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TEA Draft USDE Corrective Action Plan

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Draft Plan

- **The Department of Education (“USDE”) has required TEA to create a “Corrective Action Plan.”**
- **TEA has created a draft plan.**
- **TEA created an online survey soliciting input from educators, parents, and members of the public regarding the plan.**
- **Districts and other stakeholders now have an opportunity to be included in a registry.**



Draft Proposal

- It is likely that students, families, and advocacy groups will submit input, so it is important for districts to do the same throughout the draft process.
- Keep in mind that this is *only* a draft. This is *not* the final plan.
- Nothing addressed here is official policy, and districts are *not* bound to anything written in the draft.



Online Registry

- **Local Educational Agencies (“LEAs”) may register as part of the comprehensive list of groups who work to improve services for students with disabilities.**
- **The registry is located on TEA’s website at TexasSPED@TEA.texas.gov .**



Background

- **TEA acknowledges that it does not have the capacity to monitor special education programs.**
- **There are currently 11.5 employees dedicated to monitoring and providing support for more than 500,000 students.**



Summary of Corrective Action One

- **TEA proposes to:**
 - **Create a Review and Support Team with increased capacity and expertise.**
 - **Increase the Review and Support Team to 25 members, plus an assistant. These members would be divided into three teams, and these teams would each conduct 25 on-site reviews a year, which would allow every district to receive a visit at least once every six years.**
 - **Hire an additional director.**
 - **Develop a process for the reviews (with stakeholder contribution).**



Summary of Corrective Action One

- The teams will require unrestricted access to the school and staff; the flexibility to make unannounced and scheduled visits to schools and districts; the ability to review all necessary records and conduct confidential interviews with stakeholders including staff.
- Adjust the PEIMS data collection.
- Explore increasing diversity on the teams of reviewers.
- Publicly report the monitoring reports and give LEAs 30 days to respond to the reports.
- Align the parent survey processes to the year the districts are reviewed.



Summary of Corrective Action One

- **TEA provides a hierarchy chart of the teams and proposes a timeline. TEA estimates that this will cost \$2.2 million for staff annually; \$0.1 million for travel annually; and \$0.5 million for technical assistance (one time).**



Corrective Action One

Areas of Interest

- The proposal for unrestricted, unscheduled access to schools and staff may impact the provision of educational services to students.**
- Possible publication of the monitoring reports prior to providing the LEAs the 30 days to respond to the reports.**
- Possible impact on LEA funding when TEA increases its own staff.**



Summary of Corrective Action Two

- TEA will ensure that each district will “identify, locate, and evaluate *children enrolled in the ISD who should have been referred for an initial evaluation under the IDEA*, and require IEP teams to consider, on an individual basis, whether additional services are needed . . .”
- TEA reports that some students who should have been eligible for services may not have received them, so it is *now developing a process that will properly identify and locate children who should have been evaluated, assess them quickly, and determine compensatory services.*



Summary of Corrective Action Two

- TEA's proposed plan:
 - Contract with a third party to create and execute an outreach campaign to inform families and LEAs of their rights and responsibilities. Districts will have to reach out to every family in the district.
 - Expand a call center.
 - Require every district and charter school to *identify all students who were in RTI for six or more months, Section 504 students, and students who received services for dyslexia only*. Schools must notify the families of these students of the corrective action plan and *provide an opportunity for special education evaluation*. *The costs associated with this will remain the responsibility of the district.*
 - TEA will update its guidance for clarity and will provide trainings on conducting assessments.
 - The LEAs will be responsible for providing compensatory services, and TEA will create a fund to support some of those efforts. TEA will establish a list of vendors throughout the state and will create a process to help districts evaluate the effectiveness of certain service areas.



