

The Corrective Action Plan for Special Education

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What Happened?

- T.E.A. put an indicator into the PBMAS monitoring system: the target for special education enrollment was 8.5%.
- Over a ten year period after adoption of the indicator, the percentage of students in special education dropped until it landed at 8.5%.
- <https://www.houstonchronicle.com/denied/>

The Power of the Press

- The Houston *Chronicle* wrote a series of articles about this, beginning in September 2016. The headline was that Texas had systematically and intentionally denied services to kids who needed them in order to meet this arbitrary cap.

The Response

- Educators asserted that students were not “denied” services, but were served in other ways: Section 504, Response to Intervention (RtI), Dyslexia services, Multi-Tiered Systems of Support (MTSS).

The Fallout

- D.O.E. investigated.
- T.E.A. dropped the indicator.
- Legislature ordered the Agency not to do this again: see T.E.C. 29.0011.
- Legislature also ordered schools to inform parents when “intervention systems” are being used: see T.E.C. 26.0081.

D.O.E. Report

- D.O.E. found Texas guilty in three ways.
- CHILD FIND: T.E.A. failed to ensure that all eligible students were identified, located and evaluated.
- FAPE: T.E.A. failed to ensure that FAPE was available to all eligible children.
- SUPERVISION: T.E.A. failed in its general supervisory and monitoring duties.

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