

# **DRAFT** Special Education Strategic Plan



March 2018

**This document is submitted in draft form for discussion purposes only.  
Legal review is pending, and the document  
is subject to change before final release.**

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*The TEA works to improve outcomes for all public school students in the state by providing leadership, guidance, and support to school systems, working towards the vision that every child in Texas is an independent thinker and graduates prepared for success in college, a career, or the military, and as an engaged, productive citizen.*

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## EXECUTIVE SUMMARY

Special education students in Texas comprise roughly 8.8% of all Texas students, a number that has declined markedly over the past 15 years while the national average has hovered around 13%. Meanwhile, only 41% of Texas special education students are Approaching Grade Level knowledge and skills in reading and math, compared to 75% of all Texas students. The purpose of special education is to provide sufficient support to our students with disabilities, on an individualized basis, so that they those students can obtain the same level of academic success typical of their peers. Collectively, we as a state are not yet delivering on that purpose. More pointedly, historically the Texas Education Agency (TEA) has not provided the leadership, guidance, and support sufficient for that purpose. To address this need, the TEA is developing this Strategic Plan for Special Education.

This strategic plan outlines a system that supports ongoing efforts to achieve strong outcomes for all students with disabilities. The system represents a balanced approach between compliance with federal regulations and a results-driven focus on student outcomes. TEA will focus on leveraging grants and contracts on a statewide and regional basis with non-profits, service centers, higher education partners, and others to support improved capacity, but local school systems will do most of the heavy lifting. This strategic plan also includes specific activities to address correction requirements outlined in the January 11, 2018, letter from the United States Department of Education (USED). There has always been, and will continue to be, a need for strong advocacy from parents for their students. This strategic plan aims to support that advocacy.

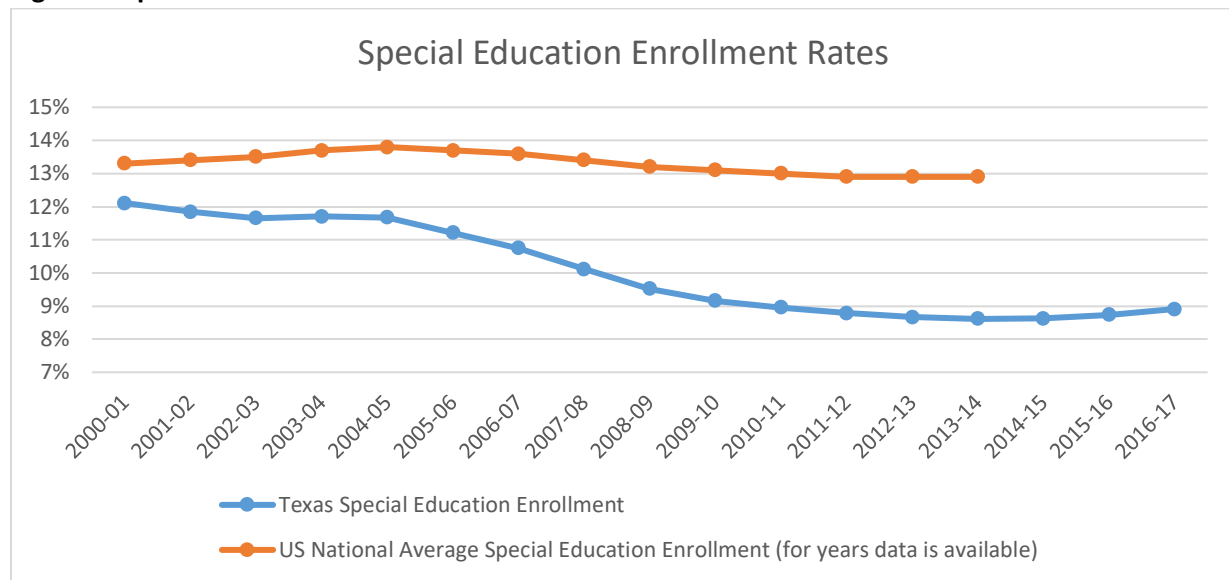
As it exists today, the strategic plan as it exists today has been informed by significant stakeholder feedback. The feedback includes over 7,000 survey responses, over 4,000 emails and comments, over 100 focus groups and meetings, and over 150 one-on-one interviews from a host of special education stakeholders, including students themselves, their parents, teachers, administrators, advocates, and others. This draft strategic plan will be updated once again after an additional round of public comments and will evolve constantly over time, as part of a process of continuous improvement.

Lastly, TEA cannot legally commit additional funds outside of those that are appropriated by the Texas Legislature and the US Congress. A sizeable amount of stakeholder feedback related to funding. While that feedback may warrant additional action, any recommendations for action are most appropriately heard by state and federal legislators. This strategic plan has been designed so that it can be sustained with existing appropriations.

Working together we will significantly improve outcomes for our special education students.

## DEFINING THE NEED FOR CHANGE

Special Education participation and performance trends in Texas highlight the need to improve. One area of focus is student access to special education supports. The following graph notes the decline in special education participation in Texas until the most recent years:

**Figure 1: Special Education Enrollment Rates**

Changes in special education participation can be the result of a variety of factors, as each student should be considered individually. But during a monitoring visit begun in late 2016, the US Department of Education found noncompliance on the part of TEA and school districts with requirements of IDEA to be a cause of these participation declines. The January 11, 2018 monitoring letter from USED notes four corrective action requirements focused on these concerns:

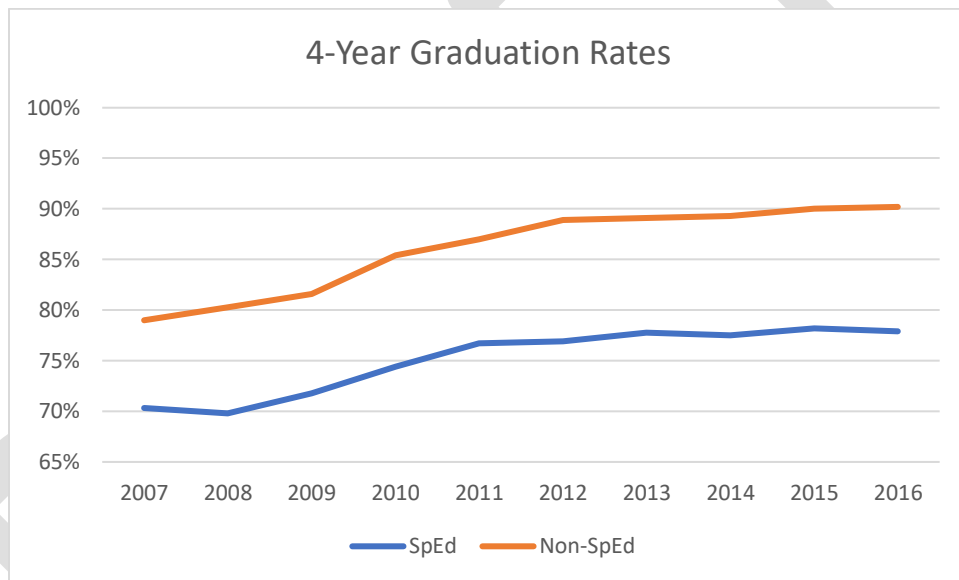
1. *Documentation that the State's system of general supervision requires that each ISD identifies, locates, and evaluates all children suspected of having a disability who need special education and related services, in accordance with section 612(a)(3) of the IDEA and its implementing regulation at 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.*
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, and (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.*
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) .*

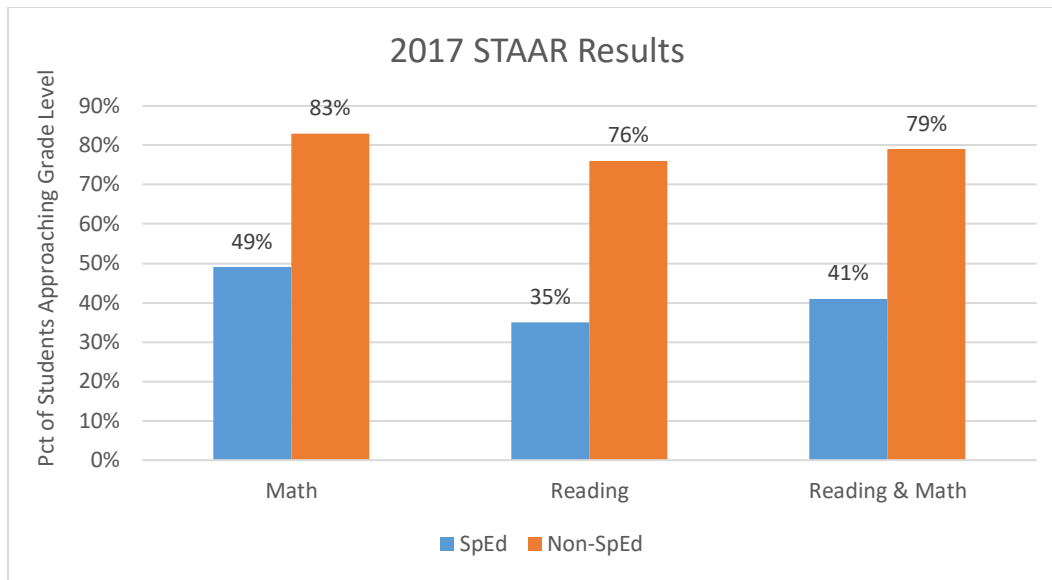
4. *A plan and timeline by which TEA may monitor ISDs' implementation of the IDEA requirements described above when struggling learners suspected of having a disability and needing special education and related services under the IDEA are receiving services and supports through RTI, Section 504, and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

