



Special Education in Texas

SUMMARY OF AGENCY ACTIONS AND RESPONSE

HOUSE APPROPRIATIONS COMMITTEE OCTOBER 9, 2018

Purpose of Special Education



The purpose of special education is to provide sufficient support to our students with disabilities, on an individualized basis, so that those students can obtain the same level of academic success typical of their peers.

Special Education Actions Already Initiated by TEA

1. **Child Find Reminder** – 11/17/2016 - Letter to all school regarding child find obligations in IDEA; Response to Intervention (RTI) strategies may not be used to delay or deny an initial evaluation; and clarifying TEA's monitoring efforts
2. **ARD Process Review** – Began evaluation of whether any additional information should be added to the *Parent's Guide to the Admission, Review, and Dismissal Process* as well as what additional training and technical assistance the regional education service centers can provide to school districts regarding the child find process, RTI, and PBMAS
3. **Specific District Follow-up** – Performed follow-up with specific school districts cited in the media regarding special education compliance
4. **PBMAS Revisions** – Eliminated indicator 10 (SpEd representation); Added newly required indicators designed to calculate significant disproportionality by disaggregated racial/ethnic groups and disability categories

Special Education Actions Already Initiated by TEA

5. **Expanded TEA Technical Support** – Hired 10 special education staff members whose primary function is to provide expertise and leadership as it relates to technical assistance to LEAs directly, through the ESCs, and through improvements to the existing grants programs

6. **Expanded ESC Technical Support** – Provided funding for the ESCs to hire 28 regional special education liaisons to work to improve outcomes for students with disabilities throughout their regions, with a specific focus on developing innovative district practices and professional development for district special education staff.

7. **Grant Postings-** Fourteen grant opportunities in support of the strategic plan have been posted since early July of 2018, many of which are being scored and awardees will be notified by late October.

USDE Monitoring Letter Findings

Issued: January 11, 2018

- 1. Child Find:** TEA failed to ensure that all children with disabilities residing in the State who are in need of special education and related services were identified, located, and evaluated, regardless of the severity of their disability, as required by IDEA section 612(a)(3) and its implementing regulation at 34 CFR §300.111.
- 2. FAPE (Free Appropriate Public Education):** TEA failed to ensure that FAPE was made available to all children with disabilities residing in the State in Texas's mandated age ranges (ages 3 through 21), as required by IDEA section 612(a)(1) and its implementing regulation at 34 CFR §300.101.
- 3. Compliance Monitoring:** TEA failed to fulfill its general supervisory and monitoring responsibilities as required by IDEA sections 612(a)(11) and 616(a)(1)(C), and their implementing regulations at 34 CFR §§300.149 and 300.600, along with 20 U.S.C. 1232d(b)(3)(A), to ensure that ISDs throughout the state properly implemented the IDEA child find and FAPE requirements.

Corrective Action Response Timeline

**Initial Round of
Public Comments Closed**

Feb 18th, 2018

TEA accepted initial public comments on the draft plan.

**Revised Draft
Plan Posted**

Mar 19th, 2018

A revised draft plan was available on March 19. Additional public comments on the draft were accepted through April 6.

