



Texas Association of School Boards
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Ms. Stacey Neal Combest, Chair
Texas Commission on Special Education Funding
Texas Education Agency
William B. Travis State Office Building
1701 North Congress Avenue
Austin, Texas 78701

Dear Chairwoman Combest and Commission:

On behalf of the 1,023 public school districts in Texas, The Texas Association of School Boards (TASB) submits these comments to the Texas Commission on Special Education Funding, specifically on increasing funding to private providers for special education services. We appreciate Chairwoman Combest and members of the committee for bringing up this important topic that opens a discussion how school districts address special education services.

TASB believes that diverting additional public funds for the privatization of special education services will lead to poorer outcomes for students and lower quality supports available in public schools.

Special education services are some of the most important supports a public school will provide – and it does so for our neediest students. These services are also some of the costliest that a district will provide, yet funding for them from both the state and federal governments is severely lacking. The federal government has yet to fully realize its promise to fund 40% of the Individuals with Disabilities Act. The Texas Education Agency also penalized districts for identifying too many students who required special education services until 2018. As a result of this under-identification and underfunding, school districts have been paying for evaluation and compensatory services with local dollars – a practice that is not sustainable.

Prompted by federal action in August 2020, the Special Education Finance Advisory Committee created a list of recommendations to help update and improve funding for special education. One of these recommendations is “reforming the special education funding formula to fund special education based on the intensity of supports and services provided to a student, rather than the current instructional arrangement system.” TASB believes that removing the location of services being provided and instead looking at the kind of services being provided will help school districts better prepare for, cover, and anticipate change in costs moving forward. Additionally, this type of funding mechanism will more accurately represent the cost of education for a particular student.

Some have suggested more parental choice needs to be injected into the special education process. The special education process and establishment of an admission, review, and dismissal (ARD) committee ensure one of the strongest parental rights and choice processes in public education. ARD committees work together with parents to finalize and implement individualized educational plans (IEPs). In fact, school staff cannot begin providing or change services without parental consent. Parents have the benefit of accessing the expertise of special education professionals and educators throughout the process and can choose from proven therapies and services.

Providing services outside of the ARD process and school district setting that may not be a part of a student's IEP would hinder the coordination between school staff and parents, leading to miscommunication and duplication of or gaps in services provided to students. Further, federal IDEA requirements will still mandate that special education services be provided and reported. The additional burden of tracking and documenting private services obtained outside of the school setting will increase the burden on school staff who are already laden with a myriad of state and federal requirements. Private providers are not usually accustomed to the reporting or requirements that a district must follow for IDEA and state compliance. Additionally, these private providers are not accountable for the outcomes of the services they provide. Instead, school districts would still be responsible for a student's outcomes. Many times, outside providers are more focused on habituation and rehabilitation while school therapists are focused on education, student progress, outcomes, and attainment of school-related skills.

As the commission continues its work, TASB urges its members to resist calls for privatizing special education services and instead consider changes to funding structures to accurately identify the cost of services and then fund them appropriately. Diverting funds from public special education programs and school districts would only exacerbate the overall provision of services across the state – creating a larger gap that school districts would then have to address using local funds while not seeing a decrease in the students or services they must educate and provide.

TASB is committed to helping the commission identify reforms and changes to the current special education funding system to ensure all students in Texas receive the education they so rightfully deserve. If you have any further questions, please contact Whitney Broughton, Assistant Director of Governmental Relations at whitney.broughton@tasb.org or 512-467-1121.

Sincerely,



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CC:

Sen. Paul Bettencourt - Houston
Sen. Angela Paxton - McKinney
Sen. Judith Zaffirini - Laredo
Rep. Mary Gonzalez - El Paso County
Rep. Dan Huberty - Harris County
Rep. Jacey Jetton - Fort Bend County