These USED corrective actions speak to a primary issue: not all eligible students have been given access to special education services. The purpose of these special education services is to ensure that special education students can obtain the same level of academic success typical of their peers. While USED did not examine the efficacy of special education services, certain data points indicate we have room for significant improvements:

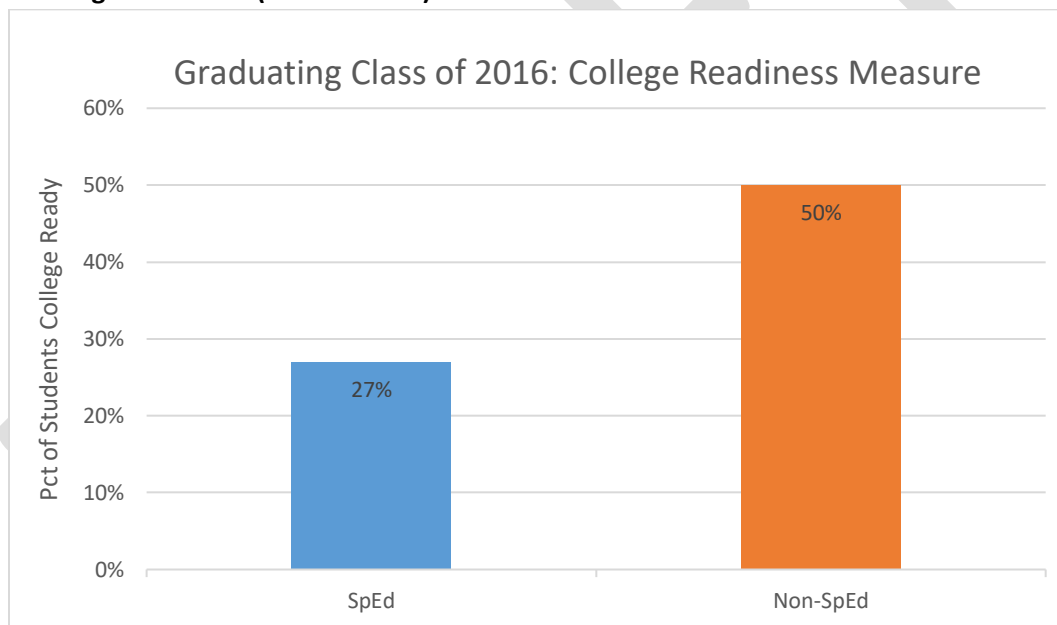
**Figure 2: Four-Year Graduation Rates**



**Figure 3: 2017 STAAR Results**



**Figure 4: College Readiness (Class of 2016) <sup>1</sup>**



These data highlight significant gaps in performance between students served by special education and their non-disabled peers. But these data alone cannot describe the full picture of special education efficacy in Texas. As a result, the agency set out to solicit feedback directly from special education

<sup>1</sup> The College Readiness Measure looks at the percentage of annual graduates who have met at least one college or career indicator. For 2016, this includes:

- Meeting the Texas Success Initiative (TSI) criteria in both reading and mathematics (THECB, College Board, ACT)
- Meeting the criteria score of 3 on an AP exam or 4 on an IB exam (College Board)
- Earning 9 hours of dual credit in any subject area or 3 hours of dual credit in ELA/reading or mathematics (TSDS PEIMS)
- Graduating with a completed IEP and workforce or work skill readiness (TSDS PEIMS)
- Completing CTE coursework aligned with industry certifications (TSDS PEIMS)

stakeholders throughout the state. As further described in Appendix A, feedback was received from students, parents, teachers, school administrators, advocates, and others, in every region of the state and in school systems that ranged from large urban to suburban to rural, and charters.

**This anecdotal feedback, combined with the data, spoke to a compelling need to go beyond the issues identified by USED, and instead develop a comprehensive strategic plan for special education for Texas.**

"At the state and local level, the practices that led to the [Department of Education] monitoring letter will end." - Governor Greg Abbott

This initial draft includes action steps intended to directly address the corrective actions required by USED. Appendix C in this document is focused exclusively on those corrective action steps, and the elements of the Corrective Action Plan imbedded in sections of the Agency's Strategic Plan are referenced throughout the document by their Corrective Action Number from the appendix (ex: CA: 1.a.). However, this strategic plan also includes broader steps that go far beyond the USED corrective actions. The broader steps of this strategic plan are meant to help more fully support students with disabilities in Texas in every aspect of their education, focused not just on access to supports but also on improved outcomes from those supports.

Given the needs identified, this Strategic Plan is organized around a few primary focus areas:

- Monitoring
- Identification, Evaluation, and Placement
- Training, Support, and Development
- Student, Family, and Community Engagement.
- Technical Assistance Networks

The Agency expects this strategic plan to change as situations warrant. As the process evolves, the agency is committed to two key beliefs to help ensure a process of continuous improvement:

- **Significant Stakeholder Input:** TEA is committed to including significant stakeholder engagement in a meaningful way. This includes engaging with special education students, families, educators, advocacy groups, and district and school officials, amongst others. This also means that there must be multiple, varied opportunities for stakeholders to provide this feedback. Texas cannot improve special education services in a way that students with disabilities deserve without concentrated collaboration amongst stakeholders in the special education community. It should be noted that the development of this strategic plan is not the end of the feedback process. Regular feedback will be solicited throughout the strategic plan's execution.
- **Transparency:** TEA will ensure that all milestones of drafting, research, approval, and implementation of the corrective action response are open and transparent. This draft strategic plan is posted for public review. Comments will be posted for public review. Implementation

milestones of the strategic plan will be publicly reported as activities related to the strategic plan are implemented in the coming years.

With these beliefs embedded in Agency processes for planning and execution, we should have an effective framework for collaborative continuous improvement that delivers real results for our students.

## **MONITORING**

Texas has approximately 1200 Local Education Agencies (LEAs, this includes all local school systems in Texas, both traditional Independent School Districts (ISDs) and charters), more than any other state in the country. To provide the level of support and oversight required for this many LEAs and the students they serve, TEA must significantly increase its monitoring capacity and ensure monitoring focuses on improvements for students, as opposed to fulfilling minimum expectations for compliance with federal requirements. This requires a more holistic approach to monitoring that looks for compliance-based indicators, as well as for best practices, effective supports, and strong models. Texas has an opportunity to share this information across the state, allowing for greater peer collaboration and innovative solutions to opportunities for improvement.

Texas LEAs have diverse and unique needs. Therefore, differences in LEA type and size requires differentiated technical assistance. Further, some LEAs may require more intensive support and monitoring, while some LEAs may simply require routine desk reviews. This Strategic Plan highlights the state's approach to the need for differentiation. It also meets the needs outlined in the USED's corrective action requirements (see appendix).

