A CHRONICLE INVESTIGATION

Denied:
How Texas keeps tens of thousands of children out of special education

Story by: Brian M. Rosenthal
Photos by: Marie D. De Jesús
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During the first week of school at Shadow Forest Elementary, a frail kindergartner named Roanin Walker had a meltdown at recess. Overwhelmed by the shrieking and giggling, he hid by the swings and then tried to escape the playground, hitting a classmate and biting a teacher before being restrained.

The principal called Roanin's mother.

"There's been an incident."

Heidi Walker was frightened, but as she hurried to the Humble school that day in 2014, she felt strangely relieved.

She had warned school administrators months earlier that her 5-year-old had been diagnosed with a disability similar to autism. Now they would understand, she thought. Surely they would give him the therapy and counseling he needed.

Walker knew the law was on her side. Since 1975, Congress has required public schools in the United States to provide specialized education services to all eligible children with any type of disability.

But what she didn’t know is that in Texas, unelected state officials have quietly devised a system that has kept thousands of disabled kids like Roanin out of special education.

A Chronicle Investigation

In Texas, unelected state officials have devised a system that has kept thousands of disabled kids out of special education. Read other installments in the series here.

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Explainer: How we know the reason for the drop in Texas special ed students (http://www.houstonchronicle.com/denied/beyond-the-data/)
Over a decade ago, the officials arbitrarily decided what percentage of students should get special education services — 8.5 percent — and since then they have forced school districts to comply by strictly auditing those serving too many kids.

Their efforts, which started in 2004 but have never been publicly announced or explained, have saved the Texas Education Agency billions of dollars but denied vital supports to children with autism, attention deficit hyperactivity disorder, dyslexia, epilepsy, mental illnesses, speech impediments, traumatic brain injuries, even blindness and deafness, a Houston Chronicle investigation has found.

More than a dozen teachers and administrators from across the state told the Chronicle they have delayed or denied special education to disabled students in order to stay below the 8.5 percent benchmark. They revealed a variety of methods, from putting kids into a cheaper alternative program known as "Section 504" to persuading parents to pull their children out of public school altogether.

"We were basically told in a staff meeting that we needed to lower the number of kids in special ed at all costs," said Jamie Womack Williams, who taught in the Tyler Independent School District until 2010. "It was all a numbers game."

Texas is the only state that has ever set a target for special education enrollment, records show.

It has been remarkably effective.

In the years since its implementation, the rate of Texas kids receiving special education has plummeted from near the national average of 13 percent to the lowest in the country — by far.

In 2015, for the first time, it fell to exactly 8.5 percent.

If Texas provided services at the same rate as the rest of the U.S., 250,000 more kids would be getting critical services such as therapy, counseling and one-on-one tutoring.

"It's extremely disturbing," said longtime education advocate Jonathan Kozol, who described the policy as a cap on special education meant to save money.

"It's completely incompatible with federal law," Kozol said. "It looks as if they're actually punishing districts that meet the needs of kids."
Heidi Walker hoped that Humble school officials would help her son Roanin adapt and cope when he entered kindergarten.

In a statement, Texas Education Agency officials denied they had kept disabled students out of special education and said their guideline calling for enrollments of 8.5 percent was not a cap or a target but an “indicator” of performance by school districts. They said state-by-state comparisons were inappropriate and attributed the state's dramatic declines in special education enrollments to new teaching techniques that have lowered the number of children with “learning disabilities,” such as dyslexia.

In fact, despite the number of children affected, no one has studied Texas' 32 percent drop in special education enrollment.

The Chronicle investigation included a survey of all 50 states, a review of records obtained from the federal government, state governments and three dozen school districts, and interviews with more than 300 experts, educators and parents.

The investigation found that the Texas Education Agency’s 8.5 percent enrollment target has led to the systematic denial of services by school districts to tens of thousands of families of every race and class across the state.

Among the findings:

- The benchmark has limited access to special education for children with virtually every type of disability. Texas schools now serve fewer kids with learning disabilities (46 percent lower than in 2004), emotional and mental illnesses (42 percent), orthopedic impairments (39 percent), speech impediments (27 percent), brain injuries (20 percent), hearing defects (15 percent) and visual problems (8 percent).