**Final Plan
Submitted**

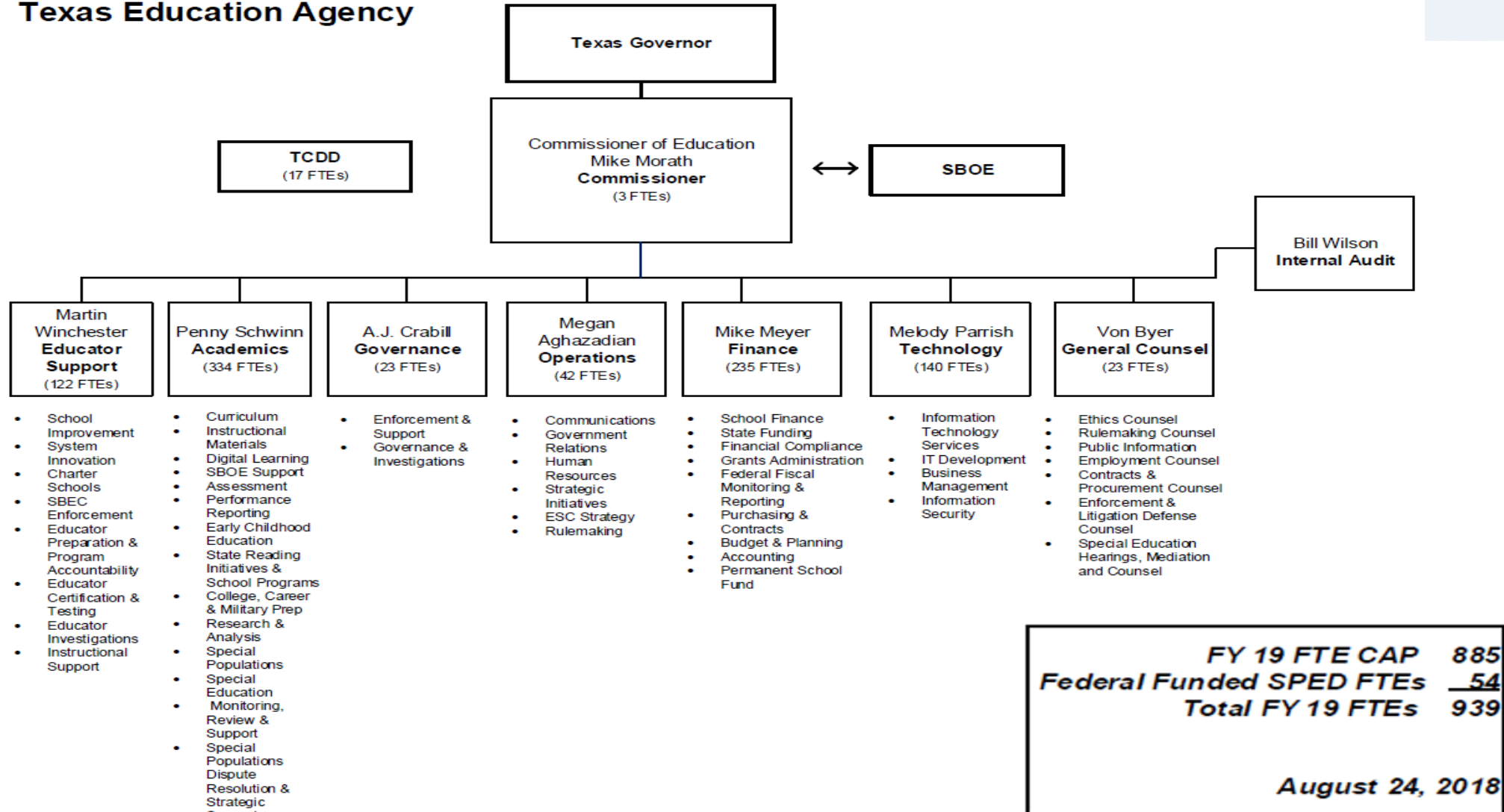
Apr 23rd, 2018

The final State corrective action plan was submitted to the U.S. Department of Education on April 23rd.

TexasSPED@tea.texas.gov

TEA Organization Chart

Texas Education Agency



Summary of Feedback Gathered for Strategic Plan

Feedback Gathered	Number of Respondents	Roles					
		Parents	Teachers / Service Prov	District Admin	ESC/Tech Assist	Advocacy	Other
Emails to TexasSPED@tea.texas.gov	390	✓	✓	✓	✓	✓	✓
Responses from USDE Corrective Action Draft Plan Online Survey	7,094	3,556	3,890	1,047	*	232	1,550
Individual One-on-One Interviews with Educational Service Center Technical Assistance Providers	153	NA	NA	NA	153	NA	NA
Responses from Special Education Technical Assistance Insights and Needs Assessment Survey	4,106	NA	2,710	777	128	NA	507
Participants in Focus Group Meetings (110 meetings held in all 20 ESC regions of Texas)	1,520	357	325	838	NA	NA	NA

