

**Joint Response to Request for Information  
86<sup>th</sup> Legislature, House of Representatives  
Public Education Committee  
Interim Charge No. 3: Special Education  
September 30, 2020**

TO: House Public Education Committee

FROM: Disability Rights Texas; Texas Council for Developmental Disabilities;  
Arc of Texas; Autism Society of Texas; Coalition of Texans with Disabilities;  
Decoding Dyslexia Texas; Down Syndrome Association of Central Texas;  
Family to Family Network; Paso del Norte Children’s Development Center – El Paso, Texas;  
Texans for Special Education Reform

**INTERIM CHARGE NUMBER 3**

Monitor the progress of the TEA's compliance with the Corrective Action Response required by the United States Department of Education, the implementation of the state's Special Education Strategic Plan, and the state's compliance with other federal requirements regarding special education, including maintenance of state financial support for special education. Recommend solutions to barriers the agency, school districts, students with disabilities, and parents face in accessing a free and appropriate public education and in meeting the milestones of the plan and any measures needed at the state level to ensure that students with disabilities are being located, fully evaluated, and appropriately identified for special education instruction and services.

**RECOMMENDATIONS**

**Amend and update Texas Education Code § 29.001 (Statewide Plan).** Section 29.001 currently outlines key requirements for the special education system for students with disabilities in Texas. It should reflect the priorities of the state to improve special education services and boost outcomes. It should guide further revision and implementation of the strategic plan.

**Revise and reprioritize Article III budget riders on special education.** Article III of the General Appropriations Act contains a dozen budget riders on special education, directing funding for designated projects. They should reflect the strategic plan and dedicate financial resources to its implementation. They should include regular monitoring and reporting on the strategic plan to promote transparency and accountability.

**Amend and bolster Texas Education Code § 29.023 (Notice of Rights).** Section 29.023 currently requires a one-time flyer to parents about the availability of special education services. It should reflect the strategic plan goal of better informing and empowering parents. It should support Child Find efforts.

**COMMENTS AND ANALYSIS**

<u>Plan Section</u>	<u>Strategic Plan Promises</u>	<u>Perspective of Advocates</u>	<u>TEA Information</u>
<b>Training Support &amp; Development</b>	<u>Professional Development (# 2):</u> “TEA will create and execute statewide professional development for all educators	<u>Professional Development (# 2):</u> Disappointed that no implementation of training institutes/special education	<u>Sped Academies:</u> Pilot not set to begin until end of March 2021. Launch expected

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	<p>(all education, special education, and others), structured initially as a training institute for teachers around the state, and which will include ongoing follow up through year-round support and module.”</p> <p><u>Child Find Resource Development (CA: 3.c.):</u> “TEA will release an RFP to create a suite of resources which would describe the differences between RtI, the state dyslexia program (for dyslexia or dyslexia-related needs), Section 504, and the IDEA.”</p> <p><u>Sufficient Special Education Staffing:</u> “TEA will convene a special education personnel forum and will invite the State Board for Educator Certification, the Texas Higher Education Coordinating Board, Colleges of Education from across the state, and professional organizations.”</p> <p><u>Governance:</u> “TEA will explore the development of training resources for school boards on special education, with a focus on monitoring outcomes and program implementation fidelity.”</p>	<p>academies to date.</p> <p><u>Child Find Resource Development (CA: 3.c.):</u> There are currently short one-page descriptions of RtI, the state dyslexia program, Section 504, and the IDEA. Additional parent friendly guides are needed.</p> <p><u>Sufficient Special Education Staffing:</u> A special education personnel forum as envisioned by advocates has not yet been held between TEA, the State Board for Educator Certification, the Texas Higher Education Coordinating Board and Colleges of Education.</p> <p><u>Governance:</u> Training for school boards has not occurred to date.</p>	<p>Spring 2023.</p>
<b>Identification &amp; Evaluation</b>	<p><u>Identification Support:</u> “TEA will continue to advise districts on the requirements of IDEA regarding the identification of students who are suspected of having a disability.”</p>	<p><u>Identification Support:</u> In 2020, TEA issued guidance to school districts that we consider flawed and undermining the identification of students with disabilities. While a full and complete study of a child suspected of a disability is proper, if a school has sufficient results that clearly show that a</p>	

