STATEMENT ON THE U.S. DEPARTMENT OF EDUCATION MONITORING VISIT TO TEXAS

The U.S. Department of Education’s Office of Special Education and Rehabilitative Services (OSERS) will be conducting an on-site monitoring visit to Texas during the week of February 27, 2017. As discussed in OSERS’ October 3, 2016 letter to Texas Education Agency (TEA) Commissioner Mike Morath, OSERS is concerned that the use of Indicator 10 in TEA’s Performance Based Monitoring Analysis System (PBMAS) has resulted in local education agencies’ (LEAs) failure to identify, locate and evaluate all children suspected of having a disability. Texas’s identification rate for students with disabilities has declined by more than three percentage points – from 11.67 percent in 2004 to 8.5 percent in 2015. The national identification rate of students with disabilities is approximately 13 percent.

In December 2016, OSERS visited Texas and conducted five listening sessions to give members of the public an opportunity to provide comments regarding the timely identification, evaluation and the appropriate provision of special education and related services to all eligible children with disabilities under the Individuals with Disabilities Education Act (IDEA). Also, OSERS created a blog on its website to provide additional opportunity for members of the public to provide comment. OSERS received 421 comments during the month that the blog was open.

During the week of February 27, OSERS staff will be visiting 12 independent school districts (ISDs) and 24 schools to collect more information on this issue. The districts include: Austin, Houston, Everman, North East, United, Ector County, Harlandale, Laredo, Del Valle, Fort Bend, Aldine and Leander. Several factors were considered in making these selections, including:

• Trends in the percentage of students identified as students with disabilities.
• Comments received during the Listening Sessions conducted in December 2016.
• Comments submitted to the OSERS blog between Dec. 6, 2016 and Jan. 6, 2017.
• Location of the ISD – districts were selected from 6 of the 20 regions in Texas.

It is OSERS’s responsibility to ensure that States are carrying out their general supervisory responsibilities under IDEA. It is TEA’s responsibility to ensure that its ISDs are properly carrying out IDEA requirements. OSEP is collecting information at the local district and building levels to determine the impact of the State’s policies, procedures and practices.

OSERS will issue a monitoring report approximately 90 days after the conclusion of its visit. In the report OSERS will inform TEA of any findings and required corrective actions. OSEP is not monitoring the ISDs and will not be making district level findings or requiring districts to take corrective action. TEA may be required to follow up with ISDs as appropriate.

Due to the large number of ISDs and schools OSERS will visit, OSERS staff will not be available to meet with parents, representatives of organizations, community members, etc. In addition OSERS will not be making statements to the press while in Texas. Reporters and education writers may contact the U.S. Department of Education press office by phone at (202) 401-1576 or by email press@ed.gov.