Strategic Plan & Corrective Action Response

A copy of the draft plan is publicly available on the TEA website:

<https://tea.texas.gov/TexasSPED>




State Monitoring




Identification,
Evaluation and
Placement



Training, Support
and Development



Student, Family and
Community
Engagement



Networks and
Structures

Strategic Plan & Corrective Action Response

TEA has prepared a strategic plan to improve special education. This plan encompasses the corrective action response.

Strategic Plan	Corrective Action Response
<ul style="list-style-type: none"> • More robust and holistic data collection • Transition monitoring • Outreach campaign for LEAs and families • TEA evaluation support (ex. Diagnosticians) • Improved complaints and dispute resolution • Professional development • Resource development • Statewide partnerships • Family support call center, portal, and resources • Stakeholder engagement • Improved Technical Assistance Networks 	<p>Corrective Actions 1 and 4</p> <ul style="list-style-type: none"> • Monitoring <p>Corrective Action 2</p> <ul style="list-style-type: none"> • Improved guidance and training (Section 504, Dyslexia, and RtI) • Compensatory service funding support • Dyslexia supports <p>Corrective Action 3</p> <ul style="list-style-type: none"> • Targeted outreach • Resource development (Section 504, Dyslexia, RtI) • Dyslexia supports

Foundation School Program Implications

- For the 2017-2018 school year the Foundation School Program (FSP) formulas delivered **\$3.126 billion** to school districts and charter schools for special education.*
 - This works out to **\$17.4 million** per instructional day.

- On average, a **one-percent increase** to the statewide percentage of students identified as eligible for special education services generates roughly **\$342 million** in additional revenue for school districts and charter schools.

- This cost to the FSP would be entirely borne by the State.

*Source = Total Special Education Allotment, TEA Summary of Finances, run id: 25143
Daily amount assumes 180 days of instruction.

Budget

State costs regarding services provided to students in special education will increase due to the number of students identified.

Category	Source of Funds	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5	Total
		2018	2018-19	2019-20	2020-21	2021-22	2022-23	
Monitoring	IDEA - Admin	\$ 925	\$ 4,775	\$ 4,775	\$ 4,775	\$ 4,775	\$ 4,775	\$ 24,800
	IDEA - Discretionary	\$ 200	\$ 1,500	\$ 250	\$ 250	\$ 250	\$ 250	\$ 2,700
Identification, Evaluation and Placement	IDEA - Discretionary	\$ 6,550	\$ 7,750	\$ -	\$ -	\$ -	\$ -	\$ 14,300
	IDEA - LEA Allocation	\$ 65,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,000
Training, Support and Development	IDEA - Discretionary	\$ 16,700	\$ 15,500	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 92,200
Student, Family and Community Engagement	IDEA - Discretionary	\$ 1,032	\$ 4,600	\$ 1,850	\$ 1,600	\$ 1,600	\$ 1,600	\$ 12,282
							Total	\$ 211,282

Special Education Services Grant Exceptional Item (\$50.5M)

The Special Education Services Grants provide grants for districts as they provide the needed Compensatory services for those students not properly identified as needing special education services.

- TEA bases the cost estimate on a **potential identification gap of up to approximately 180,000 students** (based on 2004 levels).
 - Assuming the compensatory services allocation covers one year, and each student is given an average of \$5,000 in funding for this work per year, the total cost for 10,000 students would be \$50,000,000.
 - It should be noted that more than 10,000 students could require compensatory services.

TEA acknowledges that this work will require significant staff capacity, but will absorb the work using the recently expanded special education staff.

