

OMB NO. 1820-0030

Expires: 1/31/2023

**ANNUAL STATE APPLICATION UNDER PART B OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004
FOR FEDERAL FISCAL YEAR 2020**

CFDA No. 84.027A and 84.173A

ED FORM No. 9055

**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS**

Washington, DC 20202-2600

Public Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a currently valid OMB control number for this collection is 1820-0030. Public reporting burden for this collection of information is estimated to average 14 hours per responses, and an average of 25 additional hours for reporting data related to significant disproportionality in a given year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain a benefit under 20 U.S.C. 1411 and 1419. If you have comments or concerns regarding the status of your individual submission of this form, please contact Jennifer Simpson at Jennifer.Simpson@ed.gov or at the Office of Special Education and Rehabilitative Services US Department of Education, 400 Maryland Avenue SW, Washington, DC 20202.

Respondents are required to submit information for Sections I-IV of the Annual State Application in order to receive a grant under Section(s) 611 and/or 619 of the Individuals with Disabilities Education Act. Respondents are required to provide the data in Section V pursuant to IDEA section 618(a)(3), which provides the Secretary authority to collect annual data on any information that may be required by the Secretary and 34 CFR §300.647(b)(7), which requires States to report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress if the State uses the “reasonable progress” flexibility in 34 CFR §300.647(d)(2), and the rationales for each, to the Department.

Section I

A. Submission Statement for Part B of IDEA

Please select 1 or 2 below. Check 3 if appropriate.

- ____ 1. The State provides assurances that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in PL 108-446, the Individuals with Disabilities Education Act and applicable regulations (IDEA). The State is able to meet all assurances found in Section II.A of this Application.
- ___X___ 2. The State cannot provide assurances for all eligibility requirements of Part B of the Act as found in PL 108-446. The State has determined that it is unable to make the assurances that are checked as 'No' in Section II.A. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2022. The State has included the date by which it expects to complete necessary changes associated with assurances marked 'No'. (Refer to Assurances found in Section II.A.)

Optional:

- ____ 3. The State is submitting modifications to State policies and procedures previously submitted to the Department. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulations.

B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement(s) below:

1. Conditional Approval Related to Assurances in Section II.A:

- ___X___ a. Section II.A provides documentation of completion of all issues identified in the FFY 2020 conditional approval letter.
- ____ b. As noted in Section II.A, the State has not completed all issues identified in the FFY 2020 conditional approval letter.

2. Conditional Approval Related to Other Issues:

- ___X___ a. The State previously submitted documentation of completion of all issues identified in the FFY 2020 conditional approval letter.
- ____ b. The State is attaching documentation of completion of all issues identified in the FFY 2020 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- ____ c. The State has not completed all issues identified in the FFY 2020 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

Section II

A. Assurances Related to Policies and Procedures

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

Yes <i>(Assurance is given.)</i>	No <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i>	Assurances Related to Policies and Procedures
	X June 30, 2022	1. A free appropriate public education is available to all children with disabilities residing in the State, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.103-300.104.
X		2. The State has established a goal of providing a full educational opportunity to all children with disabilities, in accordance with 20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110.
	X June 30, 2022	3. All children with disabilities residing in the State, including children with disabilities who are in private schools, regardless of the severity of their disabilities, and who are in need of special education, a practical method is developed and implemented to determine which children with disabilities are eligible for special education in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.
X		4. An individualized education program, or an individualized family service plan that meets the needs of each child with a disability in accordance with 34 CFR §§300.320 through 300.324, is developed for each child with a disability in accordance with 34 CFR §300.112.
X		5. To the maximum extent appropriate, children with disabilities, including children in public schools, private schools, and special classes, separate schooling, or other removal of children with disabilities from regular classes, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from regular classes is only used if the nature or severity of the disability of a child is such that education in regular classes with other children is not feasible in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR §§300.114-300.120.
X		6. Children with disabilities and their parents are afforded the procedural safeguards required by 20 U.S.C. 1412(a)(6); 34 CFR §300.121.
X		7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.306.
X		8. Agencies in the State comply with 34 CFR §§300.610 through 300.626 (relating to the requirements for the State to ensure that all children with disabilities are identified, located, and evaluated) in accordance with 34 CFR §300.123.
X		9. Children participating in early intervention programs assisted under Part C, and who are transitioning to preschool programs, are provided a smooth and effective transition to those preschool programs in a manner consistent with 34 CFR §300.323(b) and section 636(d), an individualized transition plan is developed for the child. The local educational agency will participate in transition planning conferences in accordance with 20 U.S.C. 1412(a)(9); 34 CFR §300.124.

