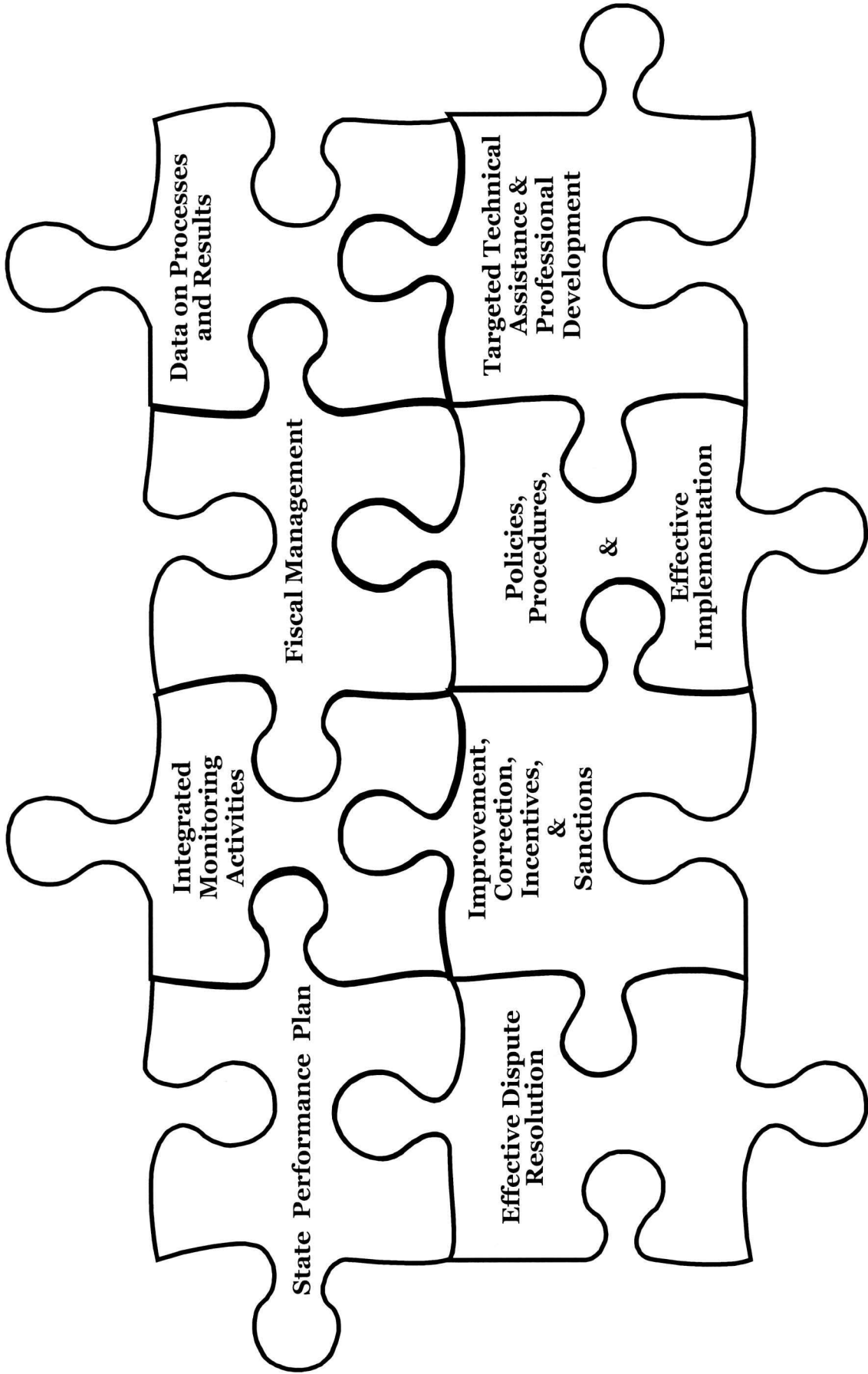


**Senate Committee on Education
Senate Interim Charge – Special Education**

**Texas Education Agency Presentation
June 23, 2008**

General Supervision Responsibilities for State Education Agencies Individuals with Disabilities Education Act (IDEA)



