What's happening with the Special Education Compliance Monitoring in Texas?

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History Timeline

How did we get here?

- **2003**: Legislature challenged the state to control spending
- **2004**: Performance Based Monitoring (PBM) target of 8.5% set
- **2016**: Series of articles in the Houston Chronicle
- **2017**: US Dept of Ed visited Texas twice to investigate allegations
- **January 11, 2018**: US Dept of Ed released their findings
- **April 23, 2018**: Corrective Action Plan released by TEA
- **2018**: TEA collected information statewide in response
- **2019**: Work underway across the state aligned to Corrective Action Plan
Legislature on controlling spending

“Another method that states use to control special education costs is to impose caps either on the number of students who can be identified as eligible for special education services or amount of available state dollars.”

2004 Texas House Public Education Committee interim report
How did we get to the 8.5% target?

TEA has been unable to produce any records as to why 8.5 percent was chosen as the target of enrollment in special education, which was set to be a “reach goal” from the then statewide average of 12 percent in 2004.
Between 2004 and 2016, special education enrollment plunged from 12 percent to the targeted 8.6 percent.
US Dept of Ed Visits Texas

2017

- Two visits to the state
- Several public meetings
- Onsite review with TEA
- District level request for documentation
- District level site visits
- Review of all collected data
What populations are we talking about?

SPECIAL EDUCATION

SECTION 504

DYSLEXIA

RESPONSE TO INTERVENTION
Texas systematically denied students with disabilities the federally required services and supports as required by the Individuals with Disability Education Act (IDEA)
Specifically

- 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.
- TEA failed to ensure that a free appropriate public education (FAPE) was made available to all children with disabilities residing in the state in Texas’s mandated age ranges (ages 3 through 21).
- TEA failed to fulfill its general supervisory and monitoring responsibilities and implementing regulations to ensure that ISDs throughout the state properly implemented the IDEA child find and FAPE requirements.
The state takes action

• Governor weighs in on the issue placing blame on school districts
• Educators seek to set the record straight
• TEA holds over 150 in person interviews across the state to collect information
• TEA receives over 7,000 surveys & 4,000 emails with input and suggestions
• Strategic Corrective Action Plan created and submitted
January 11, 2018

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

Dear Commissioner Morath:

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

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

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

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

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

I have read with deep concern the recent monitoring letter sent to the Texas Education Agency (TEA) from the U.S. Department of Education (DOE). The past dereliction of duty on the part of many school districts to serve our students and the failure of TEA to hold districts accountable are worthy of criticism. At the state and local level, the practices that led to the DOE monitoring letter will end.
Texas public schools have been faced with significant budget cuts alongside a soar in student enrollment and higher accountability requirements. Special education administrators are tasked with leading their staff to provide the best possible services with limited resources, limited training, and inconsistent guidance. It is not a dereliction of duty to follow a directive from your state regulatory agency, while at the same time trying to meet the needs of all students.
IMPLEMENTING A STATEWIDE SPECIAL EDUCATION PROFESSIONAL DEVELOPMENT SYSTEM, INCLUDING MULTIPLE OPPORTUNITIES FOR FOLLOW-UP SUPPORT FOR ALL EDUCATORS.

PROVIDING RESOURCES FOR PARENTS OF CHILDREN SUSPECTED OF HAVING A DISABILITY TO HELP INFORM THEM OF THEIR RIGHTS TO FAPE.

REQUIRING DISTRICTS TO PROVIDE COMPENSATORY SERVICES FOR STUDENTS WHO ARE FOUND TO HAVE NEEDED SERVICES BUT DID NOT RECEIVE THEM.

INCREASING OVERSIGHT AND MONITORING OF SPECIAL EDUCATION PROGRAMS IN LOCAL SCHOOL DISTRICTS.

RESTRUCTURING TEA’S SPECIAL EDUCATION STAFF SO THAT ADDITIONAL SUPPORT IS AVAILABLE FOR SCHOOLS.
What has happened since then?
Identification, evaluation and placement

- Ensure Texas is identifying students with special education needs and providing appropriate services.
- TEC 29.011 prohibits the use of an indicator on the percentage of students receiving special ed.
- Recommending districts follow special ed timelines for 504
- Guidance sent to districts indicating children with dyslexia may be a child with a specific learning disability.
- Developing a Multi Tiered System of Support (MTSS) but clarifying that students do not have to be screened through it. Providing enhanced supports for using the MTSS system.
- Funds ($10 million) allocated to assist districts with unexpected increases in FIEs. ESC 20 will facilitate distribution.
• Lead outreach campaign targeting students with disabilities and their families to increase awareness and provide resources.
• Paper and web based products in multiple languages.
• Clear definitions of eligibility and Child Find process.
• Clarification on Section 504, Dyslexia and MTSS.
• Enhanced call center and interactive online services.
• Increased stakeholder meetings across the state.
• Increased engagement: webinars, virtual town halls, surveys, interviews, and public engagement volunteers.
• Partners Resource Network is hosting webinars for stakeholders on the CAP and issues important to students, families and the community.
Networks and structures

- Provide assistance with best practice execution.
- Creation/redesign of Technical Assistance Networks that provide support.
- Grant opportunities to design, strengthen and provide needed supports.
- Redesign of support network into ten primary areas such as child find, inclusive practices, autism, intervention, small/rural LEAs, transition, etc.
Training, support and development