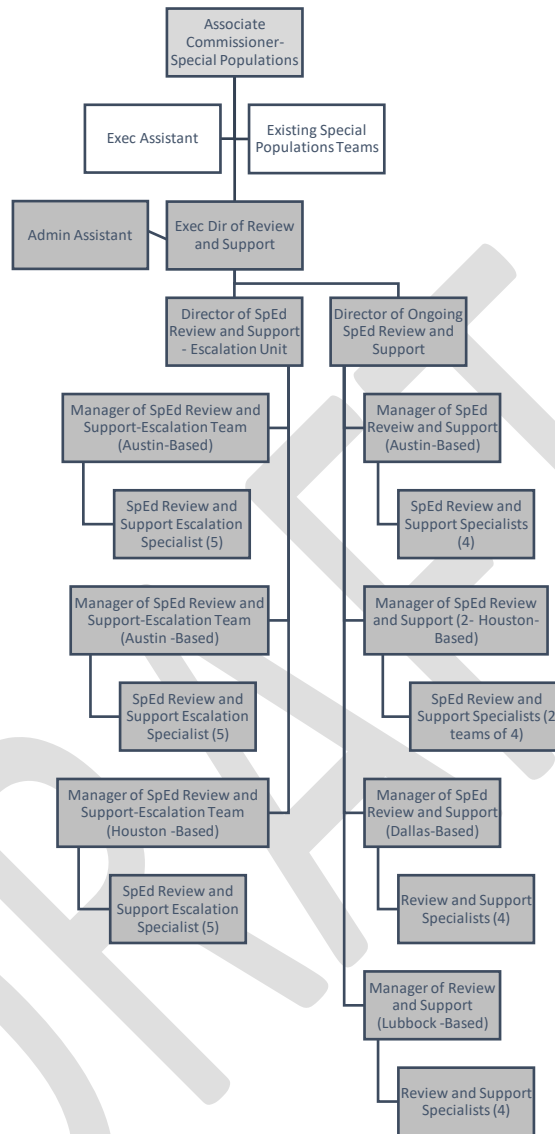
### ***Review and Support Team (CA: 4.a.)***

The Review and Support team will be a new unit housed in the TEA Office of Academics (see Figure 4 below). This team will have three primary responsibilities: (1) to monitor LEAs related to IDEA and federal and state statutes using a risk assessment index and holistic student-centered practices; (2) to provide targeted technical assistance and support for LEAs related to special education; and (3) to escalate LEAs experiencing significant challenges as well as to highlight those LEAs who demonstrate clear success. The Review and Support team should 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.

**Figure 4: Draft Proposed Organization Chart (Review and Support Team)**



The Review and Support team will be functionally separated into two units. The first unit will consist of



special education staff who will complete on-site and desk monitoring activities. This team would be staffed to allow for annual desk reviews of 1/3 of LEAs in the state. The monitoring system will include both quantitative and qualitative indicators and will consider data points that may include disability indicator(s), specific strategies or interventions listed in a student's IEP, student achievement, LEA staffing, and compliance indicators (e.g., meeting timelines for evaluations, etc.). Quantitative indicators will likely include both compliance indicators, e.g., timely full and individual initial evaluations, and performance indicators, e.g., students with disabilities are participating and achieving in the general curriculum. Qualitative indicators will likely include confidential survey results collected from educators and parents and confidential interview results. Surveys and interviews may likely consider both local policies and practices.

LEAs will be required to submit information through the Texas Student Data System Public Education Information Management System (PEIMS, described later in this section) for review. LEAs may be asked to submit additional information related to randomly selected students to allow for a holistic review of information without the disruption of on-site visits (including ARD committee information, IEP reviews, teacher interviews, and optional family feedback). Any student interviews would require parental consent. Due to privacy concerns, the state will set up a secure data collection site that will allow only authorized state agency (and applicable district) personnel to review any student records and/or conduct interviews (in alignment with state and federal law).

In addition to LEA desk reviews, select LEAs will also receive on-site visits. The review and support team size will be structured such that up to 20% of the LEAs in Texas could receive an on-site visit in any given year. On-site visiting could be a result of random selection, a result of the desk review, ongoing or frequent complaints to TEA, or in partnership with other state agency monitoring. The structure of the on-site visit would depend on the reason for the visit. Unannounced visits would focus on observing processes in action, speaking with stakeholders, and conducting more reviews of actual practices. These visits will provide both the opportunity for feedback and connections to technical assistance and may also allow the reviewers to identify bright spots and best practices to share broadly. The visits will be structured to minimize disruption to LEA and school activities. As the content reviewed may be unannounced, there would be no need for visit preparation on the LEA's part, assuming that all files and documents are appropriately organized (as they normally should be). For those LEAs that receive on-site visits due to identified risk factors, the visit may include more requests to view student files, observation of records of supports provided, and more conversations with multiple layers of the organization. The review activities may be determined on an individual basis. The ultimate purpose of any monitoring visit would be to have an authentic understanding of the LEA's strengths and areas for growth, to make fast corrections and link LEAs to strong technical support options.

The review and support team will also include an escalation unit comprised of special education specialists. This small and flexible unit may be used for LEAs that are significantly out of compliance, and/or for those LEAs that require or request intensive support. The purpose of the escalation unit – as with the larger review and support team – is focused less on documenting a running list of problems and more about supporting the identification and implementation of solutions. The escalation unit may remain on-site for longer periods of time and provide more intensive support, as needed.

***Review Process Development (CA: 1.c. and CA: 4.b.)***

TEA will develop a process for reviews, including development of documentation and reporting templates to be used. The development of the review process will be done with significant stakeholder consultation to ensure a process that is as effective for students as possible. TEA may work with a partner organization to ensure stakeholder feedback is properly integrated into the review process design. Part of the process design will include an internal reviewing mechanism to ensure processes are completed with fidelity to the purpose of helping students, and avoid the bureaucratic tendency to focus solely on compliance.

All monitoring visits will follow this standard process. They will also result in a published report. These reports will be available in a searchable database on the TEA Special Education website. LEAs will have the opportunity to respond to any report, along with an opportunity to discuss relevant topics in pre-meetings and/or post-meetings. LEAs may have an opportunity to provide additional information on corrective action steps planned in a standardized format at the end of the report. However, the agency will remain focused on data privacy. As such, all student information, or information that would reasonably identify protected persons, will be removed from the report. This also means that the notes from monitoring visits may likely not be available for public consumption. Furthermore, data aspects that would normally be public may be limited for very small LEAs given issues with small data samples that can reduce confidentiality.

TEA may offer pre-support visits outside of the review process, so that LEAs are able to better understand expectations and begin to implement practices. LEAs may have the opportunity to request “support visits” from the state in advance of on-site reviews. These may be helpful for LEAs to identify areas for growth, or to solicit feedback around existing structures. Support visits are optional and would be done by request.

Again, TEA will work to reduce LEA burden during all on-site visits. On-site monitoring visits can always create some disruption to campuses and LEAs. However, assuming that clear expectations and best practices are shared, LEA visits should ideally be structured to reduce the disruption. Visits will not be conducted during state testing.

TEA will likely develop an independent review of the monitoring process, as a check on its own process implementation quality.

#### ***Data Collection (CA: 2.c.)***

To accommodate desk reviews, TEA will need to collect additional data from LEAs. TEA may adjust the TSDS PEIMS data collection components to ensure adequate information for monitoring, while maintaining strong controls on data privacy. This could include the following, some of which may require state legislative authorization:

- 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 RtI,
- Sample schedules,
- Services offered and provided, including frequency, and
- Coding of dyslexia, dyscalculia and dysgraphia.

Additional indicators may be identified on a rolling basis once the new monitoring process is started. All new data collection is subject to all statutorily required reviews, including a review through the Agency’s Data Governance Board.

***Other Related Work (CA: 1.d.)***

TEA will review and potentially revise related administrative rules over the next twelve months, to ensure clear compliance with the law and alignment with best practices for serving students with disabilities. For example, 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.

**IDENTIFICATION, EVALUATION AND PLACEMENT (CHILD FIND)**

Child Find is legally required and is the first step to finding children with disabilities and getting them the support and services they need to be successful in school. The full individualized and initial evaluation (FIE) is an essential and critical component in determining the eligibility and needs of the child. The role of the Admission Review and Dismissal (ARD) committee is to work together to develop the individualized education program (IEP) that may enable a child with a disability to achieve the prescribed goals resulting in positive outcomes. Focused support in these areas may strengthen the state's ability to ensure all children with disabilities are located, evaluated, identified and that a free appropriate public education (FAPE) is made available.

***Immediate Short-Term Corrective Actions (Child Find)***

TEA recognizes that there are short-term requirements related to monitoring activities, as outlined in the letter from USED. Specifically, the agency is required to identify those students who were not tested for and identified as needing special education services, and students who were subsequently delayed or denied required services. As expected, this is an exceptionally complicated process, with multiple considerations for all stakeholders. This first section under Child Find is specific to the immediate steps that must be taken related to the corrective action. The remainder of the section is devoted to the ongoing work necessary to support LEAs.