2007-08 Child Count | Age by Disability, Ages 3-21

Eligibility Category	3	4	5	6	7	8	9	10	11	12
Mental Retardation	190	283	551	1,239	1,437	1,619	1,691	1,773	1,838	2,007
Auditory Impairments	230	281	298	374	389	483	500	510	514	497
Speech Impairments	5,995	9,455	12,941	15,319	14,833	12,782	9,543	6,414	3,618	1,970
Visual Impairments	156	187	196	238	227	233	221	225	208	229
Emotional Disturbance	11	26	89	430	914	1,392	1,905	2,500	2,842	3,243
Orthopedic Impairments	132	169	241	323	309	307	331	328	329	291
Other Health Impairments	546	865	1,087	1,709	2,423	3,096	4,173	4,858	5,564	5,884
Learning Disabilities	8	37	229	1,030	3,111	6,865	12,389	16,873	20,220	22,359
Deaf-Blindness	0	7	11	*	13	*	*	7	6	7
Multiple Disabilities	98	157	160	215	241	279	313	369	326	333
Autism	529	977	1,326	1,938	1,927	1,844	1,898	1,742	1,621	1,563
Traumatic Brain Injury	15	19	26	40	53	67	71	94	94	94

Eligibility Category	13	14	15	16	17	18	19	20	21	Total
Mental Retardation	2,084	2,214	2,256	2,217	2,336	1,738	1,154	843	650	28,120
Auditory Impairments	529	539	506	473	458	294	92	38	24	7,029
Speech Impairments	1,127	643	367	225	165	74	15	*	*	95,492
Visual Impairments	205	200	211	202	204	99	33	28	17	3,319
Emotional Disturbance	3,472	3,736	3,973	3,865	3,091	1,346	314	84	32	33,265
Orthopedic Impairments	345	340	288	298	311	165	82	39	33	4,661
Other Health Impairments	5,883	5,463	4,910	4,500	3,810	1,670	328	122	78	56,969
Learning Disabilities	23,976	24,647	24,800	23,792	22,279	10,286	1,722	292	87	215,002
Deaf-Blindness	6	8	*	10	*	9	*	*	*	114
Multiple Disabilities	355	352	342	342	333	300	255	195	195	5,160
Autism	1,423	1,327	1,197	1,005	890	497	290	188	129	22,311
Traumatic Brain Injury	117	117	113	124	122	83	33	16	9	1,307
										472,749

Data Source: Annual Federal Data Report (Public Education Information Management System (PEIMS) Fall Snapshot)

Data Notes

- Unduplicated Count by Primary Disability
- Students coded MD must meet the requirements in 19 TAC 89.1040(c), for federal reporting purposes primary disability is replaced by MD
- Fall Snapshot = Last Friday in October
- Counts less than 6 are masked with * to protect confidentiality

Transition in Texas

According to Merriam-Webster's *Collegiate Dictionary*, the tenth addition, transition is “the passage from one state, stage, subject, or place to another.” Therefore, when we consider the word by itself, it represents change.

Transition was defined by the Council for Exceptional Children's Division on Career Development and Transition in 1994 as:

Transition refers to a change in status from behaving primarily as a student to assuming emergent adult roles in the community. These roles include employment, participating in post secondary education, maintaining a home, becoming appropriately involved in the community, and experiencing satisfactory personal and social relationships. The process of enhancing transition involves the participation and coordination of school programs, adult agency services and natural supports within the community. The foundation for transition should be laid during the elementary and middle school years, guided by the broad concept of career development. Transition planning should begin no later than age 14, and students should be encouraged, to the full extent of their capabilities, to assume a maximum amount of responsibility for such planning. (Halpern, 1994, p.116)



KEY IDEA: All students, as they go through all of their school years, should be gaining skills and knowledge to help them assume desired adult roles in the community.