• Provide professional development and resources to increase educator capacity to support student needs.
• Developed training and resources for special education, dyslexia, section 504 and MTSS.
• Expanded stakeholder engagement.
• Outreach campaign initiated.
• Hired program specialists for Section 504 and dyslexia.
• Work with SBEC to improve teacher certification.
• School board training to improve local monitoring and increase fidelity of implementation.
State monitoring

- Strengthen monitoring to ensure districts are meeting federal requirements and support districts in improving practices.
- A review and support team has been established.
- Expanded the team by about 50 FTEs
- Focus on improved outcomes, not just compliance
- All published reports easily searchable and accessible to LEAS.
- Additional data elements added to PEIMS/TSDS for enhanced monitoring
Monitoring Schedule

### 2019
- **July**: 2 Years of Cyclical Monitoring Posted
- **August**: SPP Data Closes for LEA Input
- **September**: TEA Completes SPP Clarifications
- **October**: TAA for RDA Results Posted and First Cycle Notifications for Monitoring Sent to LEAs
- **November**: LEAs Notified for Risk Monitoring and CAP Requirements
- **December**: TETN for RDA Results Second Notification for Risk Monitored LEAs send with Monitoring Requirements

### Cycle 1 Monitoring
- **November**: On-Site Monitoring Visits
- **December**: On-Site Monitoring Visits

### 2020
- **January**: On-Site Monitoring Visits
- **February**: On-Site Monitoring Visits
- **March**: On-Site Monitoring Visits
- **April**: On-Site Monitoring Visits
- **May**: On-Site Monitoring Visits
- **June**: On-Site Monitoring Visits

### Cycle 2 Monitoring
- **First Cycle Notifications for Monitoring Sent to LEAs**
- **Second Cycle Notifications for Monitoring Sent to LEAs**
- **Third Cycle Notifications for Monitoring Sent to LEAs**

### Group 1 Risk-Based Monitoring
- **Group 1 Risk-Based Monitoring Notifications Sent to LEAs**
- **Group 2 Risk-Based Monitoring Notifications Sent to LEAs**

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*LEAs Notified in Advance  **No Site Visits April 7-10*
Cyclical Monitoring Scheduled

https://tea.texas.gov/Academics/Special_Student_Populations/Review_and_Support/Review_and_Support

All LEAs in the state of Texas will be, at a minimum, monitored every six years in a scheduled cycle. Cyclical monitoring schedules will be published on the TEA website in two-year increments in July prior to the start of each school year. LEAs participating in cyclical monitoring will also receive correspondence from the TEA at the start of the school year, and throughout the monitoring process. Each school year, LEAs selected for monitoring will be reviewed in three groups, as follows:

**Cycle 1 Reviews 2018-2020**
- Group 1: October-December
- Group 2: January-March
- Group 3: April-June

**Cycle 2 Reviews 2020-2021**
- Group 1: October-December
- Group 2: January-March
- Group 3: April-June
## Self Assessment Rubric

### Strategic Support Plan

**Texas Education Agency - Department of Review and Support**

**Descriptions:** The LEAs will refer to multiple sources of data to identify and prioritize areas for continuous improvement. The self-assessment summary and other partners data sources (e.g., CMAP/ROA, STAR scores, discipline reports) to identify all areas for correction and improvement that have been selected and prioritized for inclusion in the SSP. Include 3-5 systemic areas from the self-assessment summary, PRAM/ROA, STAR data, continued noncompliance, and any additional areas/child priority action that are addressed elsewhere in the special education monitoring process.

<table>
<thead>
<tr>
<th>District Name:</th>
<th>District EIC:</th>
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<tbody>
<tr>
<td>County District Number:</td>
<td>DCIS:</td>
</tr>
<tr>
<td>Superintendent Name:</td>
<td>Date:</td>
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</tbody>
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### Program Areas

<table>
<thead>
<tr>
<th>Problem Statement / Root Causes</th>
<th>Area of Improvement</th>
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### Annual Goals

1. The LEAs will present critical areas of improvement and action from additional data sources by conducting a root cause analysis using investigative questions to align most critical areas of improvement with self-assessment summary.
TEA documents to the US Dept of Ed their efforts thus far with a **13 page response** including additional attachments and links to show progress.
What is happening now?

- Districts anxiously awaiting ongoing guidance from TEA
- Legislature passed several bills and amendments to address these issues
- TEA in Fifth Court of Appeals over reduction in special education spending
- Funds given back to districts aligned to reduction in spending by the state
- US Dept of Ed visits six districts as part of ongoing oversight in Texas
- Work continues across the state
Questions to Consider

What is your staff doing to be sure students with disabilities are being identified and served appropriately?

Are your special population programs in alignment with regulation and best practice?

Are your staff trained to meet the increased emerging needs of students?

How can your Board be prepared to address the increased fiscal needs associated with increased evaluations, services and supports?

What is your district doing to be prepared for increased monitoring?
Resources

- TEA website - Improving Special Education in Texas
- TEA website – Webinar Update on the Texas Strategic Plan for Special Education Webinar – February 28, 2019
- TEA website - TEA State of the State Presentation at TCASE Great Ideas- February 20, 2019
- TEA website - SPED Update to the Senate Education Committee- February 7, 2019
- TEA website - SPED Update to the House Public Education Committee- January 30, 2019
- TEA website – Hosting webinars to provide information regarding special ed in Texas
Resources

- **TASB Talks Podcast** - [A Conversation about Special Education, TASB Talks podcast, episode 18](#)
- **TLS Article** – [Special Education Reboot](#)
- **Partners Resource Network** – Ongoing [webinars](#) on the CAP and information for stakeholders
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