1. **Identification Support:** TEA will advise districts on the requirements of IDEA with regard to the identification of students who are suspected of having a disability and are in need of special education. TEA will then consider multiple data sources in prioritizing near term LEA monitoring visits to provide near term compliance support.
  - a. As a note, students who received a high school diploma would not be eligible to generate federal or state funds. Those former students may contact TEA or their former LEAs should they choose to request services.
2. Separately, in addition to federal funding eligible students generate different levels of funding from the state. Currently enrolled Texas students are eligible to generate state draw-down funds including weighted formulas for special education. Students not currently enrolled who have not earned a diploma up to age 21 are eligible to generate the same funding should they choose to re-enroll in public schools.
3. **Targeted LEA Outreach to Parents Most Likely Impacted (CA: 1.g.):** In conjunction with SB 1153 (85<sup>th</sup> Legislative Regular Session), TEA is updating rules to require every LEA to identify

all students who were in RtI for a significant period of time, 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 response and opportunity for a special education evaluation. Outreach may include targeting students in underserved and hard to reach populations such as those in hospital settings, homebound, homeschool, residential treatment facilities, and correctional settings, and will include at least written notice. (Note: The cost of identifying and conducting initial evaluations for students suspected of having a disability has always been the responsibility of the LEA, which will continue. TEA will assist with the development of evaluative resources, as outlined below in the Training, Support, and Development section below.)

4. **Outreach Campaign to Identify, Locate, and Evaluate (CA: 2.a.):** TEA will execute a campaign to reach parents more broadly than the targeted outreach noted above, and may partner with an external organization to create and execute the campaign. Part of the campaign will likely involve district actions to reach families, with templates and other resources developed centrally to help the process. This outreach effort would include strong partnership with the Parent Training and Information Center, among others. An outreach campaign would likely include letters, emails, public service announcements, town halls and individualized parent support with LEA staff (to explain to families the details laid out in the campaign and what, if any, steps they can take for their child). Outreach efforts should be available in English and Spanish, as well as targeted languages for all online materials to ensure broad reach in the state.
5. **TEA Evaluation Support:** As a result, TEA may provide for short-term relief in contracting with external diagnosticians and expert personnel to support LEAs, upon request. TEA may work with existing in-state and out-of-state organizations through a competitive solicitation process, to provide necessary psychologist and diagnostician support for LEAs that require or request it. TEA may develop a process for LEAs to request assistance. LEAs may be asked to identify the date range for requested assistance, approximate number of students, and other relevant information in order for TEA to create a schedule through which additional resources may be available, at no cost to LEAs. For those LEAs that prefer to conduct and facilitate this work independently, the same vendors may be placed on a state-approved list with negotiated pricing. TEA does not have the authority to waive the state or federal statute requiring students to be evaluated within a certain time period.
6. **Compensatory Services Note:** For students who are found to have been eligible for special education services and did not receive them, the LEA is responsible for providing compensatory services, as required by the IEP. Each student may need to be considered individually regarding whether or not compensatory services are required. TEA will provide guidance for ARD committees to consider in their conversations and decisions. TEA may not provide definitive rules related to compensatory service entitlements, outside of those established in federal and state law. TEA may monitor IEPs through the short-term corrective action monitoring work to ensure that compensatory services are appropriately offered or discussed.

7. **Compensatory Services Funding:** Additionally, TEA will allocate \$65 million to LEAs, which may be used to support these efforts. LEAs may be able to use this money in any way they choose, but TEA guidance may strongly suggest use towards compensatory services, as needed.

#### *Considerations*

There are many issues related to the identification of students who were not identified in accordance with IDEA. Current law allows a child's guardian to make a request in any format to any school official (including a teacher). The school/LEA must then determine if testing is required by evaluating the existing data. If testing is required, the school/LEA must comply with federal and state law related to timelines and services. However, because of the flexibility guardians are given in making these requests, some issues will occur with identifying which students should have received services as a result of this request, but were denied those services. The following are some examples of when it could be difficult to determine if a child should have received IDEA services:

- Parent or guardian made a verbal request and it is not documented;
- Request was made in writing, but the school or LEA does not have a copy or record (parent may), due to misfiling, a staff member not forwarding the request, etc.;
- Staff who received the request may not be employed by the LEA or may no longer remember;
- Records retention policies may limit the records that are available for retroactive review; or
- Whether alternate supports that were provided to the child outside of IDEA can be applied to decisions related to compensatory services provided through IDEA.

In light of the difficulties with identifying students who should have received services but were denied, TEA may solicit the feedback of leading special education experts nationwide to obtain best practices and approaches in these critical decisions. It is expected that these experts may address topics including, but not limited to how LEAs might consider relevant and available information, how LEAs might consider compensatory service needs, and what monitoring activities might look like.

As a note, a parent may make a request for their child to be considered for special education testing/evaluation at any time.

#### ***Ongoing Action Steps for TEA***

1. **Updated Guidance on Identification and Evaluation (CA: 2.b.):** TEA's special education team will update guidance for clarity and will likely lead a series of trainings for LEAs on conducting initial evaluations for any parent or appropriate party who requests it. Specific guidelines may be put into place around a formal process for initial evaluation.
2. **Complaints:** TEA will ensure that the special education complaints process is expanded to adequately facilitate a potential increase in cases. TEA will work to expedite review of complaints to ensure prompt attention to students. A clearly articulated grievance process will be outlined by the state for use in conversations with parents. This process will require the development of resources so that information can be provided in a parent-friendly format, in the language spoken and/or read by the parent. TEA remains responsible for managing a complaints process that is responsive to the needs of LEAs and families, as applicable. Each LEA

has an individual complaints process that parents may elect to use first. LEAs are expected to have their complaint processes accessible and clearly outlined for the public. These complaints should move through the appropriate process, per local, state, and federal guidelines and statutes.

3. **Hearing Officer Support (CA: 1.e.):** TEA may conduct due process and mediation training with hearing officers and mediators regarding legal provision of Child Find.
4. **Clarification and Guidance:** Feedback on the preliminary plan included significant LEA requests for clarification related to identifying the appropriate amount of time for a child to be in RtI before being tested for special education. Similar questions were raised related to the severity of dyslexia. TEA may provide clarification on the requirements of RtI, Section 504, and dyslexia related topics to support individual decisions for students, and to reiterate that each decision may be unique to that specific child.
5. **General Assurances (CA: 1.b.):** TEA will 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 as a condition of receiving grant funds.
6. **Dispute Resolution:** TEA will develop and make publicly available easily accessible and understandable information regarding available dispute resolution programs (including IEP facilitation, mediation, state complaints, and due process hearings) specific to Child Find, FAPE, and other areas required under IDEA.

## TRAINING, SUPPORT AND DEVELOPMENT

Effective training of teachers must be based in sound adult learning theory and must allow for multiple opportunities for supported implementation of new practices or ideas. Previous models of professional development relied heavily upon facilitator led, lecture-style training sessions that have not proven effective in making the changes in adult behavior and teaching practice that are required to significantly improve outcomes for students with disabilities. TEA will help ensure the availability of effective models of educator support and training that include face-to-face interactions with expert trainers but more importantly, allow for adequate space for coaching and professionally reflective practices. This would be done using multiple formats including in-person face-to-face sessions and distance learning opportunities. Technology may be leveraged to provide equitable access to high-quality training for educators in even the most geographically remote LEAs. Professional development should focus on effective implementation of practice rather than on seat time.

### *Action Steps for TEA*

1. **Additional Evaluation Capacity:** As described in the section on Identification, TEA may dedicate technical assistance and resources to ensure the availability of bilingual evaluators, educational diagnosticians, and school psychologists in the short-term (2018). This could be done through the utilization of inter-local cooperation agreements through the Education Service Centers to facilitate deployment of existing evaluators, diagnosticians and psychologists to LEAs and

charter schools with shortages that affect timely initial evaluations and reevaluations. TEA may also coordinate with professional organizations of evaluators, educational diagnosticians, and school psychologists to develop a system for ensuring access to evaluators across the state, especially in rural areas.

2. **Professional Development:** TEA will create and execute a statewide professional development for all educators (all education, special education, and others), structured initially as a training institute for teachers around the state, with include ongoing follow up through year-round support and modules. The content of this professional development may include elements both for inclusive practices and instructional techniques as well as broader identification and related Child Find practices. The content development would be informed by the perspectives of educators, special education students, and field experts, as well as feedback and data gathered to date. For example, TEA may (re)train teachers/administrators on use of RtI strategies with an emphasis on consistent procedures and practices across the state. TEA could include training related to Section 504, especially as it relates to the differences between Section 504 and IDEA, and considerations for appropriate placement. TEA could also address appropriate dyslexia identification and placement of students, and other best practices as outlined in the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders* (Dyslexia Handbook). This training would launch in Summer 2019, be conducted through third parties, and require significant stakeholder feedback, including students, educators, parents, and administrators. In order to focus on impact, participants would likely be required to demonstrate content proficiency and implementation before being noted as having participated in the full program.
3. **Child Find Resource Development (CA: 3.c.):** 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. Resource development will happen in conjunction with extensive stakeholder feedback. Guidance and resources include how and when school staff and parents of children suspected of having a disability may request interventions and/or services, as well as timelines, forms, relatable and understandable translation of federal and state statute, etc. Resources may be available both online and in hard copy, for LEA and school personnel as well as for parents. The RFP may further require the awardee to develop a robust system of resource dissemination.
4. **Expert Support:** The existing call center may be strengthened to include access to state-funded experts in exceptional student cases, as well as a set of tools to support planning and resource allocation activities in the context of best practices.
5. **The Texas Dyslexia Handbook (CA: 3.a.):** The State Board of Education (SBOE) is in the process of considering amendments to current administrative rules for students with dyslexia and related disorders. Currently, the rule requires LEAs to implement procedures for identifying a student with dyslexia or a related disorder and for providing appropriate instructional services to the student according the strategies and techniques described in the Dyslexia Handbook. Administrative rule amendments are expected to clarify that to support and maintain full educational opportunity for students with dyslexia and related disorders, LEAs must provide each student with dyslexia or a related disorder access to each program under which the student might qualify for services. Amended rules are expected to more specifically outline steps that must be taken before implementing identification or evaluation procedures.



