank you for your consideration and your attention to this need.

Sincerely,

Billye Smith Ed.D., Principal

Angie Estes Ed.D., Lead Counselor

Patricia Lankford, CTE Director

Laurie Rodriguez, Special Programs Director

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