

Why Education?

The answer:

To ensure we prepare ALL students to succeed in life



How is this working for us?



Figure 2: Four-Year Graduation Rates

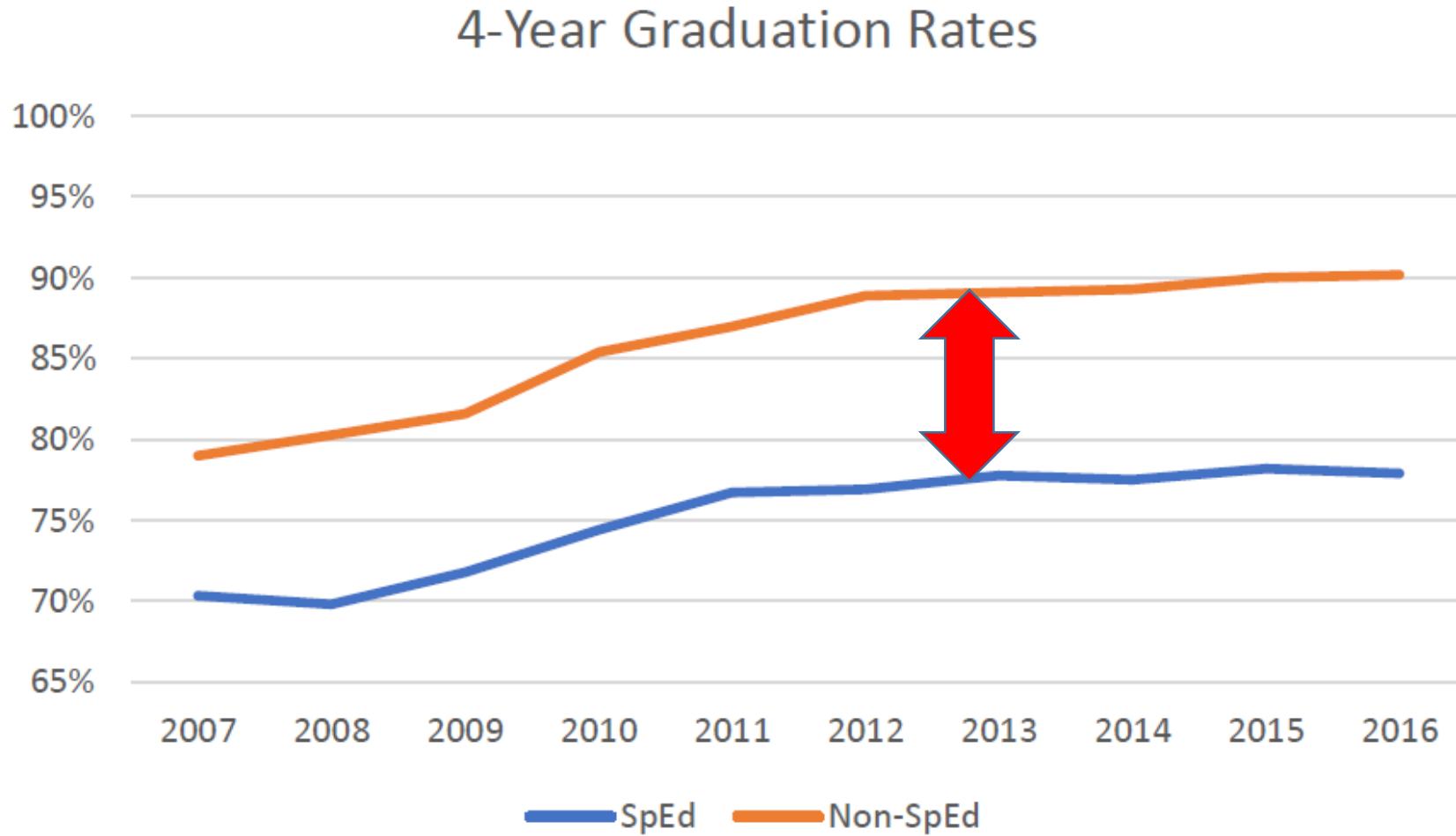


Figure 3: 2017 STAAR Results

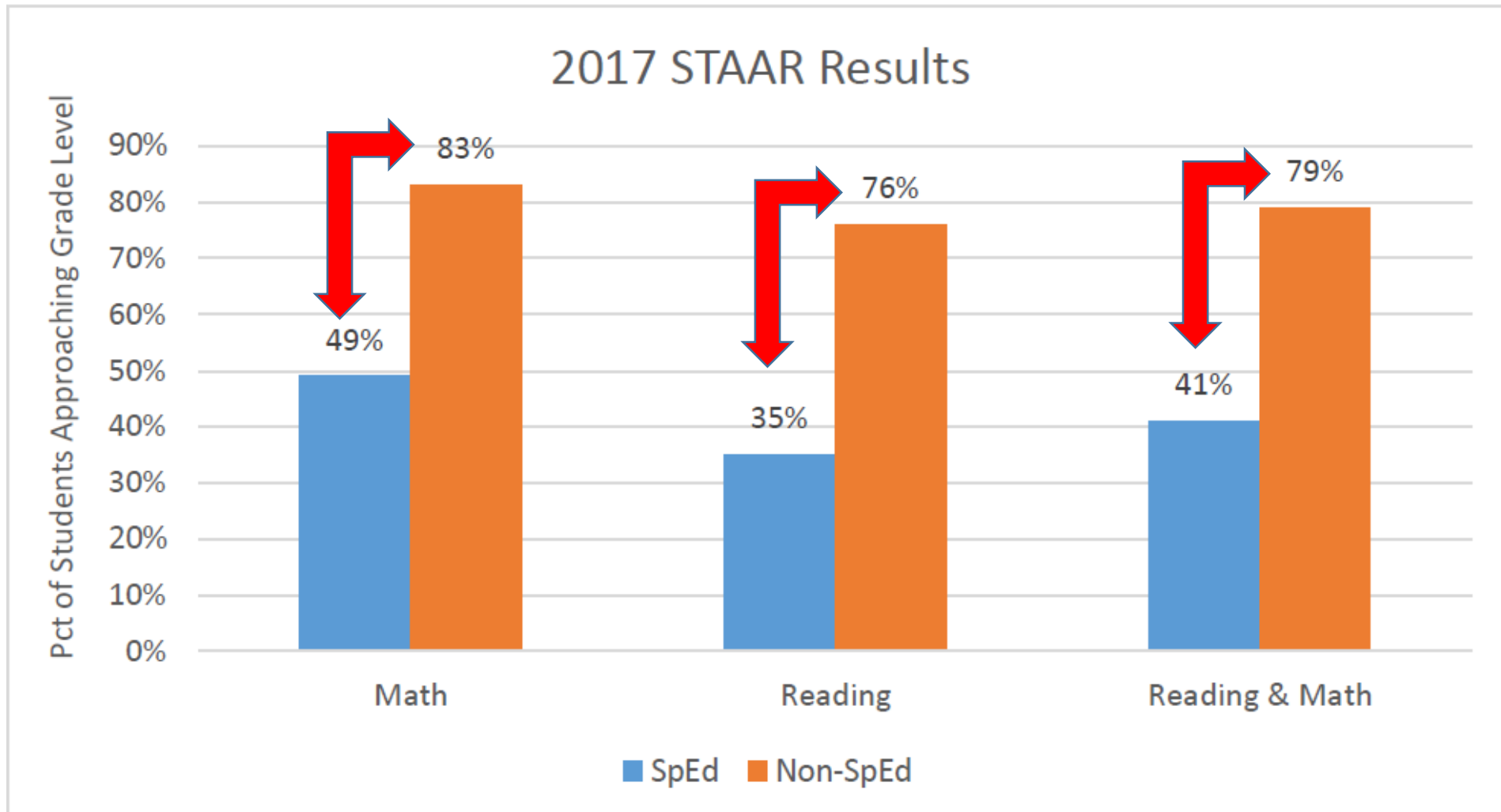
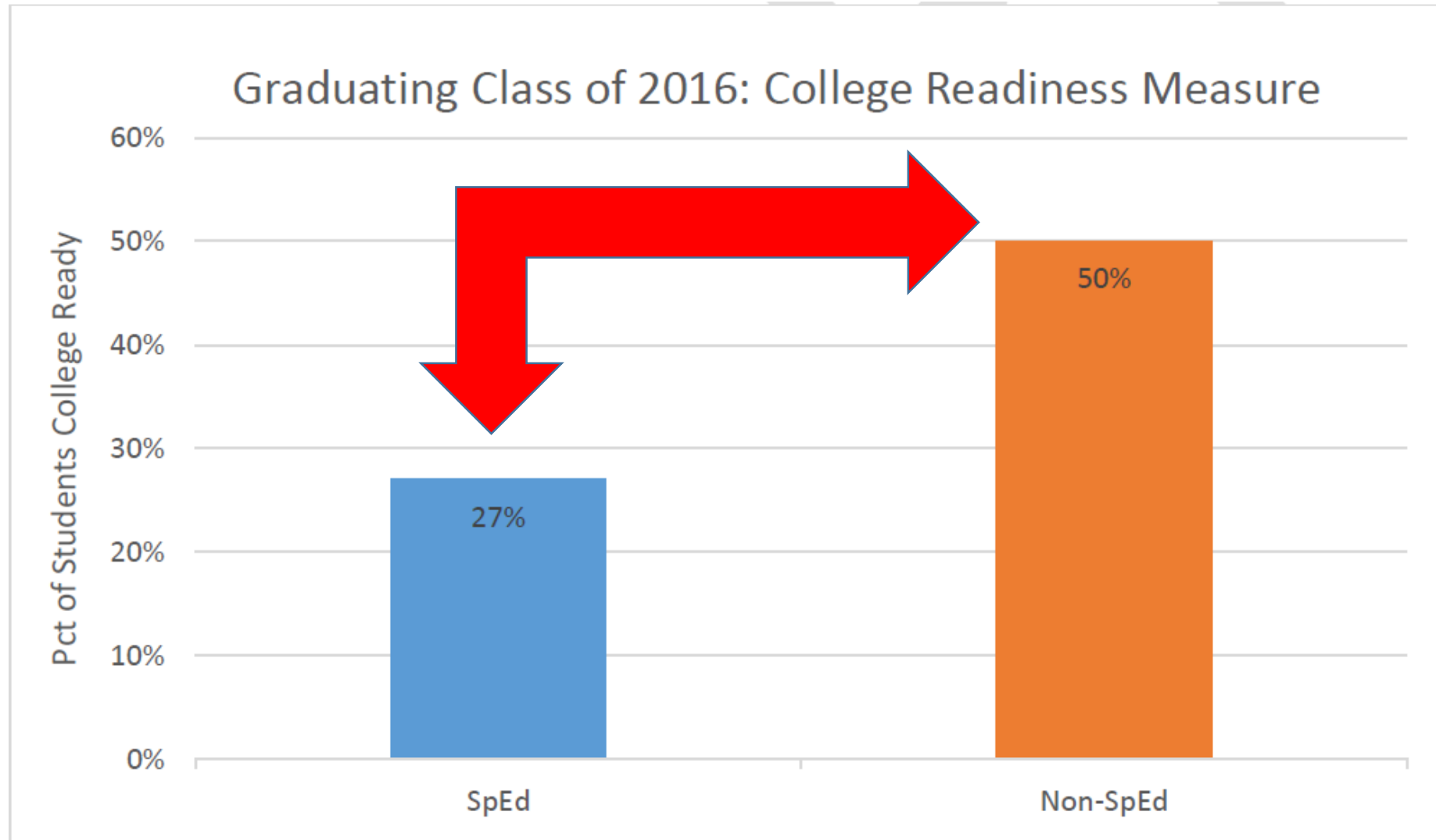