- Special education rates have fallen to the lowest levels in big cities, where the needs are greatest. Houston ISD and Dallas ISD provide special ed services to just 7.4 percent and 6.9 percent of students, respectively. By comparison, about 19 percent of kids in New York City get services. In all, among the 100 largest school districts in the U.S., only 10 serve fewer than 8.5 percent of their students. All 10 are in Texas.
Students who don’t speak English at home have been hurt the most. Those children currently make up 17.9 percent of all students in Texas but only 15.4 percent of those in special education. That 15 percent difference is triple the gap that existed when the monitoring system began.

Spokesmen for numerous school districts, including Humble, Houston and Tyler, said they have not denied special ed to any children with disabilities. Several said their rates had declined because they had used early intervention programs to reduce the number of disabled kids.

Education experts told the Chronicle that there is no evidence that the instructional techniques being used in Texas — which are in classrooms nationwide — lower special education percentages.

A Dallas ISD spokeswoman defended that district’s low percentage by noting it "falls within the Texas state acceptable range of 0%-8.5%.

After receiving a list of the Chronicle’s findings, a U.S. Department of Education spokeswoman said her office would look into the Texas policy.

"It is important that states carry out their responsibilities under the law to ensure that all children who are suspected of having a disability are evaluated in a timely manner to determine eligibility for special education and related services," said the spokesman, Dorie Nolt. "Once we have more information from state officials, we will determine if further actions are necessary."

A look at the drop in special education in Texas

Thanks to an arbitrary target imposed more than a decade ago, Texas now gives special education services to a lower percentage of students than any other state. Hover over the charts below to see who has been affected the most.

Note: The increase in autism identification is less than the nationwide increase, which has been nearly 200 percent.
A staggering drop in English-Language Learners shut out from educational opportunities.

Virtually all disabilities affected.

Disabilities ordered by most common in the student population.
Moving the number

There is no agreed-upon number for what percentage of kids have a disability that requires special education services.

The best approximation may be 15.4 percent. That's how many U.S. kids ages 2-8 whom doctors have diagnosed with a mental, behavioral or developmental disorder, according to a March 2016 study by the federal Centers for Disease Control and Prevention (http://www.cdc.gov/mmwr/volumes/65/wr/mm6509a1.htm?s_cid=mm6509a1_w).

The U.S. has never served that many students in special education, but it has inched closer over time as society has become more aware of disabilities.

By 2000, according to data collected by the federal government, 13.3 percent of kids got some form of specialized education services — even if it was just 20 minutes of speech therapy per week.

In Texas, 12.1 percent of kids got services that year, the ninth-lowest rate in the nation.

Nevertheless, the Texas Education Agency decided the percentage was too high, according to interviews with dozens of former agency employees.

Several said the agency was worried about money. On average, educating a special ed child is twice as expensive, and the federal government pays only one-fifth of the extra costs, leaving the rest to states and school districts — a cost that totaled $3 billion in Texas in 2002.

"There was always a concern about over-identification of special ed students and the costs associated with that," said Ron McMichael, the deputy commissioner for finance at the time.

The concern grew in 2003, when lawmakers cut the TEA's budget by $1.1 billion, forcing it to lay off 15 percent of staffers.

The next year, the agency set the target as one part of a new monitoring protocol (http://www.houstonchronicle.com/denied/documents/#state) known as the Performance-Based Monitoring Analysis System, or PBMAS. The instructions were clear: School districts could get a perfect score on that part of the scorecard by giving special
education services to fewer than 8.5 percent of students. If they served more, they would lose points.

Districts that scored poorly on the PBMAS could be fined, visited by regulators, compelled to complete "Corrective Action Plans" or taken over entirely, the system manual said.

The system was developed under Commissioner Shirley Neeley Richardson, an appointee of then-Gov. Rick Perry.

Richardson said in an interview that the special education target was a "first stab" at addressing the problem of over-identification. She said it was data-based and the product of a collaborative process.

But the TEA did not consult the federal government, Texas Legislature or State Board of Education before implementing the policy, records show.

The agency said in its statement that it convened focus groups while creating the PBMAS. But it was unable to produce any documentation of that. None of the educators and advocates interviewed by the Chronicle remembered focus groups.

The TEA also was unable to produce any records about why 8.5 percent was chosen as the target. It acknowledged in its statement that there is no research that establishes 8.5 percent as ideal.

