



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

May 4, 2023

Honorable Mike Morath
Commissioner
Texas Education Agency 1701 N. Congress Ave.
Austin, Texas 78701

Dear Commissioner Morath:

As you know, the U.S. Department of Education's Office of Special Education Programs (OSEP) conducted an onsite meeting with Texas Education Agency (TEA) staff on February 13th and 14th, 2023, to discuss and review the evidence submitted as required by the Specific Conditions imposed on the State's FY 2022 Individual with Disabilities Education Act (IDEA) grant award, dated July 1, 2022.

A copy of OSEP's July 1, 2022, Specific Conditions letter is available at <https://www2.ed.gov/fund/data/award/idea/2022partb/tx-2022b-letter.enclosures.pdf>.

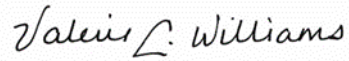
While onsite, TEA staff presented information and provided updates to OSEP on the State's general supervision, oversight, and monitoring systems as required by the IDEA sections 612(a)(11) and 616(a)(1)(C) and their implementing regulations at 34 C.F.R. §§ 300.149 and 300.600. TEA also provided updates regarding the implementation of the child find (34 C.F.R. §300.111) and free and appropriate education (FAPE) (34 C.F.R. §300.101) requirements. Additionally, OSEP met with stakeholders and staff from districts across the State and received their input on the State's progress in meeting the requirements identified above. While onsite, it came to our attention that Austin Independent School District (AISD), specifically its special education department, had been under investigation by TEA for more than one year, due to the district's years-long backlog of special education evaluations, as required by the child find and evaluations requirements (34 C.F.R. §§ 300.301-306).

Considering this information, OSEP requests that within 30-days of the date of this letter TEA provide OSEP with a status report on the backlog of evaluations in AISD, as well as its plan for bringing AISD into compliance with IDEA and its implementing requirements. OSEP will schedule a call in the future to discuss these concerns in more detail.

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We appreciate your prompt attention to this critical issue and await your response to this letter. If you have any questions, please contact Jennifer Finch, your State Lead, at Jennifer.Finch@ed.gov.

Sincerely,

A handwritten signature in cursive script that reads "Valerie C. Williams". The signature is written in black ink on a light-colored, textured background.

Valerie C. Williams
Director
Office of Special Education Programs

cc: Justin Porter
State Director of Special Education