



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

Honorable Debra Wanser
Commissioner
Texas Department of Assistive
and Rehabilitative Services
4800 North Lamar Boulevard
Austin, Texas 78756

FEB 27 2012

Dear Commissioner Wanser:

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 Department of Assistive and Rehabilitative Services (DARS) 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 Part C 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 C of the IDEA, consistent with sections 616 and 642 of the IDEA.

The purpose of the verification 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 and protecting child and family rights. OSEP developed critical elements that were used to guide its evaluation of DARS' systems for general supervision (including data).

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 be sending the State a separate letter addressing any 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.

OSEP found noncompliance, and has required corrective action in the following areas: (1) identification of noncompliance; (2) correction of noncompliance; (3) dispute resolution; (4) transition requirements; and (5) system of payments requirements. OSEP also advises the State of changes to the Part C IDEA Federal regulations that require the State to revise its system of payments policies and procedures related to use of insurance and family cost share and to review its methods under IDEA section 640.

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

¹ During the week of October 24, 2011, OSEP also conducted its Part B CIV to the Texas Department of Education and the results of that visit are contained in a separate letter.

During the CIV, Texas also focused on improving early intervention results and functional outcomes for infants and toddlers with disabilities. Prior to the visit, Texas participated in a process with OSEP to concentrate its efforts on Family Outcomes. With OSEP's participation, DARS and stakeholders, which included participants from the ICC, the Parent Partner Centers (PATH, PEN and TEAM), early intervention provider agencies, and National and State technical assistance centers engaged in a facilitated process to examine the data, as well as current and past efforts to improve results in the family outcomes area, and formulate strategies that Texas will employ to improve results for children with disabilities and their families in its selected area. DARS will publish the outcomes of the results work in their FFY 2010 APR due February 1, 2012.

OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the Parent Partner Resource Centers and the Texas Protection and Advocacy office and parents of infants and toddlers with disabilities in providing feedback and input on the State's systems for providing early intervention services to infants and toddlers with disabilities.

We look forward to collaborating with all stakeholders and actively working with the State to improve results for infants and toddlers 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, Susan Kauffman, at 202-245-6432.

Sincerely,



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

Enclosure

cc: Kim Wedel
Part C Coordinator