

Table 2. Timeline - CAR Item 2.c.

Timeline	Action
Apr 23, 2018	<p>In its <a href="#">Corrective Action Response (CAR)</a> to OSEP, TEA wrote:  <i>TEA will require LEAs to collect and retain data that includes</i></p> <ul style="list-style-type: none"> <li>(i) <i>each request for evaluation made during the 2018-2019 school year;</i></li> <li>(ii) <i>whether the reason for request indicates a claim that the child should have been referred for an initial evaluation prior to the 2018-19 school year; and</i></li> <li>(iii) <i>if the child is found eligible, whether additional services are needed, taking into consideration supports and services previously provided, and what those services are determined to be, including the timeline for implementation.</i></li> </ul> <p><i>LEAs may produce this data to TEA upon request or through approved TEA data collection processes.</i></p>
Jul 18, 2018	<p>TEA <a href="#">noticed LEAs of 2018-2019 requirements</a> for LEAs to collect and retain requests for evaluation data that includes the reason for the request and whether additional services are needed including the timeline for implementation. The notice included that information would be collected in summer of 2019, but LEAs should put local measures in place to collect the information throughout the 2018-2019 school year.</p> <p>After approval from TEA’s internal Data Governance Board (DGB) to collect additional data for statewide study based on OSEP’s noncompliance citations to the State, TEA subsequently added the data elements into its existing secure statewide data collection system. This action allowed LEAs to include the supplemental information to the State while also reporting on Indicators 11 and 12 in one data access portal, thus reducing some burden in reporting the additional information.</p>
Oct 17, 2018	<p>In its <a href="#">October 2018 response</a> to TEA’s CAR, OSEP wrote:  <i>OSEP recognizes the efforts TEA has made in proposing that LEAs collect and retain this data to address corrective action #2. It is OSEP’s understanding that TEA will use this data to determine that each LEA:</i></p> <ul style="list-style-type: none"> <li>(i) <i>identifies, locates, and evaluates children enrolled in the LEA who should have been referred for an initial evaluation under the IDEA,</i></li> <li>(ii) <i>provides technical assistance, as appropriate, to IEP Teams as they consider, on an individual basis, whether additional services are needed for children previously suspected of having a disability who should have been referred for an initial evaluation and were later found eligible for special education and related services under the IDEA, taking into consideration supports and services previously provided to the child.</i></li> </ul> <p><i>OSEP will, possibly in conjunction with future monitoring activities, review these efforts.</i></p>
Jan 9, 2019	<p>In its <a href="#">January 2019 response</a> to OSEP’s October 2018 response, TEA provided:  A table including links to requested evidence of corrections. Based on OSEPs October 17, 2018, response that -</p> <ul style="list-style-type: none"> <li>1) recognized TEA efforts noticing LEAs to collect and retain data responsive to CAR 2.c.; and</li> <li>2) possible future review of state efforts</li> </ul> <p>TEA’s response for item 2.c. stated, “Documentation not requested but available upon request”</p>
Oct 19, 2020	<p>In its <a href="#">post May 2019 onsite monitoring report</a>, OSEP wrote –  <i>In its CAR 2.c., TEA stated it would require LEAs to collect and retain data that includes:</i></p> <ul style="list-style-type: none"> <li>(i) <i>each request for an evaluation made during the 2018-2019 school year;</i></li> <li>(ii) <i>whether the reason for the request indicates a claim that the child should have been referred for an initial evaluation prior to the 2018-2019 school year; and</i></li> <li>(iii) <i>if the child is found eligible, whether compensatory services are needed.</i></li> </ul> <p><i>TEA’s timeline for completion of this corrective action was September 1, 2018. TEA’s Documentation/Evidence of Progress/Completion was that 100% of LEAs would receive information relating to this requirement and notice of how TEA would collect this data.</i></p> <p><i>In its October 19, 2018, response, OSEP reiterated its understanding that TEA would use the referenced data to determine that each LEA:</i></p>