Additionally, the proposed rule is expected to include more specific requirements for parent education programs. The SBOE has asked TEA staff to work on a proposal for updates to the Dyslexia Handbook. TEA began this process by soliciting input from stakeholders on areas that need updates and/or clarification. Small topic-specific committees may be convened to review input and develop recommendations for updates based on stakeholder input. Committee work may include clarifying the difference among dyslexia and dyslexia-related services, IDEA, Section 504, and RtI, as well as guidance regarding provision of the most appropriate services for each individual student. Committee work may also address guidance LEA for implementation of the required screening of all students at the end of kindergarten and grade 1 as required by legislation passed by the 85<sup>th</sup> Texas Legislature in 2017. Committees may include representatives from K-12 education, higher education/researchers, learning centers, advocacy organizations/parents, and diagnosticians. Updates to the handbook are expected to be approved by the SBOE no later than September 2018.

6. **Dyslexia-Specific Support:** The educational needs of students with dyslexia vary greatly among students and can be fluid throughout a student's educational career. It is critical that such variance is reflected in the services provided to these students. TEA may significantly improve services for students with dyslexia by providing LEAs with improved training regarding the interplay between the state's dyslexia program, services provided under Section 504, and services provided by special education, as well as how students with dyslexia should be effectively served in these programs commensurate with individual students' needs. When provided with high expectations and appropriately designed instruction, students with dyslexia can achieve academically at, or above, the level of their peers who are not identified with dyslexia. It is incumbent upon the state to ensure that LEAs effectively supported in implementing services for these vulnerable students.
7. **Dyslexia and Related Disorders Reporting Study:** TEA is in the process of contracting for a study on the reporting of students with dyslexia and related disorders through TSDS PEIMS. The objective of this project is to examine how LEAs identify and report students as having dyslexia or related disorders. The project calls for the following: (1) Policy and literature review documenting the history and current status of dyslexia requirements in Texas, as well as a review of federal and state requirements and policy regarding identifying and reporting students with dyslexia in public education; (2) Summary of research regarding the true approximate percentage of students in public education that are identified as having dyslexia or related disorders; (3) Data analysis to determine how many students are identified as having dyslexia or related disorders and whether any other factors such as LEA demographics, student characteristics, or available resources are correlated with this identification; (4) Analysis describing the extent to which students identified and reported as having dyslexia or a related disorder are also identified and reported as receiving special education services; and the extent to which students identified and reported as receiving special education services are identified and reported as having dyslexia or a related disorder; (4) Examination of the procedures used by LEAs to identify and report students with dyslexia or a related disorder. The examination may use surveys and interviews of LEAs to gather information and insight on past and current identification and reporting practices. The examination may include an estimate of the extent to which those practices vary across LEAs and identify barriers LEAs experience in identifying and

reporting students with dyslexia and related disorders. The project is intended to culminate in the development of a set of recommendations for TEA, ESCs, LEAs, and/or campus personnel to ensure proper, accurate, and prompt identification and reporting of students who have dyslexia or related disorders.

8. **Finance System:** In partnership with TEA Office of Finance, create a series of documents that supports stakeholder understanding of the school finance system related to special education.
9. **Educator Preparation:** TEA will explore options related to possible improvements in educator preparation and continuing education, in partnership with the State Board for Educator Certification.
10. **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.
11. **Texas Workforce Commission (TWC) Partnership - General Workforce Resources and General Vocational Rehabilitation (VR) Available to Individuals with Disabilities:** TEA will continue its collaboration with TWC to determine partnerships related to workforce preparation and readiness. These training resources may also include access to basic education skills, as well as basic job preparation skills training. VR helps eligible Texans with disabilities prepare for, obtain, retain or advance in competitive integrated employment, which is employment in full or part-time jobs with work settings, wages, benefits and advancement opportunities.

## **STUDENT, FAMILY, AND COMMUNITY ENGAGEMENT**

The effective and meaningful engagement of students, families, and communities is critical to the successful development and implementation of supports and services that lead to positive outcomes for students with disabilities. TEA will expand upon systems that facilitate effective stakeholder engagement at the state level. TEA may leverage the experiences and expertise of these stakeholders to ensure that programs and services developed for students with disabilities appropriately meet the needs of the individual student and lead to improved student outcomes. The state must meet stakeholders on their terms, so this engagement may include both in person and virtual engagement.

### ***Action Steps for TEA***

1. **Outreach Campaign to Identify, Locate, and Evaluate (CA: 2.a.):** As described above, the outreach campaign is reiterated here to establish the critical importance of ensuring an accessible campaign that clearly informs families and provides actionable steps for them to take as needed.
2. **Family Support Call Center and Portal:** As discussed in the above section on Child Find, a set of paper and web-based resources will be created for parents and for LEAs to help understand special education eligibility. Beyond that, TEA will provide a more substantial support structure, beyond static resources, to help parents navigate the process of identification and ultimate admission into special education services. This would include a streamlined call center staffed with process experts coupled with an online portal that provides clearly outlined process steps and tracking systems to support easier navigation for parents of children with disabilities. This online resource would help parents navigate a process that can be highly complex and difficult to understand. The portal would provide for a statewide trackable timeline for parents that

would have the ability to trigger reminders, supports in communication, etc. The call center would be a support for parents to help them understand relevant information and to answer questions specific to compliance and the law. All calls would be documented and reported to LEAs on a monthly basis with identifiable information removed, to help with their efforts at process improvement.

3. **Parent Brochures:** TEA may create “user-friendly” definitions, flowcharts etc. to assist LEAs and parents with determining if a student “should have” been referred for an initial evaluation. These resources may not be policy documents, but more guiding questions to ask in ARD meetings, data and evidence to consider in conversations, and timelines and agendas to facilitate productive and student-centered meetings. These documents may also provide families with clarification on the information and data they may want to consider bringing to meetings to help in decision-making and in the needs assessment. There are existing networks in place to support families that these static documents may reference. Examples of networks that could assist include the Parent Coordination Network and ESC based parent training.
4. **Ongoing Stakeholder Engagement:** TEA will release a request for proposals (RFP) for a Stakeholder Engagement Partnership. This partnership would provide the infrastructure and logistical facilitation necessary for TEA to gather meaningful feedback and input related to special education. Given the size and scope of needs in Texas, and the challenges of a state agency to conduct effective and comprehensive engagement at scale, TEA will need consistently focused capacity to ensure inclusive and representative feedback and discussion. As a result of this work, TEA may significantly increase opportunities to engage with various stakeholders on an ongoing basis. Stakeholder groups may include students, families, educators, LEAs, ESCs, IHEs, and others.

## TECHNICAL ASSISTANCE NETWORKS AND STRUCTURES

As part of the state discretionary funds that TEA receives under IDEA for state-level activities, TEA grants or contracts out services, supports, and networks. Networks are major, thematic topics that are identified as critical for the state. These networks are available to any LEA in the state and are intended to leverage best practices. These networks have remained unchanged for over fifteen years. As part of this strategic plan, TEA will redesign the statewide networks. TEA used and incorporated stakeholder feedback, data, and interviews to determine needs and adjustments to the existing structure.

The following descriptions are brief summaries of each of the proposed networks. Full descriptions, deliverables, and requirements may be outlined in the request for Letters of Interest (LOI), to be released in the summer 2018. Requests may be posted based on stakeholder feedback provided through March 2018. The LOIs may be open to ESCs and Institutions of Higher Education (IHEs) and may encourage collaboration among these various entities. Each network project may expect applicants to meet a minimum set of standards to be eligible for consideration. Should no LOI applicants meet those requirements, that network project would be bid competitively to include proposals from private providers. Additionally, ESCs will continue to receive funds to support special education, as well as funds

for activities related to regional liaisons. However, these funds may be tied to specific grant requirements and metrics related to positive student outcomes. Funds would also support work aligned to the networks and the needs of the region. Through best practices observed in Review and Support activities (described under Monitoring) as well as through the Networks outlined below, TEA will support mechanisms for LEAs to learn from and have access to resources and strategies that are working in regions throughout Texas.