Four agency officials set the benchmark, former employees said: special education director Eugene Lenz; his deputies, Laura Taylor and Kathy Clayton; and accountability chief Criss Cloudt.

The only one who agreed to speak with the Chronicle, Clayton, said the choice of 8.5 percent was not based on research. Instead, she said, it was driven by the statewide average special education enrollment.

Reminded that the statewide average was nearly 12 percent at the time, Clayton paused.

"Well, it was set at a little bit of a reach," she said. "Any time you set a goal, you want to make it a bit of a reach because you're trying to move the number."
Roanin Walker lies on the couch after his mother corrected him for arguing with his siblings over a video game. Roanin has been diagnosed with attention deficit disorder, anxiety and “significant sensory processing deficits,” a condition similar to autism.

A special child

Heidi Walker and her husband, Trevor, first suspected that their fourth child was different when he wandered out of their house early one summer morning in 2011.

He was 2 years old. The sun had just appeared behind the two-story home on the outskirts of Casper, Wyo., when Heidi heard the front door slam shut.

She found Roanin standing in his diaper on the sidewalk, his brown hair blowing in the wind as he stared into the distance. She called to him. He didn’t respond.

Heidi was terrified.

Soon, more trouble arose. Roanin constantly chewed on his clothes. He growled at strangers. He rarely made eye contact.

At home, he could be a normal kid. He loved playing Just Dance with his older sisters and Pokémon with his younger brother.

But in crowds and commotion, he broke down, often cowering on the ground and covering his eyes and ears. Sometimes, he became aggressive.

The issues intensified when the Walkers moved to Texas so Trevor could take a job as a maintenance manager at an oil company. They put Roanin in a church preschool, allowing Heidi to fulfill a dream of starting a photography business. But he struggled.

At the school Christmas show, he got so overwhelmed that he jumped off the top row of the choral riser. A teacher caught him. He refused to let go and lay in her arms for the next hour, wide-eyed, rocking back and forth.
Afterward, a teacher suggested the family ask Humble ISD to put him in a therapy preschool.

The district conducted a partial evaluation but deemed his problems too "inconsistent" for the program, school records show.

Eventually, the Walkers took Roanin out of preschool and paid for the therapy they could afford.

A psychologist hired by the family determined Roanin had ADHD, generalized anxiety and "significant sensory processing deficits," a condition similar to autism, medical records show.

Heidi and Trevor were hesitant to put him on medication. Fearful of side effects, they tried natural remedies, including vitamins, oils and diet changes. Nothing worked.

As kindergarten approached, Heidi requested a meeting with Shadow Forest Elementary, where Roanin was to attend.

They met early in the summer of 2014, long before the beginning of the school year. Heidi brought medical records, hoping to persuade administrators to give her son extra help.

She did not formally request special ed. She didn’t know she had to. And the administrators did not offer to evaluate Roanin.

Still, the meeting seemed to go well. The administrators promised they would do everything they could to help Roanin. Heidi believed them.
An array of tactics

Many Texas school districts have interpreted the Texas Education Agency monitoring system as a strict ban on serving more than 8.5 percent of students in special education, teachers and administrators said.

"We live and die by compliance," said Halcy Martin-Dean, the special education director in Seguin ISD, near San Antonio. "You can ask any special ed director; they'll say the same thing: We do what the TEA tells us."

Districts that have resisted the target have been forced to act by the state, which requires some districts with high special ed rates to write "Corrective Action Plans" detailing how they will reduce their enrollments.

In all, more than 96 percent of districts have reduced their special ed rates since 2004.

They have used a broad array of tactics, according to interviews and a review of hundreds of Corrective Action Plans and other district records.

Many districts have discouraged parents from formally requesting special ed eligibility evaluations, in part because federal law states that schools must respond to written requests.

In Marlin ISD, near Temple, for example, district leaders promised the state in a Corrective Action Plan that they would reduce their special ed numbers by creating a brochure telling parents about assistance available outside of special ed.

Districts also have deterred requests by falsely telling families they must pay for evaluations, that there's a waiting list, or that kids can be tested only once every two years, according to parents and advocates.
Maritza Woodard said that when she approached Klein ISD about her 15-year-old daughter, who has bipolar disorder, they gave her a list of private schools that they said could help her better.

Other parents have been ignored altogether.