Federal Regulations

The Individuals with Disabilities Act (IDEA-2004; PL 101-476)

This act extended the requirement of Education of All Handicapped Children Act of 1975 which called for a free appropriate public education for all students regardless of disabilities, to include required transition services for every child with disabilities.

§ 300.320 Definition of individualized education program.

(b) *Transition services.* Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include—

- (1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
- (2) The transition services (including courses of study) needed to assist the child in reaching those goals.

(c) *Transfer of rights at age of majority.* Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under § 300.520.

§ 300.520 Transfer of parental rights at age of majority.

- (a) *General.* A State may provide that, when a child with a disability reaches the age of majority under State law that applies to all children (except for a child with a disability who has been determined to be incompetent under State law)—
- (1)(i) The public agency must provide any notice required by this part to both the child and the parents; and
 - (ii) All rights accorded to parents under Part B of the Act transfer to the child;
 - (2) All rights accorded to parents under Part B of the Act transfer to children who are incarcerated in an adult or juvenile, State or local correctional institution; and
 - (3) Whenever a State provides for the transfer of rights under this part pursuant to paragraph (a)(1) or (a)(2) of this section, the agency must notify the child and the parents of the transfer of rights.
- (b) *Special rule.* A State must establish procedures for appointing the parent of a child with a disability, or, if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of the child's eligibility under Part B of the Act if, under State law, a child who has reached the age of majority, but has not been determined to be incompetent, can be determined not to have the ability to provide informed consent with respect to the child's educational program.

(Authority: 20 U.S.C. 1415(m))

§ 300.43 Transition services.

- (a) *Transition services* means a coordinated set of activities for a child with a disability that—
- (1) Is designed to be within a results oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
 - (2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes—
 - (i) Instruction;
 - (ii) Related services;
 - (iii) Community experiences;
 - (iv) The development of employment and other post-school adult living objectives; and
 - (v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.
- (b) *Transition services* for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.

(Authority: 20 U.S.C. 1401(34))

§ 300.324 Development, review, and revision of IEP.

- (c) *Failure to meet transition objectives*—(1) *Participating agency failure*. If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with § 300.320(b), the public agency must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.

Texas Education Code

§ 29.017. TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY.

- (a) A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability, except that the school district shall provide any notice required by this subchapter or 20 U.S.C. Section 1415 to both the student and the parents. All other rights accorded to parents under this subchapter or 20 U.S.C. Section 141 transfer to the student.
- (b) All rights accorded to parents under this subchapter or 20 U.S.C. Section 1415 transfer to students who are incarcerated in an adult or juvenile, state or local correctional institution.
- (c) In accordance with 34 C.F.R. Section 300.517, the school district shall notify the student and the parents of the transfer of rights under this section.
- (d) The commissioner shall adopt rules implementing the provisions of 34 C.F.R. Section 300.517(b).

Added by Acts 2001, 77th Leg., ch. 767, § 8, eff. June 13, 2001.

Commissioner's Rules

19 Texas Administrative Code

§89.1055. Content of the Individualized Education Program (IEP).

- (g) For each student with a disability, beginning at age 16 (prior to the date on which a student turns 16 years of age) or younger, if determined appropriate by the ARD committee, the following issues must be considered in the development of the IEP, and, if appropriate, integrated into the IEP:
- (1) Appropriate student involvement in the student's transition to life outside the public school system;
 - (2) If the student is younger than 18 years of age, appropriate parental involvement in the student's transition;
 - (3) If the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the student or the school district in which the student is enrolled;
 - (4) Any postsecondary education options;

- (5) A functional vocational evaluation;
- (6) Employment goals and objectives;
- (7) If the student is at least 18 years of age, the availability of age-appropriate instructional environments;
- (8) Independent living goals and objectives; and
- (9) Appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

Source: The provisions of this §89.1055 adopted to be effective September 1, 1996, 21 TexReg 7240; amended to be effective March 6, 2001, 26 TexReg 1837; amended to be effective June 7, 2004, 29 TexReg 5608; amended to be effective November 11, 2007, 32 TexReg 8129.