Figure 4: College Readiness (Class of 2016) ¹



We can give excuse after excuse for why our students are not making the progress needed, but the reality is it is our duty to provide ALL student equitable access to be successful

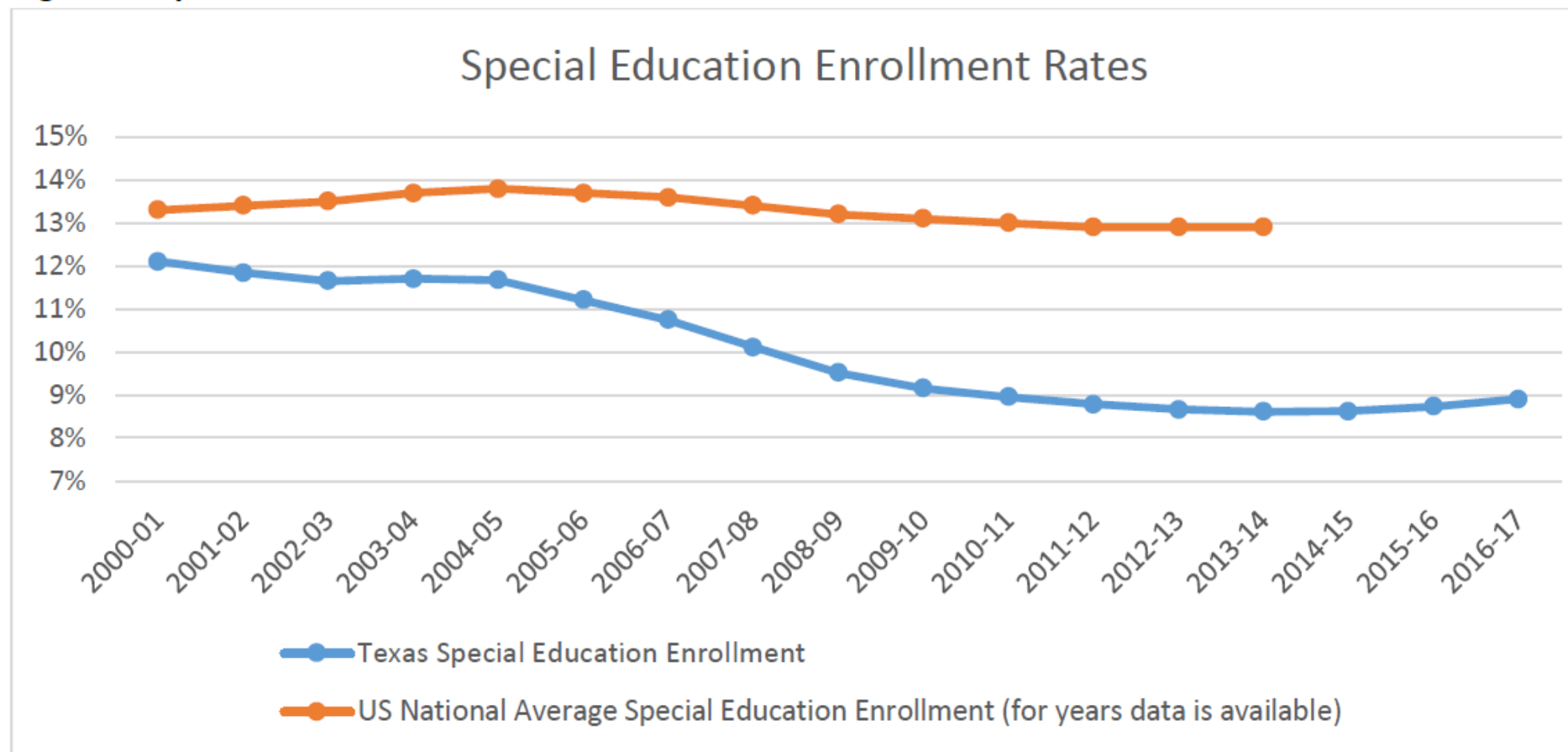


It is obvious the gap is of concern...

However, what finally got the FEDs attention was a decline in special education enrollment rates.



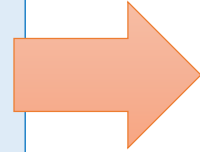
Figure 1: Special Education Enrollment Rates



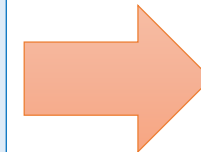
Indicating, students were either not being referred or evaluated; consequently, resulting in reduced number of students being identified, thus not receiving special education services

Events leading to TEA SPED Corrective Action Plan

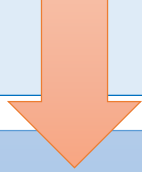
Decline in the State's overall special education identification rate 11.6% in 2004 and 8.6% in 2016



US Department of Education visited 5 Region Service Centers (1, 4, 10, 13, & 19) to host Listening Sessions around the 8.5% cap placed by TEA



Office of Special Education Program (OSEP) visited TEA and 12 school districts and found 3-areas of non-compliance



2004 was the same year TEA initiated a performance indicator measuring the total number of enrolled children receiving special education services



But...before we continue

What is Special Education?

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



US Department of Education Findings

Monitoring Visits Conducted by OFFICE OF SPECIAL EDUCATION PROGRAM (OSEP)

TEA's Failure to Ensure ISDs Properly Implement the IDEA Child Find Requirements

All Children who
are in need of
special education
and related services
are identified,
located and
evaluated

IDEA does not limit or
restrict the number of
children who can be
identified as "children
with a disability" provided
they qualify

2-Prong test

- have one of the 13 disabilities
- have an educational need

FAPE is made available to all
children with disabilities
residing in the State in the
State's mandated age range,
which in Texas is ages 3
through 21

At no cost to parents in
conformity with an
individualized education
program (IEP) that meets
applicable IDEA requirements

Local educational agencies
(LEAs), in providing for the
education of children with
disabilities within their
jurisdiction, are consistent
with the State's policies
and procedures as a
condition of receiving a
subgrant of IDEA funds
from the State

US Department of Education/ OSEP Findings

3-Areas of Non-compliance

TEA failed to ensure 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.