Jocelyn Baty requested an evaluation from Houston ISD in May 2014. The district received the written request, school records show (http://www.houstonchronicle.com/denied/documents/#baty). But despite the law, it never responded, even after Baty’s daughter had to repeat second grade and third grade.

“I don’t understand why they won’t help,” said Baty, who lives in a southeast Houston housing project.

HISD officials declined comment on the case but attributed reductions in the district’s special education enrollment to improved instruction.”

Teachers also have found it harder to request special education evaluations.

Bianca Medina has been diagnosed with bipolar disorder, but her parents struggled to convince Klein ISD to give the 15-year-old special education services. When they first approached the district, they said, the district responded by giving them a list of private schools.

Karnack ISD, in East Texas, responded to the PBMAS system by requiring teachers to hold three meetings with colleagues before requesting a student be evaluated, according to a Corrective Action Plan (https://www.documentcloud.org/documents/3105525-Karnack-ISD-Corrective-Action-Plan.html).

In nearby Henderson ISD, the district took all of the evaluation-request forms out of the schools and put them in the central office, where they could be accessed only with permission from supervisors.

Some districts have created committees to review evaluation requests before processing them.

“They sit you down and basically interrogate you about whether this kid really needs to be evaluated for special ed services, and if you really think that, and if you’re sure,” said Melanie Urbis, a math teacher who dealt with a committee in West ISD.

In one district that set up a panel, Austin ISD, the number of evaluations dropped 52 percent in two years, records show.
Other districts have deployed more unusual tactics.

Morgan ISD, near Fort Worth, promised the state it would lower its rate by "thoroughly reviewing" all special ed kids who transfer in to see if they could manage without services.

In Galveston ISD, teachers have invited private therapists to come into class and provide for-fee services, internal district emails show.

And according to one speech therapist, Spring ISD came up with a new rule that almost defied belief: The inability to pronounce R's, one of the clearest signs that speech therapy is required, was no longer enough to qualify for services.

"It was ridiculous," said the therapist, Sabina Duhon.

Lesser alternatives

One method that Texas has used to curtail special education has been specifically prohibited by the federal government.

It involves "Response to Intervention," a new approach to teaching low-performing students.

The U.S. Department of Education has approved RTI but said schools cannot require teachers to try it before referring a student to be evaluated for special ed. (http://www.houstonchronicle.com/denied/documents#RTI)

Many Texas schools have done just that.
In Gatesville ISD, near Fort Hood, officials told the state in a 2010 Corrective Action Plan (https://www.documentcloud.org/documents/3105534-Gatesville-ISD-Corrective-Action-Plan.html) that they had enacted a new policy to reduce special ed:

"No referral may proceed without documentation that RTI has been fully implemented."

Teachers and administrators from across Texas said their districts have adopted similar policies. Some said RTI has helped some students, but others said it has been used to keep children out of needed services for years.

"What happens is there are kids that you know right from the beginning have challenges and need special ed, and you have to try all of these interventions that you know won’t work," said Arleen Glancy, who retired from Lamar CISD in January. "It extremely slows up the process."

Similarly, schools have averted special ed by giving disabled kids "Section 504 status."

The status, which refers to a section of the federal Rehabilitation Act, is aimed at preventing discrimination through accommodations, such as preferential seating or extra time on tests. It does not typically provide any services.

Records show that schools spend little on Section 504. Last year, Spring Branch ISD's budget for Section 504 was $2,624 for 1,230 students — about $2 per kid, far less than the thousands spent on a typical year of special ed.

Also, Response to Intervention and 504 plans do not have the same legal accountability of special education and do not require parent input.

That is how Lilly Barrera ended up in RTI and 504 for four years without her mother knowing. The 11-year-old, who has a learning disability in reading, was put in both programs in first grade by Hallettsville ISD, in rural Central Texas. Her accommodations included preferential seating, leniency in grading and "verbal praise for accomplishments," records show (https://www.documentcloud.org/documents/3105521-Accommodations-for-Lilly-Barrera.html).

Neither RTI nor 504 worked. But instead of seeing if Lilly qualified for special ed, the district kept the same programs in place.

She entered sixth grade this fall with a third-grade reading ability — and a medical diagnosis of full-scale depression, caused by years of failing.
About 2.6 percent of Texas students now have Section 504 status, up from 1.3 percent in 2004, according to federal estimates. The current national average is 1.5 percent.

