



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

Honorable Robert Scott
Commissioner of Education
Texas Education Agency
1701 N. Congress Ave.
Austin, Texas 78701-1494

JAN 31 2012

Dear Commissioner Scott:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) Continuous Improvement Visit (CIV) to the Texas Education Agency (TEA) during the week of October 24, 2011. As indicated in our letter to you dated March 29, 2011, the visit consisted of two components: (1) the verification of State systems for implementing key requirements of the Individuals with Disabilities Education Act (IDEA); and (2) a collaborative focus on improving results.¹ CIVs are designed to ensure compliance and improve performance with Part B of the IDEA in accordance with 20 U.S.C. 1416.

The purpose of the verification component of the visit is to review the State's systems for general supervision and fiscal management, as well as the State's systems for improving child and family outcomes. OSEP developed critical elements that were used to guide its evaluation of Texas' general supervision (including data) and fiscal systems. The Enclosure to this letter describes the scope of OSEP's review of the State's systems and briefly outlines relevant statutory and regulatory requirements for each critical element. OSEP found noncompliance, and has required corrective action in the following area(s): (1) the State's model due process and State complaint forms "require" information beyond the requirements in 34 CFR §§300.508(b), 300.509, 300.152, and 300.153 and do not indicate what information is optional on the forms; (2) the State's model complaint forms and related information do not clearly indicate a complaint can be filed against any public agency as provided for by 34 CFR §300.153(b)(1); (3) the State's timeline for issuing a hearing decision in an expedited hearing is inconsistent with 34 CFR §300.532(c)(2); (4) the State does not identify exceptions to the State-established one-year timeline for filing a due process complaint as required by 34 CFR §300.511(f); and (5) the State's due process hearing timelines are not calculated consistent with 34 CFR §§300.510(c) and 300.515 when the parties waive the resolution process, adjust the resolution period, or use an expedited due process timeline.

OSEP is currently in the process of conducting a comprehensive review of States' systems for implementing the fiscal requirements of the IDEA and related statutes and regulations, through the CIVs and other mechanisms, including the desk audits that OSEP's Recovery Act Facilitators are conducting with all States. In order to provide each State with an integrated response based on its review of States' fiscal systems, OSEP will respond to the State separately to address fiscal issues and has not included a fiscal section in the Enclosure. The fiscal information gathered during the verification visit will also be addressed in that separate letter.

Generally, the Enclosure to this letter does not include descriptions of the State's systems

¹ During the week of October 24, 2011, OSEP also conducted its Part C Continuous Improvement Visit to the Texas Department of Assistive and Rehabilitative Services.

because this information is available on the State's Web site in its State Performance Plan. OSEP's analysis of each critical element and any required actions, if noncompliance was identified during the visit, are provided in the Enclosure to this letter.

During the continuous improvement visits, the TEA also focused on improving educational results and functional outcomes for children and youth with disabilities. Prior to the visit the TEA participated in a process with OSEP to concentrate its efforts to decrease the State's dropout rate. With OSEP's participation, the TEA and stakeholders, which included participants from the State's Education Service Centers, Independent School District Special Education Directors, advocacy organizations, Texas Comprehensive Centers, the Northeast Regional Resource Center, and the Southeast Regional Resource Center, engaged in a facilitated process to examine the data, review current and past efforts to improve results, and formulate strategies that the TEA will employ to improve results for children with disabilities related to the State's dropout rate. Texas has developed a plan that includes specific benchmarks for improvement, timelines, resources, and measurements for the TEA to improve results. The TEA will publish this plan with updates on the State's Web site at <http://www.tea.state.tx.us/index2.aspx?id=2147491399#S>.

OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the Partners Resource Network, the Texas Special Education Continuing Advisory Committee, the Parent/National Autism Association of North Texas, the Arc of Texas, the Family to Family Network, the Texas Protection and Advocacy office, parents of children and youth with disabilities, and others in providing feedback and input on the State's systems for providing educational services to children and youth with disabilities. We look forward to collaborating with all stakeholders and actively working with the State to improve results and compliance for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact, Dr. Marion M. Crayton, at 202-245-6474.

Sincerely,



Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosure

cc: Eugene Lenz
Deputy Associate Commissioner Special Programs