Overview of Texas Effectiveness Study

The importance of studying the effectiveness of public school programs serving students with disabilities has been a priority in Texas for several years. In 1990, the TEA initiated a Special Education Effectiveness Study. The purpose of the study was to ascertain the effectiveness of special education services statewide through the analysis of post-school outcomes of Texas students with disabilities one year after exiting high school. The leadership and coordination for this project has been at Education Service Center (ESC) Region XI since 1995.

Six Texas Effectiveness Studies examining the effectiveness of special education in preparing youth with disabilities for life after high school have been completed since 1995. Results of the studies, including in-depth case studies, Grade 12 and Postsecondary Surveys and general information are available on the Texas Effectiveness Study (TES) website www.esc11.net/TES. Survey results and case study data have been disseminated statewide through annual reports, conference presentations, provision of technical assistance, information posted to the statewide list serve, and continuing collaboration with the statewide special education Transition Network. Additionally, descriptive TES information is included in the 2005-2010 Texas Special Education State Performance Plans and 2006 Annual Performance Reports submitted to USDE's Office of Special Education Program (OSEP), available on the TEA website at <http://www.tea.state.tx.us/special.ed/spp/>.

The Special Education Effectiveness Study (TES) project was redesigned December 2000 and again in November 2007 in order to: provide the relevant information necessary to address statewide needs identified through the TEA special education continuous improvement process, ensure alignment with the required data collection for the United States Department of Education (USDE) Office of Special Education Programs (OSEP) Texas State Performance Plan: Indicator 14 (Post-school Outcomes).

The primary purpose of the recently revised TES is to provide a clear measure of post-school results for youth with disabilities as they transition from high school to a postsecondary environment. The information collected through the study is intended to assist state and local decision-making necessary to improve policy and practices leading to postsecondary student success. Postsecondary success for students previously served under the Individuals with Disabilities Education Act (IDEA) has been defined by OSEP as well as Texas as:

- increased two and four year college enrollment and completion;
- increased enrollment in and completion of technical, vocational or job-based training and/or licensure or certification programs,
- increased competitive employment earning at least minimum wage for the majority of students served under IDEA.; and/or
- increased levels of independent living.

Successful post-school outcomes are measured in degrees of independent living for the students with significant cognitive disabilities that comprise approximately one to two percent of the students exiting Texas high schools. The measure of independent living varies from student to student based upon the degree of the significant cognitive disability.

The Texas Effectiveness Study has defined the following terms for data collection and reporting purposes:

Competitive employment: Working in an integrated setting at least part-time, in which an individual is compensated at or above minimum wage; and may include supported employment (short term) and self-employment.

Full-time work: Engaging in competitive employment 35 or more hours a week.

Enrolled at a postsecondary school: Attending a public or private university, college, community college, vocational/technical school, continuing education, certificate program, or any other educational and/or training entity.

Full time enrollment: Taking a minimum of 12 credit hours per semester or enrollment in an equivalent educational program.

The TES project utilizes two distinct surveys to gather information directly from students with disabilities or their families. Annually, a random sample of districts statewide implements the Grade -12 Demographic Exit Survey prior to students exiting high school. Students with disabilities who have dropped out, graduated early and/or are enrolled in or have completed GED programs are included. Within one year of exiting high school a Postsecondary Follow-Up Survey is completed with these same students via telephone. Within a six-year cycle students with disabilities from all districts and charters in the state area participate. Annually, all districts with over 50,000 total enrollment are surveyed.

