



October 31, 2016

The Honorable Mike Morath
Commissioner
Texas Education Agency
1701 N. Congress Ave
Austin, Texas 78701

Dear Commissioner Morath:

The Consortium for Citizens with Disabilities (CCD) is the nation's largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society. The undersigned members of the CCD Education Taskforce – representing children and youth with disabilities, their families and educators – are writing to urge a full and complete response to the U.S. Department of Education's (USED) October 3, 2016 letter calling on the Texas Education Agency (TEA) to take immediate actions to investigate and correct any violations of the Individuals with Disabilities Education Act (IDEA), which have been reported by the Houston Chronicle's investigation *Denied: How Texas Keeps Tens of Thousands of Children Out of Special Education*.

As members of CCD and representatives of organizations that care deeply about individuals with disabilities and protecting their rights and interests in education, we were deeply troubled to read the Houston Chronicle's investigation and the major allegations it asserted. Our coalition strongly supports the tenets of the IDEA and rights it guarantees to children with disabilities. The right to a *free appropriate public education* (FAPE) is the cornerstone of IDEA. The *child find* provisions guarantee students who may have disabilities are identified, promptly evaluated, and not allowed to fall through the cracks of the education system. The *eligibility determination* process ensures that students with disabilities who are in need of education services do, in fact, receive them. And the *least restrictive environment* provision ensures that students with disabilities are educated alongside their peers without disabilities to the maximum extent appropriate. These are just a few of the hallmarks of IDEA that our coalition has advocated for in the past and will continue to support in the future.

This landmark law has resulted in millions of children receiving specialized instruction and related services to meet their needs. While opportunity and achievement gaps remain, high quality implementation of IDEA has been integral to the rising high school graduation rates and increased college attendance rates for students with disabilities.

Recognizing our historic commitment to IDEA and our advocacy on behalf of children, youth and adults with disabilities, and as we look to a brighter future for students with disabilities, we encourage the TEA to respond in good faith to the October 3rd letter from USED. A sincere

response will help answer the questions raised by the Houston Chronicle investigation and those raised in the USED letter.

We view the recent events as an opportunity to learn from the past and make a commitment to ensuring all students identified as having disabilities and those suspected of having disabilities receive the special education services they need. This is also an opportunity to demonstrate to students and families that they matter and their needs are a priority for the TEA. Additionally, it is a chance to ensure that educators and administrators who are dedicated to properly meeting the needs of students have the resources and knowledge to do so.

The CCD Education Taskforce looks forward to reviewing the TEA response to USED. We and our respective members stand ready to work with Texas and help with outreach efforts to parents and educators around these issues. We strongly urge the TEA to take necessary steps to ensure that the needs of all students with disabilities are met in Texas.

Sincerely,

Association of University Centers on Disabilities
Autism Speaks
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Brain Injury Association of America
Council for Learning Disabilities
The Council of Parent Attorneys and Advocates
DC Advocacy Partners
Disability Power & Pride
Disability Rights Education and Defense Fund
Easterseals
Institute for Educational Leadership
Learning Disabilities Association of America
National Association of Councils on Developmental Disabilities
National Center for Learning Disabilities
National Disability Rights Network
National Down Syndrome Congress
School Social Work Association of America
TASH
The Advocacy Institute
The Advocat Group
The Arc

cc:

Sue Swenson
Acting Assistant Secretary
Office of Special Education and Rehabilitative Services

Catherine Lhamon
Assistant Secretary
Office for Civil Rights

Ann Whalen
Delegated the Authority to Perform the Functions and Duties of
Assistant Secretary for Elementary and Secondary Education

CCD Education Taskforce Co-Chairs:

Lindsay E. Jones, National Center for Learning Disabilities	202.628.2662	ljones@ncld.org
Laura Kaloi, Council of Parent Attorneys and Advocates	202.349.2310	lkaloi@wpllc.net
Amanda Lowe, National Disability Rights Network	202.403.8335	amanda.lowe@ndrn.org
Kim Musheno, Association of University Centers on Disability	301.588.8252	kmusheno@aucd.org
Cindy Smith, National Assoc. of Councils on Developmental Disabilities	202- 506-5813	csmith@nacdd.org