X		10. Agencies in the State, and the SEA if applicable, comply with the requirements of 34 CFR §300.129 through 300.148 (including that to the extent consistent with the number and location of children with disabilities in elementary schools and secondary schools in the school district served by a local educational agency program assisted or carried out under this part by providing for such children special services) unless the Secretary has arranged for services to be provided (34 CFR §§300.129-300.148)
	X June 30, 2022	11. The State educational agency is responsible for ensuring that the requirements of Part 300.153 through 300.153, and 300.175 and 300.176 and that the State monitors and enforces 300.606-300.608. (20 U.S.C. 1412(a)(11); 34 CFR §300.149)
X		12. The Chief Executive Officer of a State or designee of the officer shall ensure that an agreement is entered into between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State or its designee that are needed to ensure a free appropriate public education are entered into in a timely manner and to resolve any dispute under §300.154(a)(3). Such agreement or mechanism shall meet the requirements of 34 CFR §300.154(a)(3).
X		13. The State educational agency will not make a final determination that a local educational agency has not provided reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.154)
X		14. The State educational agency has established and maintains qualifications to ensure that personnel are prepared and trained, including that those personnel have the content knowledge and skills necessary to provide a free appropriate public education as amended by the Every Student Succeeds Act; 34 CFR §300.156.
X		15. The State has established goals for the performance of children with disabilities in the State as amended by the Every Student Succeeds Act; 34 CFR §300.157.
X		16. All children with disabilities are included in all general State and districtwide assessments under the Elementary and Secondary Education Act of 1965, with appropriate accommodations and modifications, including individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); as amended by the Every Student Succeeds Act; 34 CFR §300.158.
X		17. Funds paid to a State under this part will be expended in accordance with all the provisions of this part. (20 U.S.C. 1412(a)(17); 34 CFR §300.159)
X		18. The State will not reduce the amount of State financial support for special education because of the excess costs of educating those children, below the amount of that support as determined under 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §§300.163 through 300.164.
X		19. Prior to the adoption of any policies and procedures needed to comply with this section, the State shall ensure that there are public hearings, adequate notice of the hearings, and an opportunity for parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)
X		20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to the State for special education for educational agencies, including funding based on student attendance or enrollment, to offset the costs of special education. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)
X		21. The State has established and maintains an advisory panel for the purpose of providing input on the needs of children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §300.167
X		22. The State educational agency examines data, including data disaggregated by race and ethnicity, to identify and address long-term suspensions and expulsions of children with disabilities in accordance with 34 CFR §300.168
X		23a. The State adopts the National Instructional Materials Accessibility Standard for the purpose of ensuring that print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.
		23b. <i>(Note: Check either "23b.1" or "23b.2" whichever applies.</i>

X		<p>23b.1 The State educational agency coordinates with the National Instructional Materials Adoption process, procurement contract, or other practice or instrument use publisher of the print instructional materials to:</p> <ul style="list-style-type: none"> • require the publisher to prepare and, on or before delivery of the print instructional materials, electronic files containing the contents of the print instructional materials using the following format (34 CFR §300.172) • purchase instructional materials from the publisher that are produced in, or may be produced in, the United States (34 CFR §300.172)
		<p>23b.2 The State educational agency has chosen not to coordinate with the National Instructional Materials Adoption process to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)</p>
X		<p>24. The State has in effect, consistent with the purposes of the IDEA and with section 6102(b)(1) of the Rehabilitation Act, policies and procedures to prevent the overidentification or disproportionate representation by race and ethnicity of children with disabilities and children with hearing impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)</p>
X		<p>25. The State educational agency shall prohibit State and local educational agency personnel from imposing the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving special education services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.173</p>

B. Other Assurances

The State also makes the following assurances:

Yes	Other Assurances
X	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this
X	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20
X	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund ac Federal funds. (34 CFR §76.702)
X	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), re interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environm human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with

C. Certifications

The State is providing the following certifications:

Yes	Certifications
X	1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i> , is on file with the Secretary of f With respect to the <i>Certification Regarding Lobbying</i> , the State recertifies that no Federal appropriated fund influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, i
X	2. The State certifies that certification in the Education Department General Administrative Regulations (EDGA and carry out the provisions of its State application, and consistency of that application with State law are in
X	3. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412 34 CFR §300.154(a) are current. This certification must be received prior to the expenditure of any funds re

D. Statement

I certify that the State of TEXAS can make the assurances checked as 'yes' in Section II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of the Part B of the Individuals with Disabilities Education Act as found in PL 108-446. The State will operate its Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA ,as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2022. (34 CFR § 76.104)

I, the undersigned authorized official of the

TEXAS; TEXAS EDUCATION AGENCY,
(Name of State and official name of State agency)

am designated by the Governor of this State to submit this application for FFY 2021 funds under Part B of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name of Authorized Representative of the State:
Title of Authorized Representative of the State:
Signature:
Date:

Section III

Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act—20 U.S.C. 1411(e)(5); 34 CFR § 300.171

States must provide the Description of Use of Funds by completing and submitting the Excel Interactive Spreadsheet with the FFY 2021 Application.