The revised Grade12 Demographic Exit Survey is designed to collect contact information for the follow-up phone survey and descriptive demographic data (i.e., sex, disability, type of special education services) and the students' general goal for high school transition (post-school planning). A year later these same students, or a parent/family member are contacted by phone to respond to the revised Extended Postsecondary Follow-Up Survey questions. Data is collected regarding prior students':

- enrollment in postsecondary education (two year or four year),
- enrollment in vocational, certification, licensure and/or job related training,
- involvement in competitive employment, work setting or part-time employment;
- access of state agency and/or college disability services accessed and
- achievement of independence, such as living arrangements, salary range, part-time hours worked, sheltered employment/training; obtaining a driver's license, savings and/or checking account; and general leisure activities.

The data obtained will be analyzed and shared with the following stakeholders: state agencies, TEA Special Education Networks and Projects; Texas Continuous Improvement Planning and Post-School Outcomes Committees, school districts, higher education, high school students and parents; as well as posted on the TES website. The TEA will report the data in the 2009 State Performance Plan/Annual Performance Report (SPP/APR) and to both the National Post-school Outcomes Center <http://www.psocenter.org/> and the National Secondary Technical Assistance Center <http://www.nstac.org/> .

The data from the most recent Post-School Outcomes Survey indicate that approximately 70% of students previously served by IDEA in Texas and exiting high school in spring 2006 are currently competitively employed, enrolled in a postsecondary two or four year college or university, training or vocational or licensure program; or both competitively employed and enrolled in postsecondary educational opportunities. The current Texas postsecondary data is comparable to results nationwide.

Based upon data collected through the TES and SPP/APR, the Texas Education Agency/IDEA Coordination Division (through both the Transition Network <http://transitionintexas.esc11.net/> and the Texas Effectiveness Study or TEA Statewide Leadership Functions and Projects <http://www.tea.state.tx.us/special.ed/decfunc/>) has targeted increased collaboration with higher education and other state agencies in order to improve the percentage of students with disabilities transitioning to postsecondary education, training and/or competitive employment; as well as improve graduation and dropout rates of students with disabilities. Collaboration with and technical assistance from the National Post-school Outcomes Center and the National Secondary Technical Assistance Center will continue to support Texas' initiative to ensure exiting students with disabilities achieve meaningful post-school outcomes.



Special Education in Texas

Special Education Dispute Resolution Processes

Complaint Resolution

- [Complaint Resolution Process](#): How to file a special education complaint
- [Complaint Resolution Form](#): Sample form for filing a special education complaint
- [Complaint Checklist](#): What is required to be included in a special education complaint
- [Consortium for Appropriate Dispute Resolution in Special Education \(CADRE\) National Technical Assistance Center on Dispute Resolution](#)
- [Frequently Asked Questions: Complaint Resolution Process](#)
- [Q&A on Procedural Safeguards and Due Process Procedures](#) Guidance from the CADRE Website

Mediation

- [Mediation Process](#)
- [Mediation Form](#)

Due Process Hearings

- [Due Process Hearings](#)
- [Listing of and Qualifications for Special Education Hearing Officers and Mediators](#)
- [Frequently Asked Questions: Due Process Hearings Process](#)
- [Request For Special Education Due Process Hearing and Required Notice](#)

Technical Assistance for the Dispute Resolution Processes

Questions regarding the **complaint investigation** process may be addressed by contacting:

Texas Education Agency
Division of IDEA Coordination
1701 North Congress Avenue
Austin, Texas 78701

Telephone: (512) 463-9414 or Fax: (512) 463-9560

Questions regarding requesting **mediation services** or **due process hearings** may be addressed by contacting:

Texas Education Agency
Division of Legal Services
1701 North Congress Avenue
Austin, Texas 78701

Telephone: (512) 463-9720 or Fax: (512) 475-3662

Toll Free Parent Information Line: 1-800-252-9668

This toll free message line is reserved for parents and other family members who have questions about student rights and regulatory requirements as they relate to special education complaint investigations, mediations, and due process hearings. Calls are returned by trained professionals during normal business hours.

For Individuals who are Deaf or Hard of Hearing:

TTY Number: (512) 475-3540 | Relay Texas 7-1-1

[Special Education Main Page](#)

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