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

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

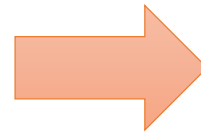
TEA's Failure to Ensure ISDs Properly Implement the IDEA Child Find Requirements -- Continued

- Implementation of Response to Intervention (RTI) and Special Education Referral Procedures
- Section 504 Related Aids and Services
- Implementation of State's Dyslexia Program
- Lack of Understanding of the Difference Between the IDEA and Programs for Struggling Learners



Events leading to TEA SPED Corrective Action Plan Continued

US Department of Education released findings of monitoring visit on January 11, 2018



Gov. Abbott addresses Commissioner Morath in a letter to take immediate action [7-days to be exact]

Gov. Abbott's letter to Commissioner Morath



GOVERNOR GREG ABBOTT

January 11, 2018

The Honorable Mike Morath
Commissioner
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

Dear Commissioner Morath:

I have read with deep concern the recent monitoring letter sent to the Texas Education Agency (TEA) from the U.S. Department of Education (DOE). The past dereliction of duty on the part of many school districts to serve our students and the failure of TEA to hold districts accountable are worthy of criticism. At the state and local level, the practices that led to the DOE monitoring letter will end.

Going back to 2004, the letter points to multiple failures by local school districts to adequately address the needs of our most vulnerable students. Of particular concern were local compliance failures stemming from the long-standing 8.5 percent representation policy. Such failures are not acceptable, and TEA must take steps now to significantly increase the oversight provided to ensure our special education students are receiving the services they deserve.

Thankfully, actions taken by you and our legislature put an end to that representation policy last year. But while the problems identified in the report started long before your arrival at TEA, our parents and students demand significant actions be taken now to improve special education in Texas.

Federal officials have provided no definitive timeline for action by TEA, but parents and students across our state cannot continue waiting for change. I am directing you to take immediate steps to prepare an initial corrective action plan draft *within the next seven days*.

Because no plan crafted solely by the agency could possibly serve the needs of all students around the state, the draft should be shared with representatives of parent groups, special education advocacy groups, as well as administrators and educators throughout the state. There must be full and meaningful input before the final plan is put into action.

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

...duty on the part of many school districts to serve our students and the failure of TEA to hold districts accountable are worthy of criticism.

Going back to 2004, the letter points to multiple failures by local school districts to adequately address the needs of our most vulnerable students.

Such failures are not acceptable, and TEA must take steps now to significantly increase the oversight provided to ensure our special education students are receiving the services they deserve.

...our parents and students demand significant actions be taken now to improve special education in Texas.

...parents and students across our state cannot continue waiting for change.

...it is obvious that more can be done, and more must be done.



Initial TEA SPED Corrective Action Plan Submitted

TEA drafts an initial
Corrective Action Plan
Submitted

January 17, 2018



TEA Proposed INITIAL DRAFT Corrective Action Plan to US Department of Education

The agency recognizes this is a first draft and requires substantial public comment and feedback

Purpose of the draft:

- To create a framework, from which the public may respond by either agreeing, disagreeing, or providing alternatives, etc.

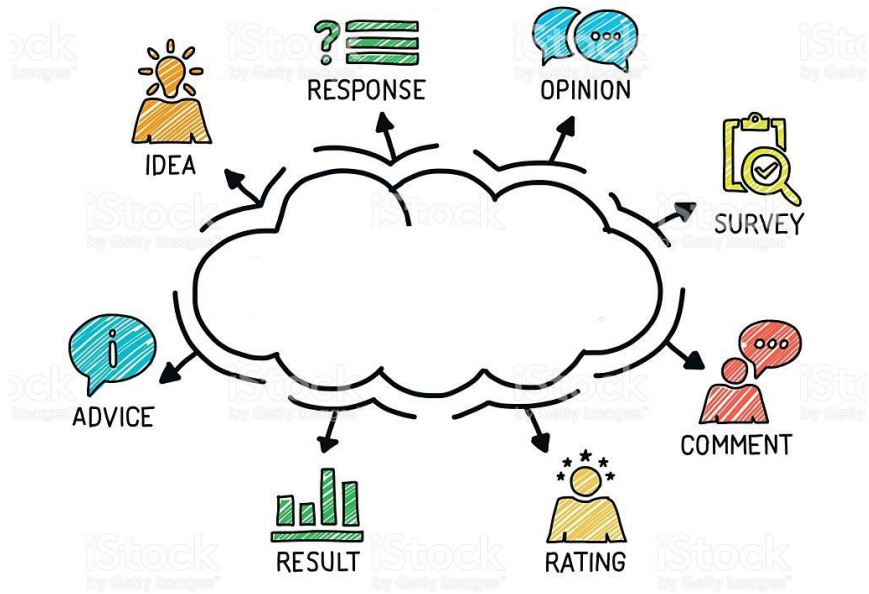
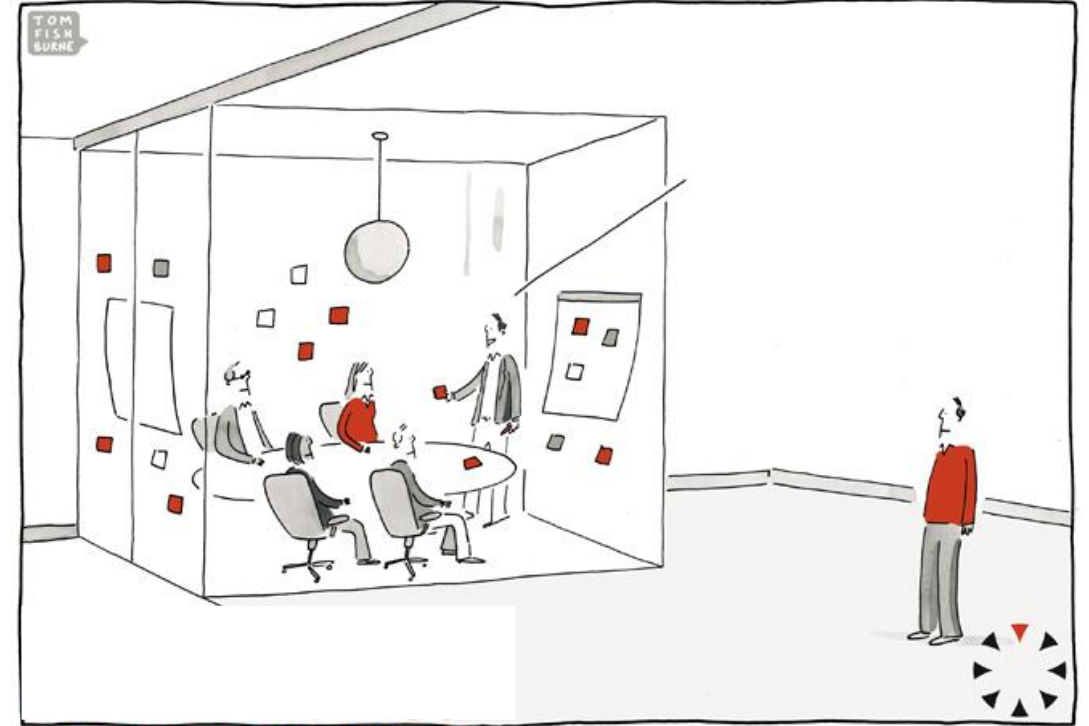
- Intended to address the corrective actions as they relate to special education

As per Commissioner Morath, “This Corrective Action Plan provides the State of Texas the chance to make meaningful, lasting change in how we educate and support children with special needs.”



The plan assumes the following:

EXCERPT from Gov. Abbott's Letter: *Because no plan crafted solely by the agency could possibly serve the needs of all students around the state, the draft should be shared with representatives of parent groups, special education advocacy groups, as well as administrators and educators throughout the state. There must be full and meaningful input before the final plan is put into action.*



Initial TEA SPED Corrective Action Plan

- Each ISD identifies, locates, and evaluates all children suspected of having a disability who need special education and related services, in accordance with section 612(a)(3) of the IDEA and its implementing regulation at 34 CFR §300.111,
- Makes FAPE available to all eligible children with disabilities in accordance with section 612(a)(1) of the IDEA and its implementing regulation at 34 CFR §300.101.

Corrective Action 1

- Identify, locate, and evaluate children enrolled in the ISD who should have been referred for an initial evaluation under the IDEA, and

- Require IEP Teams to 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.

Corrective Action 2

- TEA will monitor ISDs' implementation of the IDEA requirements when struggling learners are suspected of having a disability and needing special education and related services under the IDEA are receiving services and supports through RTI, Section 504, and the State's dyslexia program.