Many kids in Section 504 in Texas have dyslexia. State officials have said that's appropriate because of the mildness of the disability. But many experts disagreed, saying kids with dyslexia need special ed to be able to read.

"All of the extra test-taking time in the world isn't going to do anything about the fact that these kids' brains cannot process the information," said Paula Tallal, a professor of neuroscience at Rutgers University.

"They need services."

Another denial
Heidi Walker arrived at Roanin's school on the day of the playground incident feeling embarrassed but hopeful.

She left angry.

Shadow Forest Elementary administrators did not offer to provide any therapy or counseling.

Instead, Heidi recalled, they implied she was a bad parent and urged her to medicate Roanin.

At home, the Walkers got in a fight. Trevor, who opposed medication, said Heidi just needed to be stricter with Roanin. Heidi said Trevor was at work too often to make that determination.
Ultimately, they agreed to try medication. But on the recommendation of a friend, they also formally requested a special ed evaluation, according to an October 2014 email. (http://www.houstonchronicle.com/denied/documents#Walker)

Again, the school declined an evaluation and responded with a different suggestion: How about Section 504?

As they discussed the idea, Roanin’s teacher noted that she had already tried giving him preferential seating and advance warning before schedule changes. "None of the above efforts helped for any extended period of time," she wrote in one memo. (https://www.documentcloud.org/documents/3105619-Teacher-Input.html)

Nevertheless, the 504 plan (https://www.documentcloud.org/documents/3105618-504-Plan.html) issued that month centered on those exact accommodations, in addition to giving Roanin "planned breaks" during the day.

Records show that teachers did not even bother to fully document the plan’s implementation. They were supposed to record their progress each week, but Roanin’s file included only a few forms, none fully completed.

Roanin’s meltdowns – and academic performance – worsened.

In the spring of his kindergarten year, Heidi again verbally requested a special ed evaluation.

Again, the school evaded her. Roanin’s IQ was too high for services, administrators claimed.

The federal government has said that is not a valid reason to deny special ed to a disabled child. (http://www.houstonchronicle.com/denied/documents#OSEP)

But Heidi didn’t know that.

Disproportionate impact
The Texas Education Agency special education target has affected disabled kids across the state, particularly those who live in big cities or in homes where English is not spoken.

Before the system began, English Language Learners were slightly less likely than others to be in special education.

Today, while 8.5 percent of Texas students are in special education, only 7.3 percent of English Language Learners are receiving those services.

Graciela Reyes-McDonald, a bilingual psychologist who works with school districts in the Houston area, said the gap has grown three-fold because parents who do not speak English have found it harder to navigate the new obstacles that schools have erected to reduce their special education numbers.

"There are so many more hoops to jump through before getting a special ed evaluation, and they don't know how to jump through them," she said.

The statistics on big cities are even more striking.

Urban areas have the most need for special ed because they have high rates of disability risk factors such as poverty, lead poisoning and prematurely born babies. That is why New York, Baltimore and Detroit serve about 20 percent of kids.
In Texas, however, large school districts have been the most enthusiastic about lowering special ed rates. Many have pushed their percentages far beyond the 8.5 percent threshold.

Fort Bend ISD, for example, gave services to nearly 10 percent of students before the PBMAS began. The district got down to 8.5 percent by 2007 and then kept going. Today, its rate is just 6.2 percent.

Deena Hill, who became Fort Bend’s special educator director in June 2015, said she had been troubled by the low rate ever since she started. She said some teachers were inappropriately using Response to Intervention to delay evaluations. She acknowledged that PBMAS was part of the reason.

"It's something that's always in the back of your mind," she said. "You're being graded."

Hill said she was working to increase the number of special education students through better training.

Overall, Texas has above-average rates of disability risk factors, making it even more surprising that it has the lowest special ed rate in the country.

What has happened to the kids who haven't gotten services?

Parents have pulled thousands of them out of public school in favor of home schooling or expensive private schools, according to interviews and data.

Others have been left to languish in regular classrooms without the individualized help they need, advocates said.

Many have fallen behind, become depressed and been suspended or expelled, the advocates said. Some have even entered the criminal justice system or otherwise required intensive adult services that cost far more than special education, they said.

