

**Table B- Part B**  
**Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 4A</b> OSEP's September 1, 2005 letter in response to Texas' FFY 2003 Annual Performance Report (APR), submitted March 30, 2005, required the State to: (1) within 60 days of the date of the letter, submit a plan to OSEP, including strategies, proposed evidence of change, targets, and timelines to examine all data on the rate of long-term suspensions and expulsions of children with disabilities for all local education agencies (LEAs) to determine whether significant discrepancies were occurring in the LEAs based on either the comparison among LEAs in the State or to the rates of non-disabled children within the agencies, and that when it identifies significant discrepancies it reviews and, if appropriate, revises (or requires the affected State agency or LEA to revise) its policies, procedures, and practices consistent with 34 CFR §300.146; (2) no later than six months from the date of the letter, submit a Progress Report including data and analysis demonstrating progress toward compliance; and (3) provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but not later than 30 days following the end of the one year timeline. The U. S. Department of Education's (the Department's) September 21, 2005 letter required the State to submit the required information with the State Performance Plan (SPP) on December 2, 2005. A November 15, 2005 letter from the Office of Special Education and Rehabilitative Services (OSERS) extended the due date of the SPP to January 30, 2006.</p>	<p>The State reported data for indicator 4A in the SPP and in the APR response report attached to the SPP, submitted to OSEP on January 30, 2006, that it examined all data on the rate of long-term suspensions and expulsions of children with disabilities to determine whether significant discrepancies were occurring in the LEAs based on a comparison of the rates of suspension and expulsion of children with disabilities in an LEA compared to the rate for nondisabled children in the LEA. The State also indicated that when it identified significant discrepancies, it would review and, if appropriate, revise, or require the affected State agency or LEA to revise its policies, procedures and practices.</p>	<p>OSEP accepts the State's plan.</p>	<p>The State must ensure that the noncompliance identified by the State is corrected as soon as possible and submit data in the APR, due February 1, 2007, demonstrating compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p><b>Indicator 9</b> OSEP's September 1, 2005 letter in response to Texas' FFY 2003 APR, submitted March 30, 2005, required the State to: (1) submit a plan,</p>	<p>The State reported data for indicator 9 in the SPP and in the APR response report attached to the SPP, submitted to OSEP on January 30, 2006, that it reviewed data to identify</p>	<p>OSEP accepts the State's plan.</p>	<p>The State must ensure that the noncompliance identified by the State is corrected as soon</p>

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<p>including strategies, proposed evidence of change, targets, and timelines designed to ensure correction of the noncompliance, within 60 days of that letter to address identified significant disproportionality under 34 CFR §300.755, and to review and if appropriate, revise policies, procedures, and practices related to identification and placement in the least restrictive environment in order to determine if they are educationally appropriate, consistent with the requirements of Part B of the Individuals with Disabilities Education Act (IDEA); (2) no later than six months from the date of the letter, submit a Progress Report including data and analysis demonstrating progress toward compliance; and (3) provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but not later than 30 days following the end of the one year timeline. The Department's September 21, 2005 letter required the State to submit the plan with the SPP on December 2, 2005. OSERS' November 15, 2005 letter extended the due date of the SPP to January 30, 2006.</p>	<p>significant disproportionality under 34 CFR §300.755, and that it will require LEAs identified as having significant disproportionality to review and if appropriate revise policies, procedures, and practices related to identification and placement in the least restrictive environment in order to determine if they are educationally appropriate, consistent with the requirements of Part B of IDEA.</p>		<p>as possible and submit data in the APR, due February 1, 2007, demonstrating compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p><b>Indicator 15</b> OSEP's September 1, 2005 letter in response to Texas' FFY 2003 APR, submitted March 30, 2005: (1) accepted the State's plan regarding the amount and frequency of services as required by 34 CFR §§300.347(a)(3) and (6); (2) required the State to include data and analysis documenting progress toward compliance in the SPP; and (3) required the State to provide a Final Report to OSEP, including data and analysis demonstrating compliance, no later than 30 days following one year from the date of the letter. The State's plan indicated that in 2004-2005 it included the following indicators for LEAs in its special education monitoring review: (1) children with disabilities receive required special education and related services as indicated in the IEP; and (2) children with disabilities have access to a commensurate school day, comparable services, facilities, and environments, including but not</p>	<p>The State reported in information attached to the SPP that it notified LEAs of issues of noncompliance related to the provision of special education and related services and access to commensurate school day and monitored the progress of LEAs in implementing any required improvement activities. Documentation of specific compliance issues was included in TEA correspondence to districts regarding the status of the program review. The procedures used by TEA reviewers required contact with district personnel for follow-up verification of procedural and systemic corrective action implementation.</p>	<p>OSEP accepts the State's plan.</p>	<p>The State must ensure that the noncompliance identified by the State is corrected as soon as possible and submit data in the APR, due February 1, 2007, demonstrating compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

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<p>limited to, educational materials and resources, instruction in fine arts and physical education, and the opportunity to participate in extracurricular activities. The plan also indicated that the monitoring process required: (1) analyses of the data regarding frequency and duration of services in IEPs and compare that to the actual delivery of the services provided to children with disabilities; and (2) determination and implementation of corrective actions for identified noncompliance.</p> <p><b>Indicator 15</b> OSEP's September 1, 2005 letter in response to Texas' FFY 2003 APR, submitted March 30, 2005, required the State to: (1) submit a plan within 60 days from the date of the letter, including strategies, proposed evidence of change, targets, and timelines, for the provision of psychological counseling services as required by 34 CFR §§300.2(b), 300.347(a)(3), and 300.300(a)(3)(i), for children with disabilities at the Texas Youth Commission (TYC); and (2) provide a final report to OSEP, including data and analysis demonstrating compliance, as soon as possible and not later than 30 days following one year from the date that OSEP approves the plan. The Department's September 21, 2005 letter required the State to submit the required information with the SPP on December 2, 2005. OSERS' November 15, 2005 letter extended the due date of the SPP to January 30, 2006.</p>	<p>The State submitted information in the APR response report attached to the SPP, and additional information submitted April 5, 2006, that: (1) during the 2004-2005 monitoring year, the Texas Education Agency (TEA) required TYC to submit data to the agency regarding the patterns of service for related services; (2) it determined as a result of its review that there were instances of noncompliance with the requirements of 34 CFR §§300.347(a)(3), 300.350(a)(1), 300.551(a) and 300.552(b)(2) and (3), it placed TYC on escalated oversight and intervention; (3) it is engaged in frequent follow-up discussions with TYC staff concerning the progress on correction of noncompliance; (4) it continues its oversight responsibilities, including the correction of noncompliance within one year of identification; and (5) it has notified the Education Service Center (ESC) of the issues in TYC so that support and technical assistance can be provided to address the issues.</p>	<p>OSEP accepts the plan submitted by TEA for the correction of noncompliance related to the provision of psychological counseling services, as required by 34 CFR §§300.347(a)(3), and 300.300(a)(3)(i), for children with disabilities at the TYC.</p>	<p>The State must ensure that the noncompliance identified by the State at TYC is corrected as soon as possible and submit data no later than the date of the submission of the APR, due February 1, 2007, that demonstrate compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>