Corrective Action 4

- Ensure supports provided to struggling learners in the general education environment through RTI, Section 504, and the State's dyslexia program are not used to delay or deny a child's right to an initial evaluation for special education and related services under the IDEA

- ISDs are provided information to share with the parents of children suspected of having a disability that describes the differences between RTI, the State dyslexia program, Section 504, and the IDEA, including how and when school staff and parents of children suspected of having a disability may request interventions and/or services under these programs

- Disseminate such information to staff and the parents of children suspected of having a disability enrolled in the ISD's schools, consistent with 34 CFR §300.503(c)

Corrective Action 3

Plan for Corrective Action 1

- To transition the Special Education monitoring duties from School Improvement to Special Populations as part of a new Review & Support Team—allowing for significantly increased capacity and expertise
- Increase the size of Review & Support team in Special Education to 25 to include an admin assistant. This creates 8 teams of 3 people
- Add an additional director
- Process Development with Facilitator

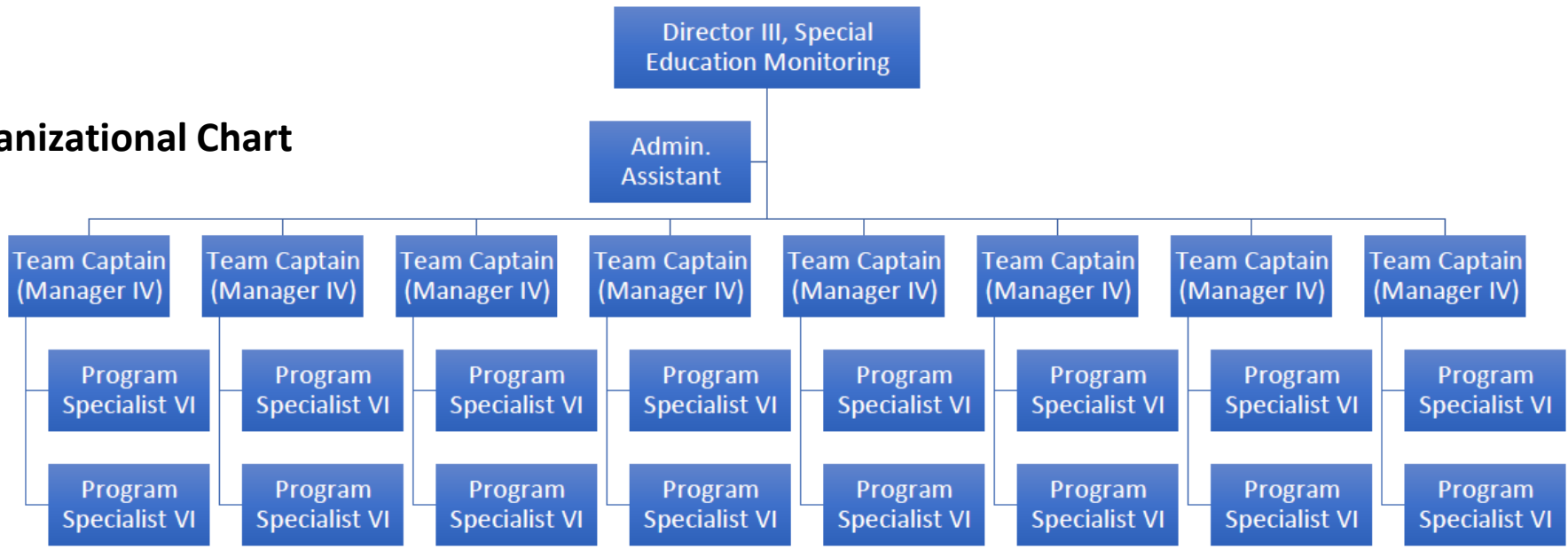
Expected Outcomes



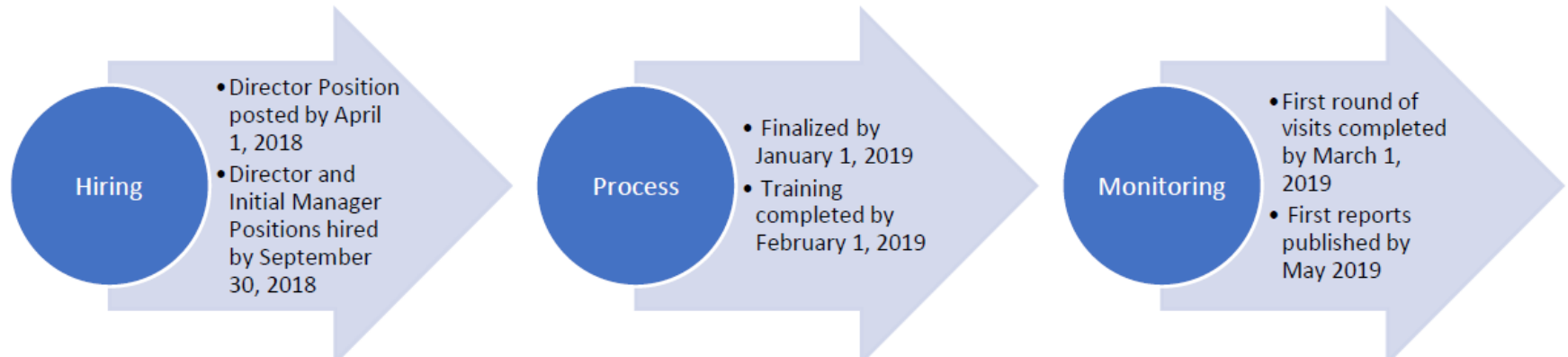
Estimated Cost



Organizational Chart



Timeline



Plan for Corrective Action 2

- *Outreach Campaign to Identify, Locate, and Evaluate:* TEA will contract with a third party to create and execute an outreach campaign to inform families and LEAs of their rights and responsibilities
- A call center will be expanded
- TEA will require every district and charter school to identify all students who were in:
 - Rtl for 6+ months,
 - only had a Section 504 plan, or
 - were exclusively in a dyslexia or dyslexia-related program.Schools must connect with the parents of these identified students not yet in special education and notify them of the corrective action plan and opportunity for a special education evaluation. The cost of identifying and conducting assessments for students suspected of having a disability has always been the responsibility of the district, which will continue
- TEA's Special Education team will update guidance for clarity and will lead a series of trainings for LEAs on conducting assessments for any parent or appropriate party who requests it
- *Compensatory Service Delivery:* For students who are found to have needed services and did not receive them, the LEA is responsible for providing compensatory services

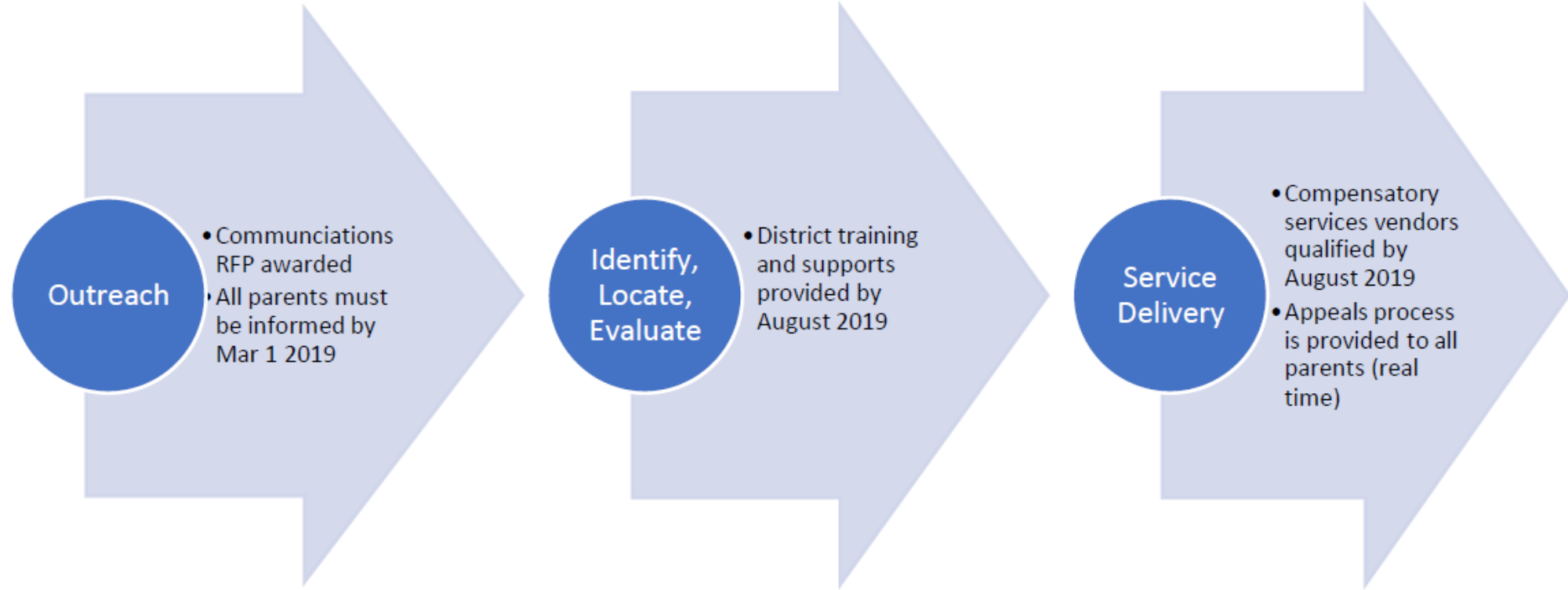
Expected Outcomes



Estimated Cost



Timeline



Plan for Corrective Action 3

- Resource Development
- TEA will revise the *Texas Dyslexia Handbook* to clarify the difference between dyslexia and dyslexia-related services, IDEA, Section 504, and RtI, and ensure clear guidance in the field, especially as it relates to dyslexia and dyslexia-related disabilities being eligible for IDEA.
- *Call Center:* As part of the current improvement plan to support state infrastructure and technical assistance in special education, and in coordination with the above resources to be developed, TEA will enhance and expand the grant program funding for a statewide call center.
- *Professional Development:* TEA will create and execute on statewide professional development for all educators (general education, special education, and others), structured initially as a training institute for teachers around the state, and to include ongoing follow up.
- *Dyslexia/504 Support:* As a note, the Special Education Division will include one staff member specifically dedicated to dyslexia/dyslexia-related guidance, support, and technical assistance