### **Network One: Child Find, Evaluation, and ARD Supports**

Child find is a legally required, and important first step to finding children with disabilities and getting them the support and services they require to be successful in school. The full individualized and initial evaluation (FIIE) is an essential and critical component to determining the eligibility and needs of the child. The role of the Admission Review and Dismissal (ARD) committee is to develop the individualized education program (IEP) that may enable a child with a disability to achieve the prescribed goals resulting in positive outcomes. Focused support in these areas may strengthen the state's ability to ensure all children with disabilities are located, evaluated, identified and that a free appropriate public education (FAPE) is made available.

Activities that may support learning opportunities and improvements across the state may include projects such as the following:

- Identification and evaluation of eligible students
- Development of collaborative ARD processes and local dispute resolution practices
- Standards-based IEPs

Projects identified to meet federal regulations and/or state statutory requirements must include:

- Procedural Safeguards / ARD Guide publication and maintenance
- Other legal references including, but not limited to side by side documents and legal frameworks
- Supports for LEAs with significant disproportionality

### **Network Two: School, Family, and Community Engagement**

The belief that every individual can make a difference supports the belief that the impact a united group can have together is more significant than the efforts of individuals. When schools, families, and communities work together, student success increases and the entire community benefits. The goal of school, family, and community engagement support is to initiate programs that focus on building the capacity of educators and families to work collaboratively through essential partnerships in supporting positive outcomes for students with disabilities. Programs of support should promote learning, development, and relational connections. Programs of support should also seek to create mutually trusting environments and develop cognition and confidence in reaching common goals among educators, families, and communities.

Activities that may support learning opportunities and improvements across the state may include projects such as the following:

- Integration of family engagement programs into education systems

- Availability of call center and online systems for accessible and responsive information sharing and support for families and schools (currently provided through SpedTex parent information center and the Texas Project First website)
- Connection to community resources

Projects identified to meet federal regulations and/or state statutory requirements must include the following:

- Parent Survey (State Performance Plan Indicator 8)
- Surrogate Parent Training

### **Network Three: Inclusive Services and Practices for Improved Student Outcomes**

Creating the foundations of inclusive programs for students with disabilities requires careful thought toward master scheduling, creating balanced classroom rosters, training professional, and paraprofessional inclusion support, establishing co-teaching partnerships, developing cross-collaborative relationships, and providing appropriate supports for students with disabilities. To effectively teach students with disabilities in general education classrooms, curriculum and instruction must be accessible and appropriate for individuals with different backgrounds, learning preference, abilities, and disabilities and be provided in a wide variety of learning contexts. The goal of the inclusive services and practices community is to build capacity in development and implementation of meaningful access to and progress in the least restrictive environment that results in positive outcomes for students with disabilities. Programs of support should focus on access to and progress in all instructional and extra-curricular activities, continuum of services and service locations, and innovative models that result in quality services and supports.

Activities that may support learning opportunities and improvements across the state may include projects such as the following:

- Specially designed instruction to build a foundation in math and reading, including specific support for educators to address the unique needs of students identified with dyslexia and related disorders;
- Models of inclusion supports and practices that promote services to students as opposed to students to services;
- Assistive technology for accommodation to achieve meaningful and full appropriate access and involvement;
- Differentiated instruction and Universal Design for Learning;
- Student self-advocacy and self-determination; and
- Response to Intervention.

Projects identified to meet federal regulations and/or state statutory requirements must include Comprehensive Coordinated Early Intervening Services (CCEIS).

### **Network Four: Autism**

Students with autism have varying and unique needs that may require academic, behavioral, communication, and/or social support achieve school success. Examples of required support may include assistive technology or other assistive devices; communication support, devices or tools; settings and services to support the communication, social, or behavioral goals; and other tailored services and supports, especially those identified in the administrative rules related to students with autism. The primary goal of Autism is to provide educators, families, and other care givers access to and support in delivery of resources, tools, and evidence-based best practices that meet the intensive needs enabling positive outcomes for children.

Activities that may support learning opportunities across the state may include projects such as the following:

- Guidance on meeting requirements of administrative rules related to students with autism (19 TAC 89.1055(e));
- Resources for schools in developing practices from initial referral to program development and implementation with a strong emphasis on research-based and peer-reviewed strategies;
- Resources for providing increased community access and lifelong living skills, including social, recreational and employment opportunities;
- Professional training opportunities for educators and administrators;
- Resources for providing self and family advocacy and support connections;
- Interagency collaborations;
- Differentiated guidance, support, and professional development on supporting students with high-functioning autism (HFA);
- Guidance for addressing transition concerns for students with HFA –including students who are too high for many of the post-secondary supports available; and
- Expanded guidance and support for general education teachers.

Activities identified to meet federal regulations and/or state statutory requirements must include state-level professional development for school personnel and parents of students with autism.

#### **Network Five: Intervention Best Practices**

Providing effective models of academic and behavioral interventions for students, including students with disabilities, who are struggling in the general curriculum can improve outcomes for students. Response to these intervention models can also help ARD committees identify disabling conditions in students and draw distinctions between disabilities from lack of effective instruction or educational opportunities.

Activities that may support learning opportunities and improvements across the state may include projects such as the following:

- Multi-tiered systems of support to include Positive Behavioral Interventions and Supports, and Restorative Discipline;
- Culturally responsive pedagogical practices; and
- Response to Intervention

### **Network Six: Students with Intensive Needs**

Students with disabilities have varying needs. However, in many situations, students may have additional needs based on the nature and severity of their disability or other factors that require more intensive academic, behavioral, social, and/or emotional intensive support. Students who have cognitive, social, emotional, or behavioral difficulties often require unique and individualized resources to aid in achieving school success. Examples of these may include assistive technology or other assistive devices; communication support, devices or tools; settings and services to support the emotional, social, or behavioral goals; and other tailored services and supports that may meet the student's individualized educational needs. The primary goal in supports for students with intensive needs is to provide educators, families, and other care givers access to and support in delivery of resources, tools, and evidence-based best practices that meet the intensive needs enabling positive outcomes for children with disabilities.

Activities that may support learning opportunities and improvements across the state may include projects such as the following:

- Assistive technology for meaningful and full appropriate communication, access and involvement;
- Instructional supports for students with significant cognitive delays;
- Identification and implementation support for evidence-based practices to address social, communication, and behavioral needs of students with intensive needs;
- Guidelines for Educating Students with Traumatic Brain Injury/Concussions; and
- Guidance on meeting requirements of administrative rules related to students with autism (19 TAC 89.1055(e)).

Projects identified to meet federal regulations and/or state statutory requirements must include the following:

- State Level Professional Development for School Personnel and Parents of Students with Autism; and
- Continuum of alternative placements (34 CFR §300.115).

### **Network Seven: Students with Sensory Impairments**

Students with sensory impairments such as those who are blind, visually impaired, deaf, or hard of hearing have unique needs that require a range of supports and services to better enable access to and successful outcomes for appropriate independent living skills. Working closely with families and students to provide information and strategies for development of communication, mobility, tactile skills and environmental adaptations is critical to successful outcomes for children with sensory impairments. The goal of the support and services for children with sensory impairments is to provide families and schools with information and strategies to overcome barriers to success for students who are blind; visually impaired; deaf, or hard of hearing; or have other single or multi-sensory impairments that impede the development of functional vision and/or hearing.

Activities that may support learning opportunities and improvements across the state may include projects such as the following:

- Resources for increased community access and lifelong living skills, including social, recreational and employment opportunities;
- Resources for communication, mobility, and tactile skill development;
- Professional training and nontraditional certification opportunities for educators, administrators and support professionals; and
- Self and family advocacy and support connections.

Activities identified to meet federal regulations and/or state statutory requirements must include the following:

- Statewide plan for the education of children with visual impairments (Texas Education Code (TEC) [§300.002](#));
- Statewide [Deaf/Blind Plan](#) to identify needs, set priorities, and guide the service development and provision for students with Deaf/Blindness; and
- Statewide plan for educational services for students who are deaf or hard of hearing (DHH) through a [State DHH Plan](#) (see [TEC §30.083](#)).

#### **Network Eight: Students in Small and Rural LEAs**

Roughly half of the 1200 LEAs in Texas serve populations of less than 1,000 students. These LEAs face unique challenges with regard to the resources and supports necessary to meet the needs of their students with disabilities. The primary goal of Supports for Students Served in Small and Rural LEAs is to leverage resources and supports at the state level to provide a more effective level of access to small and rural LEAs who face significant challenges with regard to resource limitations and geographic remoteness. The end result being a more equitable level of service to students in these small LEAs as compared to their larger counterparts.