"Research has shown that special ed does work," said Padmaja Sarathy, a former Fort Bend special ed manager who now works as a consultant. "So by denying that to some students, we are creating an underclass of children." (https://twitter.com/intent/tweet?text=%22By%20denying%20(special%20education)%20to%20some%20students%2C%20we%20are%20creating%20an%20underclass%20of%20children.%22)
Roanin Walker walks through a park looking for pine cones with his mother, Heidi Walker and younger brother, Tiernen Walker. Roanin loves learning about science and math, but he has trouble when in school.

Only one choice

When Heidi Walker saw the police outside Shadow Forest Elementary in February 2016, she knew they were there for her son.

Minutes earlier, she had gotten a frantic call from the principal:

Come here. Hurry.

When she arrived, she was told her first-grader had run away.

Fortunately, a teacher located Roanin by the school track. The principal sent him home with an out-of-school suspension.

It was his eighth suspension of the year. [http://www.houstonchronicle.com/denied/documents#suspension](http://www.houstonchronicle.com/denied/documents#suspension)

The next week, he was suspended twice more — for slapping another student and for banging a projector remote on a table, school records show.

Records also show Roanin’s academic performance plunged.

Between the middle of kindergarten and the middle of first grade, Roanin went from scoring in the 67th percentile in letter knowledge to the 16th percentile.

The suspensions and failures took a toll. Roanin became depressed. He stopped leaving his room. One afternoon, after getting in a fight with his brother over a video game, he began scratching himself in the face.

“I don’t deserve to live,” he cried.
Heidi and Trevor became scared. They felt they had only one choice.

They pulled their son out of school before first grade ended.

Heidi Walker talks about her son, Roanin

Denied: Roanin Walker
by Hearst Newspapers

’No way’

Texas Education Agency officials have succeeded in keeping their special ed target from public view, according to records and interviews.

Almost nobody among those interviewed by the Chronicle knew about the 8.5 percent mark or even that Texas had the lowest special education rate in the country. Some couldn’t believe it.

”No way,” said Mike Moses, a former Dallas ISD superintendent and Texas education commissioner under Gov. George W. Bush who now teaches education at the University of North Texas.

Moses and fellow former Education Commissioner Lionel Meno both said they felt the policy clearly violated federal law.

The TEA said in its statement that it has sought public input about the PBMAS. But the only place it has done that has been in the Texas Register, a little-known state agency journal. A typical entry appeared on Page 5,579 of the July 18, 2014 edition.

The agency has avoided scrutiny by claiming other factors have caused the special ed drop.

When asked about the drop at a 2010 state Senate Education Committee hearing, Lenz did not mention the target.

”We fundamentally believe it has a lot to do with improving general education,” he said.

People who have discovered the policy and complained have been ignored, records show.
At least four educators have contacted the agency to complain, emails show. The agency has not responded to any of them.

The TEA has responded to the only formal complaint it has received, which came from Disability Rights Texas, the only advocacy group that has found the policy. The agency response was it could not address the complaint unless there was proof a specific student had been treated illegally because of the policy.

Officials also appear to have shut down questions by blaming the federal government: Three school staffers appointed by the TEA to a task force that reviewed the PBMAS system after its implementation said they asked the agency about the special education target and were told that it was federally mandated.

"We were led to believe that it exists in every state," said one of the staffers, Matt Underwood, superintendent of Stephenville ISD, near Abilene.

Underwood continued to believe that until he was contacted by the Chronicle, he said.

Still, in the years since the task force, he said he had already become worried about the policy.

Stephenville lowered its percentage of students receiving special ed services from 11 percent in 2004 to 8 percent today, a difference of more than 100 children, records show.

District officials have worked hard to find other ways to serve those students, Underwood said. But he still worries they missed some, shutting children with disabilities out of needed help.

"Some have probably fallen through the cracks," he said. "I can’t say how many. Even one would be bad. One would be terrible."
Too late

On a hot afternoon late last month, Heidi and Trevor Walker built a school for their son.

Heidi cleared out her makeshift photo studio near the kitchen, putting her cameras and lights into storage. Trevor hammered a few slabs of cedar wood into an oversize desk.

Together, they hung a whiteboard on the wall and wrote in a name for their creation: the Walker Academy of Excellence.