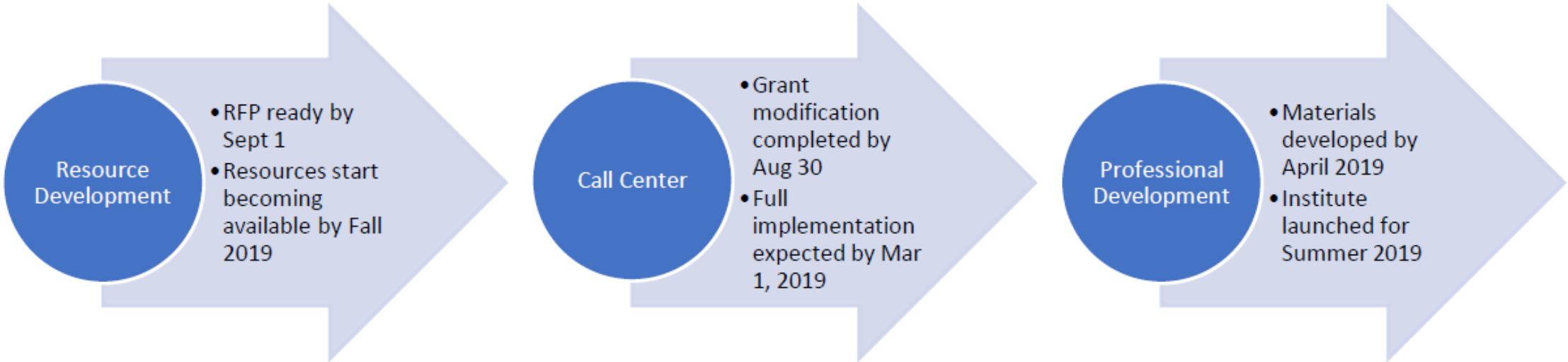
Expected Outcomes

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Estimated Cost

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Timeline



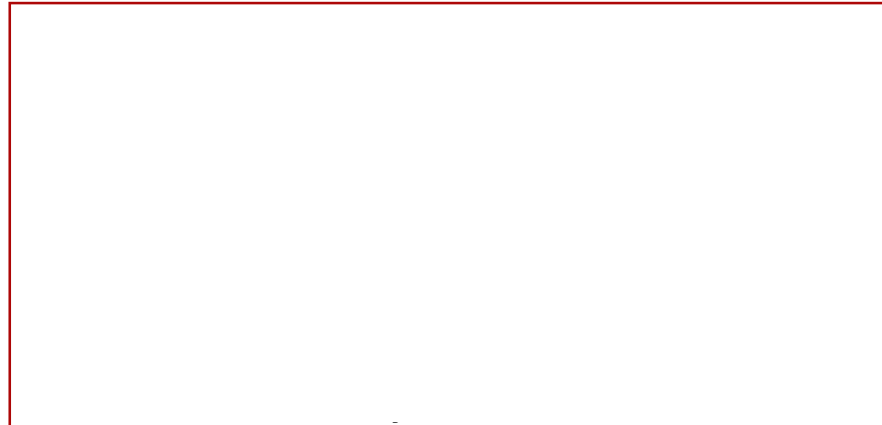
Plan for Corrective Action 4

- *Escalation Team:* TEA will create the Special Education Escalation Team in the Office of Academics. The team will consist of 12 field specialists, plus 3 supervisors and one administrative assistant, and a director of the unit.
- An additional director will have shared oversight duties split between both this Escalation Team and the Review & Support Team as described in Corrective Action 1.
- In the first three years, TEA expects the majority of the Escalation Team’s work will focus on those districts with the most clear or self-reported gap between students who are identified with special needs and those who should have been previously identified. This team will spend a significant amount of time in these high-needs and prioritized districts, until the point at which the critical and urgent issues have been addressed. These districts will remain on a more frequent monitoring schedule until they meet expectations.
- This team will also be the escalation pathway for the Special Education Review & Support Team. Any district who receives a negative Special Education monitoring report will be referred to the Special Education Escalation Team, who will begin intensive technical assistance.
- Until the Escalation Team is in place, the School Improvement team will focus existing monitoring activities on currently identified high needs LEAs
- *Technical Assistance Vendors:* TEA will also help ensure a variety of third party technical assistance providers are available to districts. TEA will centrally procure and negotiate pricing for those service providers so they are available as districts have needs.

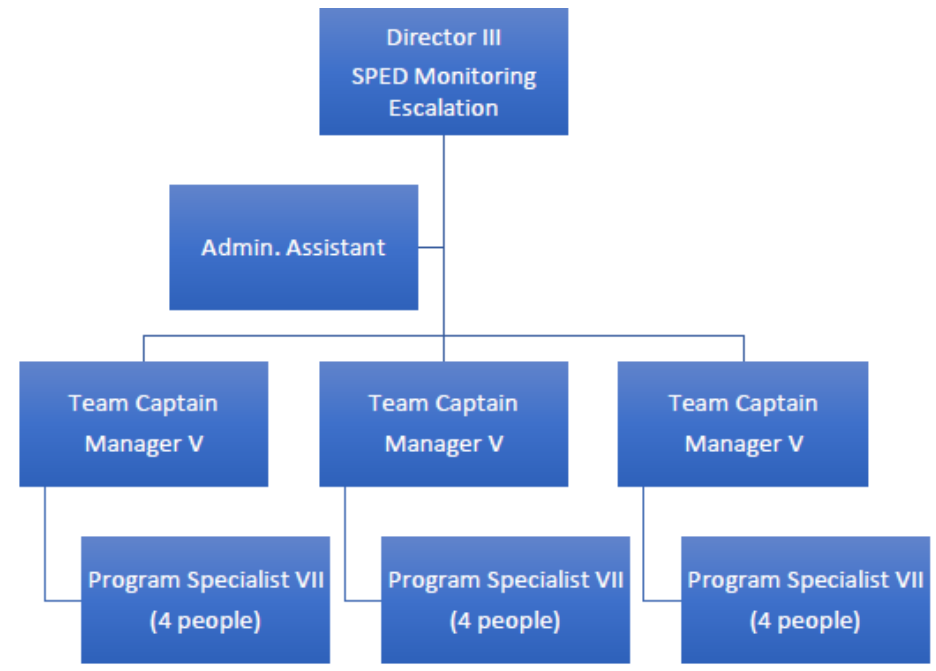
Expected Outcomes



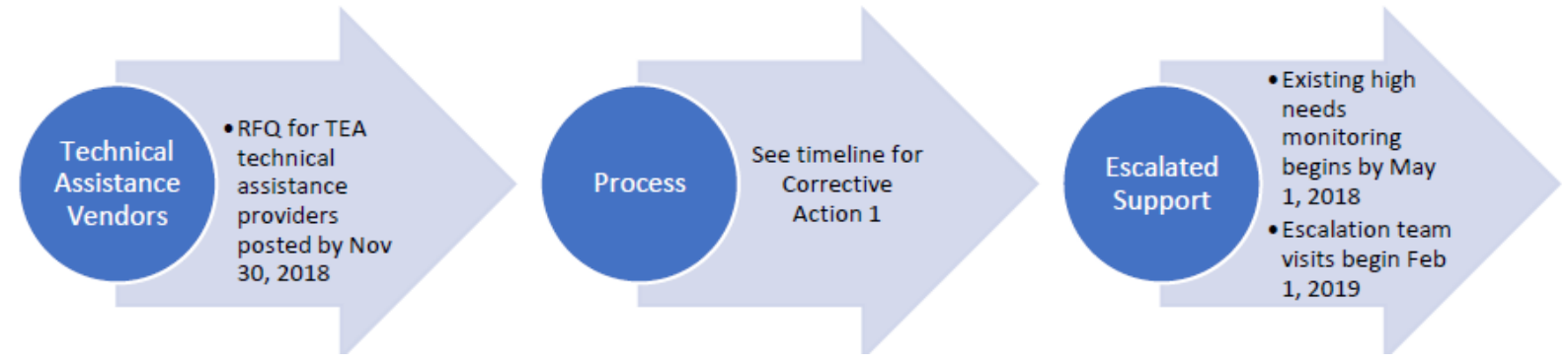
Estimated Cost



Organizational Chart



Timeline



Additional Actions

TEA will begin implementation of the following to drive additional progress for special education students

- Given TEA's prior actions to expand its special education support team by 39 FTEs statewide, TEA will begin staff training across the agency so all TEA staff provide consistent responses to stakeholders. These trainings will occur quarterly
- TEA will explore possible changes to teacher certification and credentialing as it relates to requiring a demonstrated proficiency in areas related to special education
- TEA is restructuring grant agreements with Educational Service Centers (ESCs) to be outcomes-oriented. Further, as part of the grant requirements, there will be close document review and approval of all ESC materials to ensure guidance in the field remains clear
- TEA is moving forward with the posting and hiring of a Special Education Director