Describe how the amount retained by the State educational agency under 20 U.S.C. 1411(e)(1) will be used to meet the following activities under Part B. (20 U.S.C. 1411(e)(1)-(3), (6) and (7)) The Department annually identifies for States the maximum amounts that a State may retain under Section 1411(e)(1) and (2).¹ The dollar amounts **listed in the Excel Interactive Spreadsheet** by the State for administration and for other State activities should add up to less or equal to the dollar amount provided to the State by the Department for each of these activities.

Enter whole dollar amounts (do not enter cents) in appropriate cells on the State's Excel Interactive Worksheet. The Excel Interactive Spreadsheet must be submitted as part of the State's application.

Describe the process used to get input from LEAs regarding the distribution of amounts among activities described in the Excel Interactive Spreadsheet to meet State priorities. (20 U.S.C. 1411(e)(5)(B); 34 CFR § 300.704)

An ongoing self-assessment process titled the Texas Continuous Improvement Process (TCIP) helps determine how the state is doing in the provision of Special Education. To perform the self-assessment, the Texas Education Agency (TEA) meets with a variety of stakeholders: the Texas Continuous Improvement Steering Committee, the Continuing Advisory Committee, High Cost Funds Committee, teachers, superintendents, Local Education Agency (LEA) representatives, advocacy organizations, parent groups, and others to review data and current activities related to the 17 performance and compliance indicators in the State Performance Plan (SPP)/Annual Performance Report (APR). These groups provide information related to the use of IDEA-B funds in subject areas such as Access to the General Curriculum, Assistive Technology, Behavior and Discipline Management, Early Childhood, Evaluation, Parent Coordination, State Supervision, Statewide Leadership for Autism, Multicultural and Diverse Learners and Secondary Transition, among others.

Additionally, TEA will provide ongoing opportunities to gather input on selected State Performance Indicators from a variety of stakeholders which includes parents, teachers, LEA administrators, disability organizations, and community agencies as well as the general public on topics to be determined.

¹Each State may reserve for each fiscal year not more than the maximum amount the State was eligible to reserve for State administration under this section for fiscal year 2004 or \$800,000 (adjusted in accordance with 20 U.S.C. 1411(e)(1)(B)), whichever is greater; and each outlying area may reserve for each fiscal year not more than 5 percent of the amount the outlying area receives under 20 U.S.C. 1411(b)(1) for the fiscal year or \$35,000, whichever is greater.

For each fiscal year beginning with fiscal year 2005, the Secretary shall cumulatively adjust: 1) the maximum amount the State was eligible to reserve for State administration under this part for fiscal year 2004; and 2) \$800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

Section IV

State Administration

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). If there are no such State-imposed rules, regulations, or policies, please so indicate. In addition, the State is required to inform local educational agencies in writing of such State-imposed rules, regulations or policies. (20 U.S.C. 1407(a); 34 CFR § 300.199)

Texas State rules not required by IDEA or Federal regulations

§ 74.28. Students with Dyslexia and Related Disorders.

§ 89.61. Contracting for Residential Educational Placements for Students with Disabilities.

§ 89.62. Support of Students Enrolled in the Texas School for the Blind and Visually Impaired and Texas School for the Deaf

§ 89.63. Instructional Arrangements and Settings.

§ 89.1011. Full and Individual Initial Evaluation.

§ 89.1035. Age Ranges for Student Eligibility.

§ 89.1040. Eligibility Criteria.

§ 89.1047. Procedures for Surrogate and Foster Parents.

§ 89.1049. Parental Rights Regarding Adult Students.

§ 89.1050. The Admission, Review, and Dismissal Committee.

§ 89.1052. Discretionary Placements in Juvenile Justice Alternative Education Programs.

§ 89.1053. Procedures for Use of Restraint and Time-Out.

§ 89.1055. Content of the Individualized Education Program.