TEA will:

- Identify the priority rubric to be used when evaluating requests
- Create a simple application for LEAs to complete
- Provide guidance on how to appropriately evaluate whether compensatory services are required
- Set an annual deadline by which applications are due, approved, and funded
- Provide a summary report to the LBB and Office of the Governor by December 31, 2020
- Provide guidance resources on our website for additional support

Appendix

Strategic Plan: Monitoring

- **Review & Support Team** – expand team by roughly 45 FTEs, paid for by IDEA-B Admin Discretionary Funds (**note: this will require a review of current FTE cap**).
 - Includes desk reviews, on-site visits, and escalated engagements.
 - Allows for on-site reviews.
 - All reviews will include published reports, easily searchable.
 - The review process will be defined by conducting a detailed planning process, to include significant stakeholder engagement, so that reviews result in a focus on improved outcomes, not just compliance.
- **Data Collections Improvements** – additional data reporting elements will be added to PEIMS/TSDS to ensure adequate information for monitoring, while maintaining strong controls on data privacy (**note: this may require legislative authorization**).
- **Transition Monitoring** - Until the Review & Support Team is in place, the School Improvement team will focus existing monitoring activities on currently identified high needs LEAs.

Strategic Plan: Identification, Evaluation, and Placement (Child Find & FAPE)

- **Targeted Outreach** – TEA will require every school system to notify parents about potential eligibility for special education evaluation, targeted at those most likely to benefit.
- **Outreach Campaign** – TEA will conduct an outreach campaign to help reach parents more broadly.
- **TEA Evaluation Support** – TEA may supplement existing district evaluation personnel by providing short term contracted evaluation support.
- **Compensatory Services**– TEA will provide an infusion of \$65M and additional guidance to school systems to support compensatory services.
- **Improved Guidance & Training** – TEA will update guidance and provide training on best practices. This will explicitly include clarifying the interplay between Response to Intervention (RtI), Section 504, dyslexia, and special education.
- **Complaints & Dispute Resolution** – TEA will provide improved training, clarified resources on the dispute resolution process, and internal capacity to hear complaints is both sufficient and the process is clear to all parties, especially parents.

Strategic Plan: Training, Support and Development

- **Evaluation Capacity** – TEA will attempt to address long term shortages in the supply of evaluation personnel for districts throughout the state by facilitating more cross-district resource sharing and working to recruit new professionals to the field.
- **Professional Development** – TEA will launch training for teachers and other educators on special education best practices, including both inclusive teaching practices and broader identification and Child Find practices.
- **Resource Development** – TEA will expand existing resources intended to help educators better understand the differences between RTI, the state Dyslexia program, Section 504, and IDEA.
- **Dyslexia** – With approval from the SBOE, the *Texas Dyslexia Handbook* will be updated, and additional training resources for teachers on proper dyslexia practices will be provided. Additionally, TEA will contract to perform an evaluation of dyslexia practices in the state to inform improvements in training.
- **Certification** – TEA is examining improvements in teacher certification practices related to special education and dyslexia, and will work with the State Board for Educator Certification to make improvements.
- **Governance** – TEA will explore the development of training resources for school boards on special education, with a focus on monitoring outcomes and program implementation fidelity.
- **Statewide Partnership** – TEA will continue working with the Texas Workforce Commission (among others) to improve supports for students with disabilities transitioning into the workforce.

- **Family Support Call Center, Portal, and Resources** – TEA will develop a set of paper and web based resources (in multiple languages) to help parents navigate issues related to special education to empower them throughout the PK-12 experience, and expand existing call center operations to facilitate more personalized help for parents.
 - One set of resources will be focused explicitly on understanding eligibility and Child Find processes, to ensure parents know when it is most appropriate for a child suspected of being eligible to obtain special education services as opposed to Section 504 supports or dyslexia-specific supports, and how the Response-To-Intervention (RtI) framework is intended to help.
 - Another set will be more focused on the broader set of educational issues faced at various stages of a student’s development.
- **Stakeholder Engagement** – TEA will invest, on an ongoing basis, in stakeholder engagement, to continue gathering meaningful feedback from students, parents, and educators across the broad swath of Texas, to build on the over 110 focus groups conducted in Q1 2018.