Implications

- Performance-Based Monitoring Analysis System 8.5% SPED Representation Indicator Removed
- Intervention Programs Should Not Delay SPED Referral Process
- Parental Request for Evaluation for Special Education Eligibility Clarified
- Comprehensive TEA Monitoring Practices



After the above draft was submitted on January 17, 2018, TEA was required to solicit feedback from various stakeholders to include: students, parents, educators, and other interested Texans; therefore,




FOCUS GROUPS

Reference page 13 of the TEA Proposed Initial Draft

APPENDIX C: Stakeholder Engagement Plan Outline

This outline is based on the following timeline assumptions:

- That TEA needs to operate with a healthy balance of urgency and thoughtfulness.
- This initial Draft Plan is available now and we will be accepting public comment through February 18, 2018.
- The Proposed Plan will be available on or around March 1, 2018. Additional public comment will be accepted through March 31, 2018.  **March 19, 2018**
- The FINAL State Corrective Action Plan, pending conversations with USED, will be submitted on or around **April 23, 2018.**

Stakeholders	Engagement Opportunities	Goals
<i>Special Education Students</i>	<ul style="list-style-type: none"> • Focus groups in each region • State survey • Emailed feedback 	At least 100 special education students will provide feedback.
<i>Families</i>	<ul style="list-style-type: none"> • Focus groups in each region • State survey • Emailed feedback 	At least 500 parents will respond to the survey
<i>Special Education Educators</i>	<ul style="list-style-type: none"> • Focus groups in each region • State survey • Emailed feedback 	At least 500 teachers will respond to the survey
<i>General Educators</i>	<ul style="list-style-type: none"> • Focus groups in each region • State survey • Emailed feedback 	At least 500 teachers will respond to the survey (inclusive of above).
<i>School Administrators</i>	<ul style="list-style-type: none"> • Focus groups in each region • State survey • Emailed feedback 	At least 500 administrators will provide feedback or respond to the survey.
<i>District Administrators</i>	<ul style="list-style-type: none"> • TCASE mid-winter • ESC visits (2) 	80% of district SPED Directors and/or Superintendents and/or CAOs respond to survey and/or provide feedback.



Focus Group Sessions



Corrective Action 1 Plan Overview

to document the State's system of general supervision of Child Find 34 CFR §300.111 and provision of Free Appropriate Public Education 34 CFR §300.101

- Increase the size of the Review & Support Team in Special Education to 26. This structure allows for every district in Texas to receive a support visit at least once every six years, plus an annual desk audit.
- The Review & Support Team will not narrowly focus on process and legal requirements, but rather be guided by an effort to support the most effective practices that lead to improved outcomes for students.
- The development of the review process will be done with significant stakeholder consultation.



Corrective Action 3 Plan Overview

plan and timeline TEA will provide guidance that RTI, Section 504 and Dyslexia program are not used to delay or deny initial evaluation under IDEA; provide information on differences; and disseminate information to staff and parents of children suspected of disability

- TEA will release an RFP specific to the creation of a suite of resources intended to be shared with the parents of children suspected of having a disability. These resources will describe the differences between RTI, the State dyslexia program, Section 504, and the IDEA, and would be developed in conjunction with extensive stakeholder feedback.
- TEA will revise the *Texas Dyslexia Handbook* to clarify the difference between dyslexia and dyslexia-related services, IDEA, Section 504, and Rti, and ensure clear guidance in the field, especially as it relates to dyslexia and dyslexia-related disabilities being eligible for IDEA.
- TEA will create and execute on statewide professional development for all educators (general education, special education, and others), structured initially as a training institute for teachers around the state, and to include ongoing follow up.

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Corrective Action 2 Plan Overview

plan and timeline for ensuring each ISD complies with Child Find for children enrolled in the ISD who should have been referred under IDEA; and require IEP teams to consider whether additional services are needed for children previously suspected and later found eligible, taking into consideration supports and services previously provided

- TEA will contract with a third party to create and execute an outreach campaign to inform families and LEAs of their rights and responsibilities. This campaign will require LEAs to provide information to every family in the district, and will target specific districts or families based on key indicators.
- A call center will be expanded.



Corrective Action 4 Plan Overview

plan and timeline TEA will monitor ISD's implementation of IDEA requirements under Correction Actions 1-3

- TEA will create the Special Education Escalation Team in the Office of Academics (12 FTEs).
- This team will be the escalation pathway for the Special Education Review & Support Team (Corrective Action 1). Any district who receives a negative Special Education monitoring report will be referred to the Special Education Escalation Team, who will begin intensive technical assistance.
- Until the Escalation Team is in place, the School Improvement team will focus existing monitoring activities on currently identified high needs LEAs.
- TEA will also help ensure a variety of third party technical assistance providers are available to districts. TEA will centrally procure and negotiate pricing for those service providers so they are available as districts have needs.

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As of Monday, March 19, 2018

TEA SPED Correction Plan is now called:

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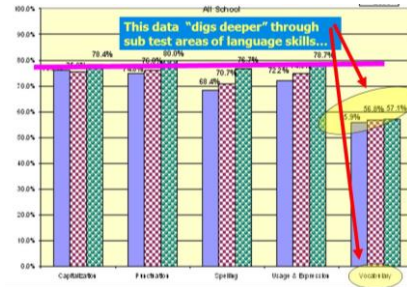
Special Education Strategic Plan



<https://tea.texas.gov/WorkArea/DownloadAsset.aspx?id=51539620634>



What prompted the change...



Page 7 of Draft SPED Strategic Plan states:

“The anecdotal feedback, combined with data, spoke to a compelling need to go beyond the issues identified by the US Department of Education, and instead develop a comprehensive strategic plan for special education for Texas.”

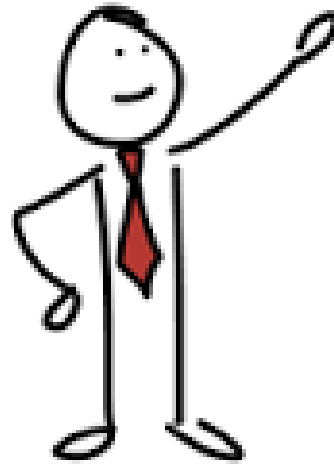
In this “new” plan the Corrective Action Plan can be found in Appendix C which is focused exclusively on those corrective action steps

The Corrective Action Plan is embedded throughout the Agency’s Strategic Plan
(Ex. CA: 1a)

However, the Strategic Plan includes broader steps that go far beyond required actions. It is meant to help more fully support student with disabilities in Texas in every aspect of their education.

The initial draft included action steps intended to directly address the corrective actions required by Department of Education

Things to know...



No longer just focused on access to supports, but also on improved outcomes from those supports

Bottom line:



This Strategic Plan highlights the state’s approach to the need for differentiation and meets the needs outlined in the US Department of Education’s corrective action requirements

SPED Strategic Plan Includes:

- Executive Summary
- Defining the Need for Change
- State Monitoring
- Identification, Evaluation, and Placement
- Training, Support, & Development
- Student, Family, and Community Engagement
- Networks and Structures
- Appendix
 - Feedback
 - Previous & current improvements
 - Corrective Action Response
 - Funding & Timelines
 - Survey Analysis



Primary focus areas

Monitoring

- TEA must increase its monitoring capacity
- Ensure the monitoring focuses on improvements for students
(as opposed to fulfilling minimum expectations for compliance with federal requirements)
- Requires a more holistic approach
 - Compliance-based Indicators
 - Best practices
 - Effective supports
 - Strong models



Corrective Actions (CA) Addressed under Monitoring

- Review & Support Team—(CA: 4.a.)
 - Guided by an effort to support most effective practices which lead to improved outcomes for students
 - 3 Primary responsibilities
 - monitor LEAs using a risk assessment index and holistic student-centered practices
 - Provide targeted technical assistance and support to LEAs related to SPED
 - Escalate LEAs experiencing significant challenges as well as to highlight those LEAs who demonstrate success
- Review Process Development—(CA: 1.c. and CA: 4.b.)
 - To ensure the review processes are completed with fidelity to the purpose of helping students and to avoid the tendency to solely focus on compliance
- Data Collection—CA: 2.c.
 - LEAs will be required to submit information via PEIMS while maintaining strong controls on data privacy
 - Parent- and staff-generated requests for special education consideration,
 - Complete information on all categories under which a child qualified for special education,
 - Information on the interventions that are in place for the child,
 - Additional information on 504 and Rtl,
 - Sample schedules,
 - Services offered and provided, including frequency, and
 - Coding of dyslexia, dyscalculia and dysgraphia.
- Other Related Work—(CA: 1.d.)
 - TEA will review and potentially revise related administrative rules

