



87th Legislative Session

Texas PTA Legislative Priority

SPECIAL EDUCATION FUNDING

Monitor TEA's Special Education Strategic Plan, corrective action taken after an investigation by the U.S. Department of Education.

BACKGROUND

- It is against federal law to limit the enrollment of students with disabilities into special education programs. A 2016 [Houston Chronicle investigation](#) and a [subsequent federal audit](#) found that the Texas Education Agency (TEA) illegally set an 8.5% benchmark that acted as a de facto cap on the number of students receiving special education services. The 8.5% cap was in place for more than a decade. The national average of students served in special education programs is roughly 14%.
- In response, the U.S. Department of Education issued a report demanding corrective action by TEA to eliminate the cap and begin to provide special education services to more than 150,000 additional students by 2021.
- In 2018, the Texas Education Agency launched a comprehensive plan for special education. Much work has been done, but there is still more to do to ensure students with special needs are being sufficiently served. [According to TEA](#):
 - There has been an almost \$1 billion increase in special education funding over the past four years.
 - There has been a 56% increase in the number of special education evaluations from 2016 - 2019.
 - Since 2016, there are 54,710 additional Texas students being served with special education.
- In May 2019, representatives from the U.S. Department of Education [visited 12 Texas public schools](#) in an effort to gauge what progress, if any, had been made by the state in implementing its corrective action plan. After not receiving feedback from the monitoring visit, [TEA sent a letter](#) in October 2020 to the federal agency requesting feedback. An October 19, 2020 response from federal officials reads, “[The U.S. Department of Education] cannot determine, in the absence of additional and up-to-date information, whether these actions have been sufficient to fully address the noncompliance identified” in the initial federal investigation.
- According to the response, the federal government “did not find sufficient evidence Texas had done what was necessary to reach all the students who were previously denied special education services. Texas also didn’t show proof it had provided school districts with clear guidance on their responsibilities under federal law, leaving school officials with ‘continued confusion’ about how to interpret it.”
- Texas PTA will monitor the implementation progress of the corrective action plan to ensure all students are receiving the educational services they need.

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