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MEDIA RELEASE

The Texas School Alliance (TSA) joins the Texas Council of Administrators of Special Education (TCASE) and the Texas Association of School Administrators (TASA) in strong disagreement with Governor Abbott’s description of the controversy regarding identification of students in special education as an example of a “dereliction of duty” on the part of public school districts. The facts simply do not support such a reckless disregard of the truth in this matter. The truth is that caps on special education identification was a cost-saving idea pushed by the State of Texas. School districts have continued to work to identify and serve students needing special education, even when doing so put districts at odds with the State.

In 2004, the Texas House Public Education Committee, chaired at the time by then- State Representative Kent Grusendorf, suggested caps in an interim report as a means of cost containment for special education. Page 48 of the following report: <http://www.lrl.state.tx.us/scanned/interim/78/Ed84h.pdf>. The Committee wrote at that time that “Another method that states use to control special education costs is to impose caps either on the number of students who can be identified as eligible for special education services or on the amount of available state dollars.” Eventually this recommendation was adopted by TEA in its Performance-Based Monitoring Analysis System (PBMAS), which it uses to monitor school districts for accountability purposes.

Educational organizations and school districts noted disagreement with this approach and advised the TEA and the Texas Senate Education Committee, in writing and in oral testimony on August 18, 2008 that the use of such a “cap” would lead to additional problems in the absence of clear and specific guidance from the state Legislature or TEA. See page 6, # 3, Testimony of Christopher Borreca on behalf of TCASE, here: <http://www.senate.state.tx.us/cmtes/80/c530/0818-Chris-Borreca.pdf>. The testimony presciently identified the controversy such an approach would cause between school districts and the parents of children they serve. Unfortunately, neither the Legislature nor TEA heeded this concern. This inaction left school districts in the difficult position of interpreting inconsistent and vague directives for TEA at the local level. The Governor’s characterization of such actions as a “dereliction of duty” ignores the legislative and regulatory history of this ill-conceived plan. School districts should not now be blamed in hindsight for a decision made by both the Texas Legislature and TEA.

TSA welcomes Commissioner Morath’s strong commitment to special education and applauds the additional staff TEA has authorized to assist school districts in the provision of services. In particular, TSA urges TEA to adopt



clear, concrete procedures to assist school districts in properly identifying eligible students for special education services, ensuring that there is not a disproportionate representation of racial and ethnic groups in special education, and identifying clearly the circumstances for using the general education services under the umbrella of “Response to Intervention” or RtI. Such clear-cut guidance from TEA is currently absent. TSA also urges the Texas Legislature to provide the additional resources that we believe our school districts need in order to continue to provide excellent services to the students.

As the Governor, Texas Legislature and Commissioner of Education respond to the U.S. Department of Education report, TSA urges them to remember that the State created the unfortunate problem over the advice of school districts. TSA and all school districts remain committed to serving students who need special education, and we look forward to working constructively with others to address the findings in the report.