Some of these may require state legislative authorization



Identification, Evaluation, & Placement

- Child Find legally required
- Is the first step to finding children with disabilities and getting them supports and services needed to be successful in school
- Immediate short-term Corrective Actions (Child Find)
 - Identification Support
 - Funding Clarifications
 - Targeted LEA Outreach to Parents Most likely Impacted (CA: 1.g.)
 - Outreach Campaign to Identify, Locate, & Evaluate (CA: 2.a.)
 - TEA Evaluation Support
 - Compensatory Services Note
 - Compensatory Services Funding



On-Going Action Steps for TEA

- Updated guidance on identification & evaluation (CA: 2.b)
- Complaints
- Hearing Officers Support (CA: 1.e.)
- Clarification & Guidance
- General Assurances (CA: 1.b)
- Dispute Resolution



Training, Support, & Development

- TEA will help ensure the availability of effective models of educator support and training via multiple formats to include
 - In-person face-to-face
 - Distance learning opportunities
- Professional development should focus on effective implementation of practice



Action Steps for TEA

- Additional Evaluation Capacity
- Professional Development
- Child Find Resource Development (CA: 3.c.)
- Expert Support
- The Texas Dyslexia Handbook (CA: 3.a.)
- Dyslexia Specific Support
- Dyslexia & Related Disorders Reporting Study
- Finance System
- Educator Preparation
- Governance
- Texas Workforce Commission (TWC) Partnership



Student, Family, & Community Engagement

- Effective & Meaningful engagement of students, families, and communities is critical to the successful development & implementation of supports & services lead to positive outcomes for students with disabilities
- TEA will expand upon systems which facilitate effective stakeholder engagement



Action Steps for TEA

- Outreach Campaign to identify, locate, & evaluate (CA: 2.a.)
- Family Support Call Center & Portal
- Parent Brochures
- Ongoing Stakeholder Engagement



Technical Assistance Network

Intended to leverage best practices

- Network One: Child Find, Evaluation and ARD Support
- Network Two: School, Family, & Community Engagement
- Network Three: Inclusive Services & Practices for Improved Student Outcomes
- Network Four: Autism
- Network Five: Intervention Best Practices
- Network Six: Students with Intensive Needs
- Network Seven: Students with Sensory Impairments
- Network Eight: Students in Small & Rural LEAs
- Network Nine: Child-centered Transitions
- Network Ten: Multiple Exceptionalities & Multiple Needs



Appendix A: Feedback

Summary of Feedback Gathered for the 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	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

The public is invited to provide specific comments on the current proposed draft Special Education Improvement Plan in writing by emailing:

TexasSPED@tea.texas.gov

TEA will aggregate the feedback received before sending a final version to OSEP by April 18, 2018.

Note: Information posted to the website may be redacted to comply with Family Education Rights & Privacy Act (FERPA)—meaning if any information could identify a student with a disability and/or their family— may be removed to protect the student and family’s confidentiality.



Appendix B: Previous & Current Improvements

Seven actions have been undertaken:

- 1). To the Administrator Addressed letter was sent in November 17, 2016, reminding LEAs of their child find obligations in IDEA, RTI cannot be used to delay or deny an initial evaluation, and to clarify TEAs monitoring efforts regarding prevention of over-identification of students with disabilities.
- 2). TEA reviewed the Parent's Guide to the ARD Process and identified possible training and technical assistance to be provided regarding Child Find, RTI, PBMAS,
- 3). TEA reviewed monitored activities for specific schools and followed up as appropriate
- 4). TEA completed the multi-year transition plan for integrating the four representation indicators into on single indicator
- 5). TEA hired 10 additional staff members in TEAs Division of SPED to expand the amount of technical assistance support available
- 6). 28 Educational Service Center (ESC) Liaisons were employed to perform multiple functions with regard to improving outcomes for students with disabilities
- 7). TEA discontinued the use of PBMAS indicator 10 which was penalizing districts who had more than a 8.5% of students enrolled in sped
 - 1). SB 160
 - 2). SB 1153



Appendix C: Corrective Action Response

Areas of non-compliance

Citation 1: 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.

Citation 2: TEA failed to ensure that FIPE 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.

Citation 3: 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.

OSEP Requirement # 1: Documentation that the State's system of general supervision requires that each ISD identifies, locates, and evaluates all children suspected of having a disability who need special education and related services, in accordance with section 612(a)(3) of the IDEA and its implementing regulation at 34 CFR §300.111 and makes FAPE available to all eligible children with disabilities in accordance with section 612(a)(1) of the IDEA and its implementing regulation at 34 CFR §300.101.

OSEP Requirement # 2: A plan and timeline by which TEA may provide guidance to ISD staff in the State, including all general and special education teachers, necessary to ensure that ISDs (i) ensure that supports provided to struggling learners in the general education environment through RTI, Section 504, and the State's dyslexia program are not used to delay or deny a child's right to an initial evaluation for special education and related services under the IDEA; (ii) are provided information to share with the parents of children suspected of having a disability that describes the differences between RTI, the State dyslexia program, Section 504, and the IDEA, including how and when school staff and parents of children suspected of having a disability may request interventions and/or services under these programs; and (iii) disseminate such information to staff and the parents of children suspected of having a disability enrolled in the ISD's schools, consistent with 34 CFR §300.503(c)

OSEP Requirement # 3: OSEP Requirement # 4 A plan and timeline by which TEA may monitor ISDs' implementation of the IDEA requirements described above when struggling learners suspected of having a disability and needing special education and related services under the IDEA are receiving services and supports through RTI, Section 504, and the State's dyslexia program.

OSEP Requirement # 4: OSEP Requirement # 4 A plan and timeline by which TEA may monitor ISDs' implementation of the IDEA requirements described above when struggling learners suspected of having a disability and needing special education and related services under the IDEA are receiving services and supports through RTI, Section 504, and the State's dyslexia program.

Corrective Actions 1, 2, 3, & 4

Essential Corrective Action	Applicable Citation	Timeline for Completion of Corrective Actions	Responsible for Essential Actions	Documentation/Evidence of Progress/Completion
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**OSEP
Requirement # 1**

Essential Corrective Action

1 a.

1 b.

1 c.

1 d.

1 e.

1 f.

1 g.

**OSEP
Requirement # 2**

Essential Corrective Action

2 a.

2 b.

2 c.

**OSEP
Requirement # 3**

Essential Corrective Action

3 a.

3 b.

3 c.

**OSEP
Requirement # 4**

Essential Corrective Action

4 a.

4 b.

Essential Corrective Actions replace the Corrective Actions from the initial draft---

TEA and LEAs will be expected to execute and implement these actions

Appendix C: Corrective Action Response

DRAFT ONLY

APPENDIX C: Corrective Action Response

Corrective Action Response
Texas Education Agency
April 18, 2018

Citation 1 - 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.
Citation 2 - 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.
Citation 3 - 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.

OSEP Requirement #1
Documentation that the State's system of general supervision requires that each ISD identifies, locates, and evaluates all children suspected of having a disability who need special education and related services, in accordance with section 612(a)(3) of the IDEA and its implementing regulation at 34 CFR §300.111 and makes FAPE available to all eligible children with disabilities in accordance with section 612(a)(1) of the IDEA and its implementing regulation at 34 CFR §300.101.

Essential Corrective Actions	Applicable Citation	Timeline for Completion of Corrective Actions	Responsible for Essential Action	Documentation/Evidence of Progress / Completion
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1.c. Review monitoring protocols and document review requirements to ensure evidence of supervision activities related specifically to implementing regulations for Child Find and FAPE requirements.	Citation 3 34 CFR §300.149 and 300.600 along with 20 U.S.C. 1232 d(b)(3)(A)	December 1, 2018	TEA, with additional technical assistance support from appropriate OSEP funded technical assistance partners.	Produce evidence of monitoring protocols for use in on-site and desk review reviews that include information gathering activities targeting LEAs' implementation of Child Find and FAPE requirements.
1.d. Make publicly available, easily accessible and understandable information regarding available dispute resolution programs (including IEP facilitation, mediator, state complaints, and due process hearings) specific to Child Find, FAPE, and other IDEA requirements.	Citation 3 34 CFR §300.149 and 300.600 along with 20 U.S.C. 1232 d(b)(3)(A)	December 1, 2018	TEA, with additional communication support from Regional Education Service Center (ESC) partners.	Provide a copy of the Texas Education Agency Special Education Dispute Resolution Handbook. Provide a copy of pamphlets that offer quick reference to parents about the dispute resolution programs.
1.e. Ongoing training of hearing officers, mediators, and complaints investigators regarding legal provision of Child Find.	Citation 3 34 CFR §300.149 and 300.600 along with 20 U.S.C. 1232 d(b)(3)(A)	December 1, 2018	TEA	Documentation of most recent training conducted by an independent expert in the field of special education law.
1.f.		SB 160 signed by governor on May	N/A	

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Essential Actions	Applicable Citation	Timeline for Completion of Corrective Actions	Responsible for Essential Action	Evidence of Progress / Completion
OSEP Requirement #2 A plan and timeline by which TEA may ensure that each ISD may (i) identify, locate, and evaluate children enrolled in the ISD who should have been referred for an initial evaluation under the IDEA, (ii) require IEP Teams to 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.				
2.a. Require all local education agencies (LEAs) to distribute information to every enrolled student's family regarding the Child Find and FAPE requirements and obligations in IDEA, to inform them of their rights under IDEA, and to provide the contact information to request an initial evaluation.	Citation 1 34 CFR §300.111 Citation 2 34 CFR §300.101	December 1, 2018	TEA and each LEA in the state.	100% of LEAs may receive materials that can be used to present their statutory and professional requirements to their local school boards, and materials to publish information on their websites. LEAs must provide assurance of having met this requirement through the Legal Framework.
2.b. TEA may provide guidance and information related to LEA legal responsibilities under state and federal law, including the identification of all eligible students and subsequent compensatory service guidelines, processes and best practices regarding provision of Child Find, Evaluation, Procedural Notice and Safeguards, and supports and services that results in positive school outcomes and success.	Citation 3 34 CFR §300.111 Citation 2 34 CFR §300.101	December 1, 2018	TEA	100% of LEAs may receive guidance and information related to their legal responsibilities under state and federal law, including the identification of all eligible students and subsequent compensatory service guidelines.