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	<p><u>TEA Outreach Campaign:</u>  “TEA will execute a campaign to reach parents more broadly than the targeted outreach noted above and will partner with an external organization to create and execute the campaign.”</p> <p><u>Targeted LEA Outreach to Parents Most Likely Impacted:</u>  “TEA will propose rulemaking to require all school districts to distribute information to families on Child Find, FAPE &amp; IDEA.”</p> <p><u>Additional Services Guidance:</u>  “TEA will develop guidance to school districts and charter schools about the award and provision of compensatory services.”</p> <p><u>Additional Services Note:</u>  “For each student who should have been referred for an initial evaluation and was later found</p>	<p>child has a disability and needs special education, they should be allowed to immediately find eligibility. TEA’s position that all evaluation paperwork must be in the student’s folder before a school can qualify him or her for special education is unnecessarily bureaucratic. See IEP FAQ No. 4: <a href="https://tea.texas.gov/sites/default/files/covid/covid19_special_ed_qa_updated_may_7.pdf">https://tea.texas.gov/sites/default/files/covid/covid19_special_ed_qa_updated_may_7.pdf</a></p> <p><u>TEA Outreach Campaign:</u>  TEA launched an RFP to find a vendor for outreach campaign but then abandoned project. No public outreach campaign to date.</p> <p><u>Targeted LEA Outreach to Parents Most Likely Impacted:</u>  Agency has not proposed rulemaking about the distribution of information on Child Find and FAPE.</p> <p><u>Additional Services Guidance:</u>  Compensatory services guidance document only recently provided and only in the context of COVID. General compensatory guidance document needed.</p> <p><u>Additional Services Note:</u>  No update on students who were excluded from special education services and</p>	<p><u>TEA Outreach Campaign (2018):</u>  TEA’s unfulfilled RFP seeking a vendor for the Special Education Outreach Campaign.</p>

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	<p>eligible for special education and related services, the student's ARD committee must determine whether additional services are required for that student, taking into account the supports and services previously provided.”</p> <p><u>Clarification and Guidance:</u> “TEA will provide clarification on the requirements of Rtl, Section 504, and dyslexia related topics....”</p> <p><u>Dispute Resolution:</u> “TEA will develop and make publicly available easily accessible and understandable brochures regarding available dispute resolution programs.”</p>	<p>ultimately identified and provided compensatory services.</p> <p><u>Clarification and Guidance:</u> No clear guidance for parents on difference between Rtl, IDEA and 504</p> <p><u>Dispute Resolution:</u> No update on brochures on dispute resolution programs for parents and families.</p>	
<p><b>Student and Family Engagement</b></p>	<p><u>Outreach Campaign to Identify, Locate, and Evaluate (CA: 2.a.):</u> “Outreach campaign is reiterated here to establish the critical importance of ensuring an accessible campaign that clearly informs families and provides actionable steps they could take.”</p> <p><u>Parent Brochures:</u> “TEA will create "user-friendly" definitions, flowcharts, etc. to assist LEAs and parents in understanding Child Find and the process for referral for an initial evaluation.”</p>	<p><u>Outreach Campaign to Identify, Locate, and Evaluate (CA: 2.a.):</u> No progress to date.</p> <p><u>Parent Brochures:</u> No family friendly guidance exists.</p>	<p><u>Family Resources:</u> Market research completed in 2019.</p> <p><u>Student, Family &amp; Community Engagement Network:</u> Created a conflict resolution infographic for parents and educators. Facilitated 4 focus groups (2 in person, 2 virtual) to gather information regarding trends and needs from parents’ perspective and other</p>

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			stakeholders. Plan to present at least 4 parent training webinars to address concerns gathered from the webinar, deadline not listed.
<b>Monitoring</b>	<p><u>Review &amp; Support Teams (CA: 4.a.):</u> “The Review and Support team will be a new unit housed in the TEA Office of Academics.”</p> <p><u>Review Process Development:</u> “TEA will develop a standardized process for conducting reviews, including development of documentation and reporting templates to be used.”</p> <p><u>Other Related Work:</u> “TEA may propose rule revisions to 19 Texas Administrative Code (TAC) 89.1050 to require LEAs to provide the Dispute Resolution Handbook and explain rights to parents when there is disagreement in the ARD committee.”</p>	<p><u>Review &amp; Support Teams (CA: 4.a.):</u> TEA has restructured and reorganized monitoring review and support teams.</p> <p><u>Review Process Development:</u> Limited information on TEA Monitoring Independent Audit.</p> <p><u>Other Related Work:</u> No rulemaking proposed to require LEAs to provide the Dispute Resolution Handbook to parents and families to date.</p>	<p><u>Differentiated Monitoring System:</u> Completed a special education monitoring pilot initiative in Spring 2019. Implement targeted on-site process beginning in Spring 2020.</p>
<b>Technical Assistance Networks and Structures</b>	<p><u>Technical Assistance Networks and Structures:</u> “TEA will redesign the statewide networks.”</p>	<p><u>Technical Assistance Networks and Structures:</u> Technical assistance networks need to ensure accurate and helpful guidance is being provided to school districts regarding special education. TEA should confer with stakeholders in light of COVID-19 and assess the need for technical assistance across the state.</p>	<p><u>Technical Assistance Networks and Structures:</u> TEA awarded grants for the ten networks identified in the strategic plan.</p>

**FOR MORE INFORMATION**

1. <https://www.disabilityrightstx.org/en/handout/tea-illegal-sped-cap/>
2. <https://www.houstonchronicle.com/news/investigations/article/federal-law-students-denied-special-education-15253514.php>