Over the summer, the district had finally agreed Roanin needed special ed — two years after the Walkers first asked formally asked for a special education evaluation during kindergarten in the fall of 2014. But the family decided it was too late. Roanin had grown to hate school, and his parents were convinced he wouldn’t be treated fairly.

They wanted to put Roanin in private school, but the oil downturn had forced Trevor to take a lower-paying job, and the family could not afford tuition.

So Heidi was preparing to become her son’s math teacher, reading instructor and gym coach, in addition to her other responsibilities to Roanin and her other four children.

The Walkers were hopeful. They had seen home schooling work in Wyoming.

But they also knew there were some things they could not do. They could not offer electives. They could not help Roanin learn how to socialize. They could not give him a prom.

"We have special ed for a reason," Heidi said. "It's not like I want my kid to be in special ed. That's not something I hoped for. I want my kid to get an education, to get a job, to have a family. I want him to be happy. ... I know that won't happen if he doesn't get what he needs. If he doesn't get help, he won't live up to his potential, by half. Nobody wants that for their kid."
From your family values party - they value families as long as they don't need anything that would cost extra.
A CHRONICLE INVESTIGATION

Denied:

Schools push students out of special education to meet state limit

Story by Brian M. Rosenthal (http://www.houstonchronicle.com/author/brian-rosenthal/)

Photos by Marie D. De Jesús (http://www.mariedejesus.com/)

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When Steven Smith and his family lived in Illinois, he received special education services, including a laptop to do homework. But when they moved to Texas, school officials told his parents that Steven didn’t need special education, even though he was diagnosed with autism and required surgery to make his hands functional.

LAREDO – A few days before school began here in 2007, district administrators called an emergency staff meeting.

The Texas Education Agency had determined that they had too many students in special education, the administrators announced, and they had come up with a plan: Remove as many kids as possible.

The staffers did as they were told, and during that school year, the Laredo Independent School District purged its rolls, discharging nearly a third of its special education students, according to district data. More than 700 children were forced out of special education and moved back into regular education. Only 78 new students entered services.

"We basically just picked kids and weeded them out," said Maricela Gonzalez, an elementary school speech therapist. "We thought it was unfair, but we did it."

Gonzalez's account, confirmed by two coworkers and district documents, illustrates how some schools across Texas have ousted children with disabilities from needed services in order to comply with an agency decree that no more than 8.5 percent of students should get specialized education. School districts seeking to meet the arbitrary benchmark have not only made services harder to obtain but have resorted to removing hundreds and hundreds of kids, the Houston Chronicle has found.

In San Felipe Del Rio CISD, in West Texas, officials several years ago stopped serving children with one form of autism.

In Brazosport ISD, on the Gulf of Mexico, employees were instructed in 2009 to end tutoring for students with severe dyslexia.

In Northwest ISD, near Fort Worth, administrators told parents that they no longer gave speech therapy to high schoolers who stutter.
A Chronicle Investigation

In Texas, unelected state officials have devised a system that has kept thousands of disabled kids out of special education. Read other installments in the series here.

**About this series** ([http://www.houstonchronicle.com/denied/about/](http://www.houstonchronicle.com/denied/about/))

**Part 1:** How Texas keeps tens of thousands of children out of special education ([http://www.houstonchronicle.com/denied/1/](http://www.houstonchronicle.com/denied/1/))

**Part 2:** Schools push students out of special education to meet state limit ([http://www.houstonchronicle.com/denied/2](http://www.houstonchronicle.com/denied/2))

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**Explainer:** How we know the reason for the drop in Texas special ed students ([http://www.houstonchronicle.com/denied/beyond-the-data/](http://www.houstonchronicle.com/denied/beyond-the-data/))

And in Alief ISD, two staff members recalled being instructed to falsely suggest to parents that their kids had somehow been cured of serious disabilities.
"I was told to go into all these meetings with parents of kids with different disabilities and tell them, 'Oh, Johnny is doing so much better. So we want to try him in general education, and of course we'll give him support,'" said Christine Damiani, who served as the Alief Middle School's special education chair before retiring last year. "None of it was true."

Overall, Texas special education students are now 55 percent more likely to be returned to general education (https://twitter.com/intent/tweet?text=Texas%20special%20education%20students%20are%2055%25%20more%20likely%20the%20national%20average%20according%20to%20data%20collected%20by%20the%20U.S.%20Department%20of%20Education.