§ 89.1056. Transfer of Assistive Technology Devices.

§ 89.1065. Extended School Year Services.

§ 89.1070. Graduation Requirements.

§ 89.1075. General Program Requirements and Local District Procedures.

§ 89.1076. Interventions and Sanctions.

§ 89.1080. Regional Day School Program for the Deaf.

§ 89.1085. Referral for the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf Services

- § 89.1090. Transportation of Students Placed in a Residential Setting, Including the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf.
- § 89.1096. Provision of Services for Students Placed by their Parents in Private Schools or Facilities.
- § 89.1100. Memorandum of Understanding on Coordination of Services to Disabled Persons.
- § 89.1115. Memorandum of Understanding Concerning Interagency Coordination of Special Education Services to Students with Disabilities in Residential Facilities.
- § 89.1121. Distribution of State Funds.
- § 89.1125. Allowable Expenditures of State Special Education Funds.
- § 89.1131. Qualifications of Special Education, Related Service, and Paraprofessional Personnel.
- § 89.1141. Education Service Center Regional Special Education Leadership.
- § 89.1150. General Provisions.
- § 89.1151. Special Education Due Process Hearings.
- § 89.1165. Request for Special Education Due Process Hearing.
- § 89.1170. Impartial Hearing Officer.
- § 89.1175. Representation in Special Education Due Process Hearings.
- § 89.1180. Prehearing Procedures.
- § 89.1183. Resolution Process.
- § 89.1185. Hearing Procedures.
- § 89.1186. Extensions of Time.
- § 89.1191. Special Rule for Expedited Due Process Hearings.
- § 89.1193. Special Education Mediation.
- § 89.1195. Special Education Complaint Resolution.
- § 89.1196. Individualized Education Program Facilitation.
- § 89.1197. State Individualized Education Program Facilitation.

Section V

A. Maintenance of State Financial Support

Pursuant to the authority established in IDEA section 618(a)(3), each applicant for funds under section 611 must provide the following State fiscal data with a certification of its accuracy by the State budget office or an authorized representative thereof. Amounts should be shown in whole dollars and are for the State fiscal year (SFY). States may meet the maintenance of State financial support (MFS) requirement in IDEA section 612(a)(18) and 34 CFR § 300.163 on either a total or per capita basis. In order to complete Section V.A of the Application, States must provide in whole dollars the total amount of State financial support made available for special education and related services for children with disabilities during SFYs 2019 and 2020. However, if a State met the MFS requirement on a per capita basis, it **must** complete the first chart and then may also complete the second chart by providing, in whole dollars, the amount of State financial support made available for special education and related services per child with a disability during SFYs 2019 and 2020.

Total Amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities

SFY 2019	1,804,174,562
SFY 2020	1,821,489,415

Per capita amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities

SFY 2019	3,390
SFY 2020	3,096

Mike Meyer Deputy Commissioner, Finance Administration
State Budget Officer or Authorized Representative (Printed Name)

Signature of State Budget Officer or Authorized Representative

Date

B. Significant Disproportionality²

In accordance with 34 CFR § 300.647(b)(7), each State must report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress if the State uses the “reasonable progress” flexibility in 34 CFR § 300.647(d)(2), and the rationales for each, to the Department. Under § 300.647(b)(7), rationales for minimum cell sizes that exceed 10 and minimum n-sizes that exceed 30 must include a detailed explanation of why the numbers chosen are reasonable and how they ensure that the State is appropriately analyzing and identifying LEAs with significant disproportionality based on race and ethnicity, in the identification, placement, or discipline of children with disabilities. Additionally, pursuant to the authority established in IDEA section 618(a)(3), each applicant must also provide the number of years of data it uses in making annual determinations of significant disproportionality. Each applicant must provide this information by completing and submitting the Significant Disproportionality Reporting Form.

All States completed and submitted the **Significant Disproportionality Reporting** Form with their FFY 2020 IDEA Part B application. After the initial submission of the Form, a State will only be required to submit the Form with any future annual IDEA Part B State applications if the State modifies its risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress, and rationales for each, or the number of years of data used in making annual determinations of significant disproportionality.

If your State has revised its Significant Disproportionality procedures or has any questions regarding Section V. B. of the grant application, please contact your OSEP State Lead before the Application due date.

² This collection is not intended to replace or duplicate the information collected through the Significant Disproportionality State Survey (Docket No. ED-2019-ICCD-0065; 1820-NEW). That survey will collect information that the Department will use to support States and LEAs in their efforts to comply with the statutory requirement at section 618(d) of the IDEA.