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	<p>(i) identifies, locates, and evaluates children enrolled in the LEA who should have been referred for an initial evaluation under the IDEA, and</p> <p>(ii) (ii) provides technical assistance, as appropriate, to IEP Teams as they consider, on an individual basis, whether additional services are needed for children previously suspected of having a disability who should have been referred for an initial evaluation and were later found eligible for special education and related services under the IDEA, taking into consideration supports and services previously provided to the child, and that OSEP would, possibly in conjunction with future monitoring activities, review these efforts.</p> <p>In interviews conducted during OSEP’s on-site visit, TEA reported that it would require LEAs to collect and retain data that includes:</p> <ul style="list-style-type: none"> <li>• Each request for an evaluation made during the 2018-2019 and the 2019-2020 school year;</li> <li>• Whether the reason for that request is from a child who should have been referred for an initial evaluation before the 2018-2019 school year;</li> <li>• If the child is determined eligible, whether compensatory services are needed.</li> </ul> <p>These data were not available for OSEP’s review during the on-site monitoring visit, but in interviews conducted during the on-site visit, officials from 3 LEAs reported an increase in parental requests for evaluations. However, based on OSEP’s interviews with school personnel, none of the LEAs reported that students who should have been evaluated who were later evaluated and determined eligible were provided additional services and supports to make up for the delay in the child’s evaluation and the provision of special education and related services.</p> <p>It is very important for OSEP to review the data that TEA has required its LEAs to report for the 2018-2019 and the 2019-2020 school years in order to determine whether and to what extent TEA has implemented this provision of its CAR to correct the noncompliance that OSEP identified in its January 11, 2018, monitoring report.</p>
<p>Oct 28, 2020</p>	<p>In its October 28, 2020, response to OSEP’s October 19, 2020, letter, TEA provided for CAR item 2.c:</p> <ul style="list-style-type: none"> <li>• <a href="#">Memorandum</a> stating this data had not prior to 2018-2019 been a part of data collection.</li> <li>• Information from SY 2018-2019 and SY 2019-2020</li> </ul> <p>Additionally, and directly related to the additional information requested from LEAs, A <a href="#">Memorandum</a> dated October 21, 2020 for CAR item 2.b. outlined specific correspondence and technical assistance given to LEAs as part of its collection of information under CAR item 2.c. beginning with the <a href="#">To the Administrator Address letter dated July 18, 2018</a> and subsequent <a href="#">SPP 11 instructions</a> for reporting data.</p>
<p>Aug 27 2021</p>	<p>In its <a href="#">August 27, 2021 letter</a> and <a href="#">enclosure</a> response to TEA’s October 2020 documentations, OSEP wrote:</p> <p>To satisfy CAR 2.c., within 30 days of the date of this letter, the State must:</p> <ul style="list-style-type: none"> <li>• Provide to OSEP a report specifying what data, if any, were actually collected from its LEAs during the 2018-2019 and 2019-2020 school years and explain why the data required to address the noncompliance identified in OSEP’s 2018 monitoring report were not reported by LEAs or collected by TEA. Specifically, TEA must provide the following data:             <ol style="list-style-type: none"> <li>1. The number of children referred for IDEA evaluations;</li> <li>2. The number of children for whom IDEA evaluations were conducted.</li> <li>3. The number of children for whom evaluations were conducted and were found eligible for special education and related services.</li> <li>4. The number of children for whom additional services and supports were provided that were determined necessary to ensure the provision of FAPE in light of services previously provided.</li> <li>5. The number of children for whom additional services were determined to be unnecessary for the provision of FAPE in light of services previously provided and the reasons for those determinations.</li> </ol> </li> <li>• Provide a copy of the reporting template and/or instructions it has provided to its LEAs to collect the data required under CAR 2.c for the 2020-2021 school year, including a preliminary report of data</li> </ul>