Summary of Corrective Action Two

- **TEA anticipates that this outreach campaign will cost \$3 million.**
- **It also anticipates a \$25 million compensatory services fund, over a five-year period. It is not clear how LEAs will access this fund.**



Corrective Action Two

Areas of Interest

- **Possible increase in evaluations for students in Rtl, Section 504, and dyslexia in addition to evaluations already in process, availability of staff to complete evaluations, and increased costs to LEAs**
- **Determining who needs compensatory services and LEA responsibility for the cost of providing compensatory services**



Summary of Corrective Action Three

- **TEA will create informational resources to give to LEAs, including differences between the IDEA, Section 504, RTI, and dyslexia/dyslexia-related needs, services, and requirements.**
- **LEAs will be required to disseminate this information to parents.**



Summary of Corrective Action Three

- TEA's plan:
 - Create a suite of resources in paper and online to be shared with parents of children suspected of having a disability.
 - TEA will revise the *Texas Dyslexia Handbook* to provide guidance as it relates to IDEA eligibility.
 - TEA will enhance its call center.
 - TEA will provide professional development opportunities, which will include elements for inclusive practices and instructive techniques, as well as related Child Find practices.
 - The Special Education Division will include one staff member dedicated to dyslexia/dyslexia-related guidance, and an additional staff member dedicated to Section 504 guidance.



Corrective Action Three

Areas of Interest

- **The scope of identifying students who were in Rtl for six or more months, Section 504, and students who received dyslexia services only will result in evaluations for students who are not suspected of having a disability under the IDEA.**
- **Costs of providing information to families is shifted to the LEAs.**



Summary of Corrective Action Four

- **An Escalation Team will consist of 12 field specialists, three supervisors, and one assistant, along with a director.**
- **The Team will focus on districts that have the clearest need or the largest self-reported gap between students who are identified with special needs and those who should have been previously identified. The Team will spend significant time in those districts, until the urgent issues have been addressed. Those districts will then remain on a more frequent monitoring schedule.**
- **Any district who received a negative monitoring report will be subject to the intensive assistance of the Team.**
- **The School Improvement Team will focus monitoring activities on high needs LEAs until the Escalation Team is in place.**
- **TEA will procure and negotiate vendor pricing for high needs districts.**



Corrective Action Four

Areas of Interest

- **Districts with the clearest need or the largest self-reported gap between students who are identified with special needs and those who should have been identified will be monitored more frequently and receive *significant and intensive assistance* from the Special Education Escalation Team.**



Summary of Appendix B:

Other Actions

- **TEA has already begun to or plans to implement the following:**
 - **Begin TEA staff training so that TEA staff can provide consistent responses to stakeholders.**
 - **Explore changes to teacher certification and credentialing as it relates to requiring a demonstrated proficiency in areas related to special education.**
 - **Restructure grant agreements with ESCs to be “outcomes-oriented.” There will also be a close document review and approval of all ESC materials to ensure guidance remains clear.**
 - **Hire a Special Education Director.**



Appendix B: Other Actions Areas of Concern

- Districts will want to know what the teacher certification and credentialing changes would look like so that they can provide feedback.
- TEA will need to explain what “outcome-oriented” means so that districts will know what the measuring stick is for progress.



Practical Strategies

- 1. Provide online feedback to the draft plan:**
 - a. Response to the Governor’s mischaracterization of LEAs as being “derelict” in their duties to serve students with disabilities.**
 - b. Clarification of TEAs changed focus from LEA’s procedural compliance to include “most effective practices” that lead to “improved outcomes” for students and the impact on LEAs.**
 - c. The impact of unrestricted access to school staff and unscheduled visits on the uninterrupted provision of educational services to students with disabilities.**



Practical Strategies

- d. The impact of publication of monitoring reports if prior to the LEAs having the opportunity to respond to TEA**
- e. Determining which students require special education evaluation if they are successful in Rtl, Section 504, and dyslexia services**
- f. Clarification of the time period to use in determining which students needed services and did not receive them**



Practical Strategies

- g. Clarification regarding providing compensatory services, including providers and funding sources**
- 2. Consider registration as a stakeholder**
- 3. Examine the LEAs practices in providing and monitoring progress in RtI, specifically focused on whether a student is making sufficient progress to close the gap or whether some or minimal progress indicates the need for special education evaluation**



Practical Strategies

- 4. Continue to evaluate students in all areas of suspected disability.**





The information in this handout was created by Walsh Gallegos Treviño Russo & Kyle P.C. It is intended to be used for general information only²⁵ and is not to be considered specific legal advice. If specific legal advice is sought, consult an attorney.