Activities that may support learning opportunities and improvements across the state may include projects such as the following:

- Professional community to mentor and support teachers and mitigate professional isolation;
- Instructional strategies and case management for broad responsibilities (age, settings, student needs);
- Collaborative teaming with families and Shared Services Arrangement providers and contractors; and
- Post-secondary transition collaboratives, including transportation.

#### **Network Nine: Child-centered Transitions**

Successes begin early through careful and systemic practices aligned with positive social, emotional, and academic goals prepared to meet the identified needs of each individual student with a disability. Each successful transition for students ages 3-21 with disabilities such as early childhood intervention (IDEA Part C) to pre-kindergarten through elementary; elementary to secondary, and secondary to graduation (IDEA Part B), increases the likelihood for students and communities to become more resilient, and supports post-secondary success. The goal of child centered transition is to support students with



disabilities and provide stakeholders with assistance that increases knowledge, builds capacity, and enhances systems to ensure pre-kindergarten through post-secondary readiness needs are met resulting in positive student outcomes.

Activities that may support learning opportunities and improvements across the state may include projects such as the following:

- Preschool programs for children with disabilities with focus on growth outcomes and kindergarten readiness;
- Part C (Early Childhood Intervention birth to 3 under IDEA) to Part B (ages 3-21 under IDEA) transition services;
- College, career, and military readiness through pre-employment initiatives, college and career mentor and internships, career and technology education, and other post-secondary preparedness programs;
- Secondary transition services planning and implementation; and
- Connections to state and federal resources, programs, and agencies for students and persons with disabilities.

Projects identified to meet federal regulations and/or state statutory requirements must include the following:

- Texas Transition and Employment Guide,
- LEA Transition and Employment Services Designee training, and
- Early Transition Memorandum of Understanding (MOU).

#### **Network Ten: Multiple Exceptionalities and Multiple Needs**

In general, exceptionalities fall in six broad categories that include intellectual, communicative, sensory, behavioral, physical, and multiple. A child with a disability is identified in one or more specific disability categories defined in IDEA and included in these exceptionalities but may also be identified as gifted in comparison to same-aged peers, or as a second language learner. The complex needs of these children require planned and purposeful coordination to mobilize and improve a variety of resources to meet their educational needs. The primary goal of supports for children with multiple exceptionalities is to build capacity through essential partnerships at the state, regional, and local levels that includes educators and families in providing accommodative learning opportunities and positive outcomes for students with disabilities with multiple exceptionalities.

Activities that may support opportunities and improvements across the state may include projects such as the following:

- Intra-agency alignment on the ARD/Language Proficiency Assessment Committee (LPAC) collaboration process to identify and support English learners with disabilities;
- Alignment of guidance and processes for identifying and serving students with disabilities who also have areas of giftedness; and
- Research-based guidance on (1) how to evaluate students for special education and Gifted and Talented (GT) programs, (2) how to determine special education and GT eligibility for these kids, and (3) how to write IEPs and develop GT programming for these kids.

Further, in accordance with the Interstate Compact on Educational Opportunity for Military Children<sup>2</sup>, the state may provide explicit supports for this population.

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<sup>2</sup> Special education services--(1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1400 et seq.), the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and (2) In compliance with the requirements of Section 504 of the Rehabilitation Act (29 U.S.C.A. Section 794), and with Title II of the Americans with Disabilities Act (42 U.S.C.A. Sections 12131-12165), the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

## **APPENDIX A: Feedback**

Throughout the fall of 2017, TEA and Education Service Center staff conducted interviews with parents, teachers, administrative staff, and members of the broader special education community. These interviews garnered information as to the operation of each network. The information from the interviews as well as a survey administered to regional and LEA staff in November and December of 2017 was added to the body of information that has been used in the development of this strategic plan.

Throughout the month of February 2018, the agency sought feedback on the initial draft of the corrective action response from a wide variety of audiences. This process included face-to-face focus groups that were facilitated by agency staff in each of the twenty education regions in the state. During the meetings with parents and educators, agency staff presented information explaining the historical context of the corrective action response, the current requirements from the U.S. Department of Education, and current thinking on how to address those requirements. Focus group members were then asked to provide feedback on the initial corrective action response and to provide any additional ideas or considerations they may have. Data collected from these focus groups were coded and included in the analysis of information collected from all other sources. In addition, agency staff met with students who are currently eligible for special education to obtain their feedback on the type and quality of services they receive and on whether they believed they were being prepared for a successful life after high school. These interviews provided the agency with insights, from a student perspective, as to what are and are not effective practices in the state regarding the development and implementation of special education services.

TEA also developed and posted a survey on its website that members of the public could use to provide feedback on the initial corrective action response. The agency received approximately 7,000 responses from the survey, which represented feedback from 767 different LEAs. The survey solicited both quantitative and qualitative data. The agency also collected narrative data through an email address specifically established for collecting feedback on the corrective action response. As of March 2, 2018, the agency had received approximately 160 emails that spoke directly to the corrective action response. There were approximately 200 other emails that addressed other topics not directly associated with the corrective action response (e.g., requests for information about the focus groups, requests to be added to a registry of providers and support organizations related to special education, etc.). As with the data collected from the focus groups, information from the emails and the qualitative data from the surveys were included in the analysis of information gathered from all other sources.

Information from the focus groups, emails, and survey will be posted to the agency's website at <https://tea.texas.gov/TexasSPED/>. The information posted to the website may be redacted to comply with the Family Educational Rights and Privacy Act (FERPA). This means that any information that could be used to identify a student with a disability and/or his/her family may be removed to protect the student and family's confidentiality.

Members of the public who wish to continue to provide the agency with feedback related to special education in Texas and/or the corrective action response may do so by emailing the agency at [TexasSPED@tea.texas.gov](mailto:TexasSPED@tea.texas.gov).

## 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 <sup>3</sup>	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

<sup>3</sup> Total number of respondents is a unique count. Role totals do not match due to survey allowance to either 1) not choose a role, or 2) choose multiple roles.

\* Is inclusive in “Other” designation—where does this come from? Why use an \* within a footnote?

## **APPENDIX B: Previous and Current Improvements**

Since the letter from OSERS and the TEA response, TEA has been engaged in improvement activities meant to ensure concerns raised by both stakeholders and the USED were being addressed immediately. Seven actions have been undertaken:

1. A To the Administrator Addressed letter was sent on November 17, 2016 reminding local education agencies (LEAs) of their child find obligations in IDEA; that Response to Intervention strategies may not be used to delay or deny an initial evaluation; and to clarify TEA's 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, Response to Intervention, and the Performance Based Monitoring Accountability System (PBMAS). The reviews were completed and all documents are up to date and in compliance with IDEA.
3. TEA reviewed monitoring activities specific to the school LEAs discussed in the Houston Chronicle articles and cited in the October 3, 2016 USED letter, and followed up as appropriate with those LEAs.
4. TEA completed the multi-year transition plan for integrating the four representation indicators into a single indicator for calculation of significant disproportionality with input from the Continuing Advisory Committee appointed by the Governor and the Texas Continuous Improvement Steering Committee stakeholder group.
5. TEA hired ten additional staff members in TEA's Division of Special Education to expand the amount of technical assistance support available at TEA. These individuals were hired for their expertise in various functional areas related to special education.
6. Twenty-eight Education Service Center (ESC) liaisons were employed by the education service centers to perform multiple functions with regard to improving outcomes for students with disabilities. They are engaged with LEAs to develop innovative ways to address challenges and may be supporting best practices around issues such as significant disproportionality and other programmatic component of the Corrective Action response.
7. TEA discontinued the use of PBMAS Indicator 10 for the purposes of interventions staging moving forward, and the Texas Legislature followed up with Senate Bill 160 and Senate Bill 1153 relating to this issue. S.B. 160 prohibited adoption or implementation of a performance indicator in any monitoring system that solely measures a school LEA's aggregated number or percentage of students with special education eligibilities. SB 1153 requires notice (as defined in the bill) to parents of each child, other than a child enrolled in special education, who receive assistance for learning difficulties, including through the use of intervention strategies (as defined in the bill).

