

Statement by Disability Rights Texas
Before the Texas Public School Finance Commission
March 19, 2018

Disability Rights Texas appreciates the opportunity to provide invited testimony before the Texas Public School Finance Commission. Disability Rights Texas works statewide to ensure that students with disabilities have access to, and receive, a quality public education.

Disability Rights Texas believes that the Texas Public School Finance Commission is so timely for students with disabilities. In recent years, the spotlight on special education in Texas reveals an underserved population. To legally and adequately educate all students with disabilities, a modern school finance system must be in place.

At a high level, the debate about the Texas public school finance system focuses on two dimensions: the revenue system and the allocation system. With respect to the revenue system, we believe that Texas public schools must be adequately funded. The amount of resources available certainly matters when it comes to students with disabilities. While not all such students require expensive equipment and costly services, many do and they are legally entitled to them. The specific features of a system that generates adequate resources, however, are beyond our expertise to comment upon or recommend.

With respect to the allocation system, we believe that there are two main points to bring to your attention. First, **the special education weights in the Texas Education Code are antiquated and no longer adequately support the delivery of services to students with disabilities.** Specifically, the weights in Texas Education Code Section 42.151 were set 23 years ago and have never been adjusted. The significance of inaction on the Texas special education weights is that much has changed in best practices and models of teaching students with disabilities. As one example, in the mid-1990s there was no such thing in the Individuals with Disabilities Education Act as a functional behavioral assessment or behavioral intervention plan. Research brought to light how these techniques and tools can help students with autism, emotional disabilities, and other impairments function in the general education setting.¹ They are now embedded in federal and Texas special education law and practice. The expenses associated with conducting and implementing functional behavioral assessments and behavioral intervention plans, however, have never been factored into the Texas mainstream weight of 1.1.

¹ U.S. Department of Education, Institute of Education Sciences, *WWC Intervention Report: Functional Behavioral Assessment-based Interventions* (2016), https://ies.ed.gov/ncee/wwc/Docs/InterventionReports/wwc_fba_011017.pdf.

Second, the special education weights can be reformed to better match the needs of students with disabilities and promote inclusive education. We believe that our current placement-based weights are now poor proxies for the cost of special education service delivery. For example, many school districts are willing to employ co-teaching in general education settings yet receive no direct funding for this effort under the current system with a mainstream weight of 1.1. Co-teaching is more than the physical presence of a special educator alongside a regular education teacher in a general education classroom.² The co-teaching model adheres to the principle that instructional goals, methods, and materials can be developed that gives all learners – including those with disabilities – an opportunity to access the general education curriculum, i.e., the Texas Essential Knowledge and Skills. Positive outcomes from co-teaching come with personnel costs for co-planning, co-instructing, and co-assessing.

In conclusion, Disability Rights Texas looks forward to engaging with the Texas Public School Finance Commission on the school funding system's allotment for special education. We have more information to share and are available to serve as a resource on the development of a revised weights table that adequately supports the provision of a free appropriate public education to all students with disabilities in the least restrictive environment.

Disability Rights Texas is the federally designated legal protection and advocacy agency for people with disabilities in Texas. Our mission is to advocate, protect and advance the legal, human and service rights of people with disabilities. Our work includes legal and public policy services in the arena of public education. With headquarters in Austin, Disability Rights Texas has regional offices across Texas in El Paso, Lubbock, Dallas, San Antonio, and Houston.

² See, e.g., Wendy Murawski and Lisa Dieker, *Leading the Co-Teaching Dance: Leadership Strategies to Enhance Team Outcomes* (Council for Exceptional Children, 2013).

Appendix to Statement by Disability Rights Texas:
Texas Special Education Weights and Placement Codes

WEIGHT	FACTOR
Mainstream	1.1
Nonpublic Day School	1.7
Vocational Adjustment Class	2.3
Off Home Campus	2.7
Residential State School	2.8
Resource Room	3.0
Self-Contained, Mild & Moderate, Regular Campus	3.0
Self-Contained, Severe, Regular Campus	3.0
Hospital Class	3.0
Residential Care and Treatment Facility, nonresidential student	4.0
Speech Therapy	5.0
Homebound	5.0
<i>Texas Education Code § 42.151(a)-(b)</i>	

PLACEMENT	CODE
No Instructional Setting (such as speech therapy)	00
Homebound	01
Hospital Class	02
Vocational Adjustment Class	08
State Supported Living Centers	30
Mainstream	40
Resource Room (less than 21%)	41
Resource Room (22% to 49%)	42
Self-Contained, Mild & Moderate and Severe (50%-59%)	43
Self-Contained, Mild & Moderate and Severe (60% or greater)	44
Residential Nonpublic School Program	50
Nonpublic Day School	60
<i>Texas Education Agency, 2017-2018 Texas Education Data Standards, Section 4 - Description of Codes</i>	
Note: selective list of placement codes, not all codes listed	