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1.a. Communicate to all local education agencies (LEAs) the Child Find and FAPE requirements and obligations in IDEA.	Citation 3 34 CFR §300.149 and 300.600 along with 20 U.S.C. 1232d(b)(3)(A)	Completed on November 17, 2016	TEA	<u>To the Administrator Addressed</u> letter submitted on November 17, 2016, to every LEA in the state, reminding LEAs of their obligations under Child Find in IDEA and clarifying TEA's monitoring efforts regarding preventing the over-identification of students with disabilities, signed by Deputy Commissioner Penny Schwin. <u>To the Administrator Addressed</u> letter submitted on February 26, 2018, to every LEA in the state, clarifying LEA responsibilities and timelines regarding parent requests for special education evaluations under the Individuals with Disabilities Education Act (IDEA), the Texas Education Code, and the Texas Administrative Code, signed by Chief Deputy Commissioner Penny Schwin.
1.b. Review and ensure that assurance statements received from LEA grantees, by way of signing Schedule #1—General Information of the paper Application or by certifying and submitting the eGrants Application, clearly conveys to the Applicant their acceptance of and required compliance with all state policies, and procedures under 34 CFR §300.101 - 300.163 and 300.174 and 300.165 - 300.174.	Citation 3 34 CFR §300.149 and 300.600 along with 20 U.S.C. 1232 d(b)(3)(A)	By January 10, 2019		Annual submission of assurance requirements by each LEA grantee who assumes IDEA formula and discretionary funds clearly conveys that it has in effect policies, procedures, and programs that are consistent with the State policies and procedures under 34 CFR §300.101-300.163 and 300.174 and 300.165-300.174 (34 CFR 300.201). Provide assurance statement that 100% of LEAs who assume IDEA formula and discretionary funds have provided the requisite assurance.

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The Texas legislature passed and Governor Abbott signed into law new legislation prohibiting the use of a performance indicator based on the number or percentage of children who receive special education services.		22, 2017, effectively immediately, codified at TEC §29.0011. 19 TAC §97.1005. Performance-Based Monitoring Analysis System as amended to be effective August 14, 2017, 42 TexReg 3960.		Copy of Texas Education Code §29.0011. Copy of PBMAS Manual.
1.g. The Texas legislature passed and Governor Abbott signed new legislation requiring districts to notify (requirements are defined in the bill) parents of each child, other than a child enrolled in a special education program, who receives assistance from the district for learning difficulties through the use of intervention strategies. An "intervention strategy" is defined in the bill and RTI is included within this definition. The law also gives parents the right to all written records and access to any records relating to assistance provided.	Not Applicable	SB 1158, signed by governor on June 12, 2017, effective immediately, codified at TEC §26.0061, applicable beginning with the 2017-2018 school year.	N/A	Copy of Texas Education Code §26.0081

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The documentation provided in response to OSEP Requirement #1 provides the foundation upon which the response to OSEP Requirements # 2-4 is based.

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2.c. TEA may require LEAs to collect and retain data that includes (i) each request for evaluation made during the 2018-2019 school year, (ii) whether the reason for request indicates a claim that the child should have been referred for an initial evaluation, and (iii) 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. LEAs may produce this data to TEA upon request or through approved TEA data collection processes.	Citation 1 34 CFR §300.111 Citation 2 34 CFR §300.101	September 1, 2018	TEA	100% of LEAs may receive information relating to this requirement and notice of how TEA may collect this data.
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Essential Actions	Applicable Citation	Timeline for Completion of Corrective Actions	Responsible for Essential Action	Evidence of Progress / Completion
OSEP Requirement #3 A plan and timeline by which TEA may provide guidance to ISD staff in the State, including all general and special education teachers, necessary to ensure that ISDs (i) ensure that supports provided to struggling learners in the general education environment through RTI, Section 504, and the State's dyslexia program are not used to delay or deny a child's right to an initial evaluation for special education and related services under the IDEA; (ii) are provided information to share with the parents of children suspected of having a disability that describes the differences between RTI, the State dyslexia program, Section 504, and the IDEA, including how and when school staff and parents of children suspected of having a disability may request interventions and/or services under these programs; and (iii) disseminate such information to staff and the parents of children suspected of having a disability enrolled in the ISD's schools, consistent with 34 CFR §300.503(c)				

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Appendix D: Funding & Timeline

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PROPOSED STRATEGIC PLANNING BUDGET											
CATEGORY	ITEM	SOURCE OF FUNDS	TIMELINE	ONE-TIME OR ONGOING	YEAR 0 (2018)	YEAR 1 (2018-19)	YEAR 2 (2019-20)	YEAR 3 (2020-21)	YEAR 4 (2021-22)	YEAR 5 (2022-23)	TOTAL
Monitoring	Staffing (50 people)	IDEA - Administration	Beginning June 2018	Ongoing	790,000	3,775,000	3,775,000	3,775,000	3,775,000	3,775,000	19,665,000
	Travel	IDEA - Administration	Beginning June 2018	Ongoing	135,000	200,000	200,000	200,000	200,000	200,000	1,135,000
	Overhead	IDEA - Administration	Beginning September 2018	Ongoing	0	800,000	800,000	800,000	800,000	800,000	4,000,000
	Online Infrastructure	IDEA - Discretionary	Beginning Summer 2019	Ongoing	0	1,500,000	250,000	250,000	250,000	250,000	2,500,000
	Independent Review	IDEA - Discretionary	Beginning Spring 2018	One-Time	200,000	0	0	0	0	0	200,000
Identification, Evaluation and Placement	Experts - Review, Identification, Compensatory Processes	IDEA - Discretionary	Beginning Spring 2018	One-Time	300,000	0	0	0	0	0	300,000
	Temporary Diagnosticians, Etc.	IDEA - Discretionary	Beginning Summer 2018	One-Time	3,000,000	7,000,000	0	0	0	0	10,000,000
	Compensatory Services Allocation (Suggested Use)	IDEA - LEA Allocation	Spring 2018	One-Time	65,000,000	0	0	0	0	0	65,000,000
	Dispute Resolution	IDEA - Discretionary	Beginning Summer 2018	One-Time	250,000	750,000	0	0	0	0	1,000,000
	Outreach Campaign	IDEA - Discretionary	Beginning August 2018	One-Time	3,000,000	0	0	0	0	0	3,000,000
Training, Support and Development	Statewide Professional Development	IDEA - Discretionary	Beginning Summer 2019	Ongoing	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000	90,000,000
	Dyslexia-Specific Support Materials	IDEA - Discretionary	Beginning Fall 2018	One-Time	0	500,000	0	0	0	0	500,000
	Dyslexia Study	IDEA - Discretionary	2018	One-Time	0	0	0	0	0	0	0
	Resource Development	IDEA - Discretionary	Beginning Fall 2018	One-Time	1,500,000	0	0	0	0	0	1,500,000
	Professional Development Best Practices	IDEA - Discretionary	Beginning Fall 2018	One-Time	200,000	0	0	0	0	0	200,000
Student, Family and Community Engagement	Call Center	IDEA - Discretionary	Beginning September 2018	Ongoing	682,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,682,000
	Online Resource	IDEA - Discretionary	Beginning Spring 2019	Ongoing	0	2,000,000	500,000	500,000	500,000	500,000	4,000,000
	Document Development	IDEA - Discretionary	Beginning Fall 2018	One-Time	250,000	1,500,000	250,000	0	0	0	2,000,000
	Ongoing Stakeholder Engagement	IDEA - Discretionary	Beginning Fall 2018	Ongoing	100,000	100,000	100,000	100,000	100,000	100,000	600,000
TOTAL											211,282,000
TOTAL IDEA ADMIN											24,800,000
TOTAL IDEA DISCRETIONARY											121,482,000
TOTAL IDEA OTHER											65,000,000



Appendix E: Survey Analysis

- In Progress



Special education participation and performance trends in Texas highlight the need to improve

Turning point...Defining the Need for Change



Moving Forward...We need to begin to

TRANSFORM OUR TEACHING PRACTICES TO ENHANCE STUDENT EXPERIENCES & LEARNING



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