**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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<p>1.a.</p> <p>Communicate to all local education agencies (LEAs) the Child Find and FAPE requirements and obligations in IDEA.</p>	<p>Citation 3</p> <p>34 CFR §§300.149 and 300.600 along with 20 U.S.C. 1232d(b)(3)(A)</p>	<p>Completed on November 17, 2016</p> <p>Completed on February 26, 2018</p>	<p>TEA</p>	<p><a href="#">To the Administrator Addressed</a> 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 Schwinn.</p> <p><a href="#">To the Administrator Addressed</a> 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 Schwinn.</p>
<p>1.b.</p> <p>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.</p>	<p>Citation 3</p> <p>34 CFR §§300.149 and 300.600 along with 20 U.S.C. 1232 d(b)(3)(A)</p>	<p>By January 10, 2019</p>		<p>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).</p> <p>Provide assurance statement that 100% of LEAs who assume IDEA formula and discretionary funds have provided the requisite assurances.</p>

1.c. Revise 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, mediation, 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	



<p>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.</p>		<p>22, 2017, effectively immediately, codified at TEC §29.0011.</p> <p>19 TAC §97.1005. Performance-Based Monitoring Analysis System as amended to be effective August 14, 2017, 42 TexReg 3969.</p>		<p>Copy of Texas Education Code §29.0011.</p> <p>Copy of PBMAS Manual.</p>
<p>1.g.</p> <p>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.</p>	<p>Not Applicable</p>	<p>SB 1153, signed by governor on June 12, 2017, effective immediately, codified at TEC §26.0081, applicable beginning with the 2017-2018 school year.</p>	<p>N/A</p>	<p>Copy of Texas Education Code §26.0081</p>

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

**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.

<b>Essential Actions</b>	<b>Applicable Citation</b>	<b>Timeline for Completion of Corrective Actions</b>	<b>Responsible for Essential Action</b>	<b>Evidence of Progress / Completion</b>
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 1 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.

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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**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)

Essential Actions	Applicable Citation	Timeline for Completion of Corrective Actions	Responsible for Essential Action	Evidence of Progress / Completion
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<p>3.a.</p> <p>Upon direction from the State Board of Education, TEA may facilitate a process to revise the <i>Texas Dyslexia Handbook</i> 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.</p>	<p>Citation 1</p> <p>34 CFR §300.111</p> <p>Citation 2</p> <p>34 CFR §300.101</p>	<p>November 2018</p>	<p>State Board of Education</p> <p>TEA</p>	<p>Completed, approved, and adopted <i>Dyslexia Handbook</i>.</p>
<p>3.b.</p> <p>Evaluate existing resource content and whether the <i>Parent's Guide to the Admission, Review, and Dismissal Process</i> meets legal requirements regarding a child's right to an initial evaluation for special education and related services under the IDEA.</p>	<p>Citation 1</p> <p>34 CFR §300.111</p>	<p>Completed Spring 2017</p>	<p>TEA and ESC partners</p>	<p><a href="#"><i>The Parents Guide to the Admission, Review, and Dismissal Process</i></a>, was found to appropriately contain:</p> <p>"A child does not need to advance through each tier of the RTI system before a referral for special education is made. Once it is apparent that general education interventions are not sufficient, school personnel should suspect that the child has a disability and should initiate a referral. Parents can also request a referral at any time regardless of whether the child is receiving interventions through an RTI system."</p> <p>Additionally, TEA's website contains a <a href="#">page dedicated to RTI</a> which provides additional links to resources. This page similarly notes:</p> <p>"Students who may have a disability should be referred for a full and individual evaluation for special education services. States and LEAs have an obligation and requirement under federal law (34 CFR §300.111 Child Find) to see that evaluations of children suspected of having a disability are not delayed or denied because of schools using an RTI strategy."</p>

3.c. TEA may leverage resources to enable the creation of a suite of information intended to be shared with the parents of children suspected of having a disability. These resources may describe the differences between RtI, the State dyslexia program (for dyslexia or dyslexia-related needs), Section 504, and the IDEA, and would be developed in conjunction with extensive stakeholder feedback. This may include how and when school staff and parents of children experiencing learning difficulties may request interventions and/or services under these programs. This may include policy development relating to timelines, forms, with relatable and understandable translation of federal regulations and state statutes and may be readily available to all stakeholders.	Citation 1 34 CFR §300.111  Citation 2 34 CFR §300.101	December 1, 2018	TEA and ESC partners	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, and provide assurance of this requirement through the Legal Framework.
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<b>OSEP Requirement # 4</b>				
A <b>plan and timeline</b> 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.				
<b>Essential Actions</b>	<b>Applicable Citation</b>	<b>Timeline for Completion of Corrective Actions</b>	<b>Responsible for Essential Action</b>	<b>Evidence of Progress / Completion</b>
4.a.  TEA may restructure Agency oversight with increased capacity in the number of and monitoring expertise ensuring a balanced system of compliance and results-driven accountability	Citation 3  34 CFR §§300.149 and 300.600 along	Reorganization completed by August 2018	TEA	Transition the Special Education monitoring duties from School Improvement to Special Populations (in the Office of Academics) as part of a new Review & Support Team. This may allow for significantly increased capacity and expertise. Until the transition is complete, require School Improvement to include specific monitoring requirements to review LEAs'

monitoring and intervention practices in the state, that includes specific monitoring requirements to review LEAs' implementation of the IDEA requirements found in 34 CFR §§300.111 and 300.101 when struggling learners suspected of having a disability and needing special education and related services under the IDEA are receiving supports through RTI, Section 504, and/or the State's dyslexia program.	with 20 U.S.C. 1232 d(b)(3)(A)			<p>implementation of the IDEA requirements found in 34 CFR §§300.101, 300.111, and other requirements of LEAs found in this corrective action response.</p> <p>Increase the scope and size of the Review &amp; Support Team in Special Education. The scope of the team may include reviews of programs that provide services and supports to struggling learners suspected of having a disability and needing special education and related services under the IDEA inclusive of RTI, 504, and the State's dyslexia program.</p>
<p>4.b.</p> <p>TEA may establish broad stakeholder involvement opportunities, including input from the State's Continuing Advisory Committee (CAC) to inform and provide feedback on effective monitoring practices that may be additionally developed and implemented by TEA to ensure LEAs are meeting regulatory requirements under IDEA for struggling learners suspected of having a disability and needing special education and related services, regardless of whether they are receiving other services and supports through RTI, Section 504, and the State's dyslexia program.</p>	<p>Citation 3</p> <p>34 CFR §§300.149 and 300.600 along with 20 U.S.C. 1232 d(b)(3)(A)</p>	Established by December 2018	TEA	At least six stakeholder meetings held between May 2018 and December 2018, inclusive of representative stakeholder groups.

#### **APPENDIX D: Funding and Timeline**

##### ***Timeline Overview***

On October 3, 2016 Commissioner Morath received a letter from the Office of Special Education and Rehabilitative Services (OSERS) of the United States Department of Education (USED) raising concerns regarding Texas' compliance with a number of requirements in the Individuals with Disabilities Education Act. The state responded to the letter on November 2, 2016 outlining some of the improvement activities that were already being put in place.

In December of 2016, the Office of Special Education Programs (OSEP) conducted a series of listening sessions in December. The USED and OSEP staff returned to Texas in February, 2017 and performed a series of onsite monitoring visits in 12 Independent School LEAs (ISDs) across the state. The final report of findings from this onsite monitoring visit was provided to Commissioner Morath and Governor Abbott on January 11, 2018.

On January 17, 2018 a draft corrective action response was provided to Governor Abbott. Stakeholder input was gathered through a survey, email, and focus groups conducted at all twenty education service centers from January 17 - March 1, 2018. The second draft is being published in March to allow for public comment. The proposed corrective action response may be finalized and submitted to OSEP by April 18, 2018.

Moving forward, competitive grant opportunities may become available during the summer of 2018 through fall 2018 for implementation in the 2019-20 school year that may encourage partnerships, and provide direct support to a framework that focuses on improved results for students with disabilities.

### ***Funding***

Below is a summary of the funding that may be used for this strategic plan. Please note that these are projected expenditures only, and are subject to change as the strategic plan adjusts. Please also note that:

- This strategic plan is largely funded out of IDEA Administrative and State Discretionary funds, which are explicitly provided for state-level activities.
- The discretionary funds required for this strategic plan may be paid in part through available discretionary funds of \$45,000,000. The remaining activities may be pulled from annual state discretionary federal funds, at an approximate allocation of approximately \$15,000,000 per year.
- As noted at the start of this strategic plan, **the agency does not have the authority to appropriate funds**. However, regardless of this (or any other) strategic plan – but as a function of federal and state law, it is important to acknowledge that LEAs will incur greater costs associated with the following:
  - The cost of testing more students
  - The cost of compensatory services, as applicable (may vary based on individual need)
  - The cost of providing services
- The increase in the state expenditures for the weighted formula as more students are identified

In the thousands of comments received by the agency, the concern for these additional costs was the single-largest issue raised.



		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**

[Research and Analysis team document goes here]

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