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	<p>collected from LEAs for the 2020-2021 school year that provides the data referenced in the required action immediately above.</p> <ul style="list-style-type: none"> <li>• If TEA has not required its LEAs to report the data described above for the 2020-2021 school year or has not collected the required data from its LEAs, TEA must provide evidence demonstrating that it has revised its data collection system consistent with CAR 2.c and must describe the specific actions it has taken to revise its data collection system to ensure that the required data can be provided for the 2020-2021 school year as soon as possible, but no later than 30 days after the expiration of the 30-day timeline.</li> </ul>
<p>Sep 10, 2021</p>	<p><u>TEA participated in a phone conference with OSEP regarding the August 27, 2021, requirements and provided the following information for CAR item 2.c.:</u></p> <ul style="list-style-type: none"> <li>• TEA confirmed that information was provided by LEAs via reporting through the SPP 11 statewide data collection for school years 2018-19, 2019-20, and 2020-21 regarding CAR item 2.c. specific to agreed upon items i., ii., and iii outlined in 2.c.</li> <li>• OSEP’s August 27, 2021, contained additional data requests (5 total data requirements) that were not all agreed to by the state to collect in its original or subsequent correspondences with OSEP. In particular listed item #5 for <i>the number of children for whom additional services were determined to be unnecessary for the provision of FAPE in light of services previously provided and the reasons for those determinations</i>. TEA stated it did not specify in its original CAR 2.c. response/intent that it would specifically collect this information.</li> <li>• TEA described the 3 years of information relating to CAR item 2.c. as a 3 year study to determine additional technical support or statewide needs, and to report findings on whether LEAs were providing additional services for             <ol style="list-style-type: none"> <li>1. each request for evaluation when</li> <li>2. the reason for request indicates a claim that the child should have been referred for an initial evaluation in a prior to the current school year; and</li> <li>3. if the child was found eligible, whether additional services were needed, taking into consideration supports and services previously provided, and what those services were determined to be, including the timeline for implementation.</li> </ol> </li> <li>• TEA stated that the aggregate LEA data collection system (legacy school year 2020-21 and prior) has been moved for the 2021-21 school year and beyond to the <a href="#">TSDS Child Find Collection</a>, collecting at the student level for every initial evaluation under Child Find for SPP indicators 11 and 12. TEA described the system as a more robust system for monitoring timelines using complex validations for compliance determination through data reporting. However due to system build requirements including stakeholder driven policies for DGB approvals relating to specific authority for additional data collection, the TSDS Child Find Collection would not include the supplemental data infused in the prior data system for CAR item 2.c. 3 year data collection/study. TEA state it would instead continue to monitor and engage LEAs regarding compensatory services through cyclical, targeted and intensive monitoring efforts annually.</li> <li>• TEA stated that it felt the data presented to OSEP in October 2020 and subsequent 2020-21 3<sup>rd</sup> year of information obtained from LEAs demonstrates LEAs are providing additional services based on information obtained during evaluation in consideration of any evaluation delays, or compensatory needs determined during the eligibility determination meeting of the Admission Review and Dismissal committee meetings.</li> </ul>
<p>Sep 16, 2021</p>	<p><u>In its <a href="#">September 16, 2021</a> response to TEA’s clarifications during the September 10 conference call, OSEP wrote:</u>  <i>TEA must provide additional information on how the data submitted for this CAR item was collected, including information demonstrating that it is valid and reliable data. The information requested under CAR 2.c. was explained in OSEP’s October 19, 2020, letter (October letter) to TEA. In the required actions for the October letter OSEP requires TEA to collect the same data that was described in the August letter. As described in the OSEP analysis in the August letter, TEA submitted a one-page document titled Texas</i></p>

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	<p><i>SPP data 10-22-2020 and a one-page memorandum on proposed data collection for CAR 2.c. The data submitted included information such as the number of students for whom signed, written parental consent to evaluate was received; children receiving a full evaluation who should have been evaluated in a prior school year; the number of students determined eligible; the number of children that were found not eligible; and the number of students for which the admission, review, and dismissal committee determined additional services were needed. During the September 10th teleconference, TEA staff also suggested that a study had been conducted that collected relevant data. However, it is not clear if the information previously submitted was extrapolated from a study, whether it was census data, or was based on other State data. Thus, OSEP cannot determine whether TEA has provided adequate information to address the required actions relating to finding number 2 in OSEP's January 11, 2018, monitoring report regarding TEA's failure to provide FAPE to all eligible children with disabilities in Texas. OSEP also notes that multiple authorities require grantees and pass-through entities such as TEA to monitor and ensure that LEAs receiving federal funds are following Federal laws, regulations, and terms and conditions of any grant awards in order to ensure compliance. TEA as an SEA also has the responsibility of general supervision to ensure that the requirements of IDEA Part B are carried out. In order for an SEA to determine if requirements of IDEA are met by LEAs, the SEA may need to collect data and review policies and procedures to ensure compliance. The following statues and/or regulations authorize SEAs and pass-through entities to collect data and/or perform direct monitoring. 20 USC 1412(a)(11), 1416(a), 34 CFR 300.149 and 300.600(a) – SEA general supervision responsibility, 20 USC 1232d(b)(3)(A), 20 USC 1232c(a), GEPA sections 440 and 441; 2 CFR 200.332(d); and 2 CFR 200.332(d)(2) (Requirements for pass-through entities). OSEP looks forward to the State's submission to satisfy this CAR item.</i></p>
<p>Sep 27, 2021</p>	<p>TEA provides Memorandum regarding CAR item 2.c. and additional information from school years 2018-19, 2019-2020, and 2020-21 findings.</p>