



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

September 20, 2021

Honorable Cecile Young
Executive Commissioner
Texas Health and Human Services Commission
4900 N. Lamar Boulevard
Austin, Texas 78751
cecile.young@hhsc.state.tx.us

Dear Executive Commissioner Young:

This letter regards the U.S. Department of Education's Office of Special Education Programs (OSEP) Differentiated Monitoring and Supports (DMS) report dated, October 5, 2020, and summarizes OSEP's review of the Texas Health and Human Services Commission (HHSC), Early Childhood Intervention (ECI) program response to the DMS report, dated February 3, 2021. The State's letter responded to the findings of noncompliance identified by OSEP, explained steps already taken by the state to address noncompliance, and included a proposed corrective action plan (CAP) as required in the monitoring report.¹

In the monitoring report, OSEP identified significant noncompliance with HHSC's implementation of the IDEA Part C program. OSEP attributes the noncompliance, in part, to State reductions of funding for the ECI program. While the State's response indicated that additional funding has been provided in recent years and that further disruptions in service have not occurred since the monitoring visit, the requirements of IDEA Part C identified in the DMS report are applicable regardless of state funding levels.

Specifically, OSEP found that HHSC has failed to:

1. Provide appropriate EI services to all infants and toddlers with disabilities and their families that are eligible for those services consistent with IDEA Section 635(a)(2) and 34 C.F.R. § 303.112, including, failing to:
 - a. Ensure its local ECI programs are appropriately maintaining records as required by IDEA Section 637(b)(4), as well as 34 C.F.R. § 303.224(b), 2 C.F.R. § 200.333, and 2 C.F.R. § 200.303, in order to provide EI services to infants and toddlers with disabilities in a timely manner;
 - b. Ensure that it has a comprehensive child find system in place that is able to appropriately identify infants and toddlers with disabilities for IDEA Part C services consistent with IDEA Section 635(a)(5) and 34 C.F.R. § 303.302(b)(1); and
 - c. Ensure that IDEA Part C resources are available for all geographic areas in the State consistent with IDEA Section 637(a)(7) and 34 C.F.R. § 303.207.

¹ A copy of OSEP's October 5, 2020 letter is available at
<https://www2.ed.gov/fund/data/report/idea/dmsrpts/index.html>

2. Implement its single line of responsibility authority including, general supervision and coordination of all available resources for its ECI program consistent with IDEA Section 635(a)(10) and 34 C.F.R. § 303.120.

Based upon analysis of HHSC's response, including both completed and proposed corrective actions, OSEP has determined that the State must take additional steps to address and resolve each of these two findings of noncompliance and the required corrective actions outlined in the monitoring report. The Enclosure provides a detailed summary of each HHSC CAP item, OSEP's analysis of whether proposed actions fully address the required corrective action and a description of any documentation submitted by HHSC. For each outstanding finding of noncompliance with the IDEA requirements, the Enclosure highlights specific details about the finding, the respective citation(s), and, if required, any next steps and further actions HHSC must take to verify correction of the noncompliance. OSEP welcomes HHSC's continued submission of additional information and documentation supporting the correction of any identified noncompliance stemming from OSEP's October 5, 2020 monitoring letter.

OSEP recognizes the steps already taken by HHSC and the Enclosure also includes OSEP's analysis of items identified in HHSC's CAP that do not require further action. For instance, OSEP accepts HHSC's proposed corrective action to increase the weight of federal Indicator 6 related to the percent of the birth to three population each contractor is serving in its local performance determinations formula and HHSC's proposed action to provide key partners with contact information for new ECI providers. Additionally, OSEP appreciates the State's efforts to increase funding to address the provision of Part C services and to ensure that resources are made available to all geographic areas within the State as required under 34 C.F.R. § 303.207.

We appreciate your efforts to improve results for children with disabilities. If you have any questions, please contact Travis Bryant, your OSEP State Lead, at 202-245-7442 or travis.bryant@ed.gov.

Sincerely,

/s/

David Cantrell, PhD

Acting Director

Office of Special Education Programs