They are five times more likely to be expelled to a disciplinary school, the statistics show.

"It's OK for a child to be moved from special ed to general education if they truly no longer need the services," said former Deputy Secretary of Education Frank Holleman, noting that federal law encourages schools to re-evaluate special ed students every three years. "But if a child is moved just to meet some arbitrary number, that's the type of thing that can affect a child's entire educational career and entire life. That needs to stop immediately."

The purges explain part of how school districts have dramatically reduced their special education rates in the decade since the TEA created the 8.5 percent enrollment benchmark as part of a district monitoring system.

The percentage of students in special education has plunged from near the national average of 13 percent down to exactly 8.5 percent, by far the lowest of any state.
The Chronicle disclosed the benchmark last month and reported that the TEA quietly implemented it while facing a $1.1 billion state budget cut without consulting state lawmakers, the federal government or any research.

Federal law obligates all public schools to provide special education to all eligible children with disabilities. In response to the Chronicle investigation, the U.S. Department of Education on Oct. 3 ordered the TEA to end the target unless it can prove that no kids have been deprived of services.

The department also directed state officials to report back on how many districts may have denied services to students with disabilities and how they plan to "remedy the effect of such past practices."

The TEA has said it does not think anybody has been deprived, although it has said it will review its policies. Prior to the Chronicle investigation, the agency attributed the decline in special education students to new teaching techniques that it said had lowered the number of kids with "learning disabilities," such as dyslexia.

Agency officials also have said the 8.5 percent number is only an "indicator" of district performance and that districts are not seriously penalized for serving too many kids.

Documents show, however, that the TEA came down hard on Laredo ISD in 2007 in part for exactly that reason. The agency sent a team of regulators to Laredo and ultimately made the district hire consultants to fix several issues, including "potential over-identification," because it was providing special education to 11 percent of students — above the state standard, even though it was well below the national average.

The district’s special education director at the time, Tracy Cartas, declined comment. The current director, Raul Gomez, a 24-year district veteran, said he did not recall any purges. Laredo reduced its numbers, he said, by improving its evaluation process.
But dozens of other current and former Laredo staffers said they felt tremendous pressure to reduce enrollment at all costs.

"TEA required us to do this," said GeorgeAnne Reuthinger, who replaced Cartas as director while the purges were still going on. "There was no wiggle room."

Joseph Espinoza, 17, struggles with many disorders, including autism and depression, and after losing special education services, he’s done poorly in school. His parents say he hasn’t been monitored closely, and they are trying to get him back in special education.

A lonely fight

Every day, Joseph Espinoza's parents send him to school without knowing if he will come home.

The 17-year-old, who was abused as a child and shuffled between foster homes before being adopted by the Espinozas six years ago, has been diagnosed with a variety of conditions – including Asperger syndrome, Post-Traumatic Stress Disorder, bipolar disorder and schizophrenia – and every day is a struggle.
But it is now a struggle that his family fights alone.

For years, Joseph received counseling, tutoring and extra supports from College Station ISD, school records show. But in the spring of 2015, after the services helped him earn all passing grades for the first time ever, the district said those grades were evidence that he no longer qualified for special education.

The district moved him into Section 504, a program for kids with disabilities who qualify for classroom accommodations but not services. The primary accommodation that Joseph got was a private room for tests.

"They said he would be just as successful in 504, and they would monitor him closely," said Joseph's mother, Lisa Espinoza. "They didn't do any of that, of course."

Without any help, Joseph again failed his classes, records show. He also fell into a deep depression and decided to stop taking his medication.

Last month, after he started having frequent hallucinations, he ended up spending 12 days in a state psychiatric hospital.

College Station ISD declined to comment on Espinoza, who is back in school now – still not receiving services and still failing.

His parents are trying to get him back in.

**Targeting the disabled**

When the Texas Education Agency first introduced its monitoring system in 2004, nearly 1,100 of the state's 1,200 school districts were giving special education to more than 8.5 percent of their students, state statistics show. More than 96 percent of those districts have since lowered their rates.

The districts that have purged their special education rolls have targeted a variety of children, according to interviews with educators, advocates and parents as well as a Chronicle review of “Corrective Action Plans” submitted to the state by districts cited for over-identification.

In Alief ISD, the focus was on Asian students with autism.
Damiani, the former special education chair, said she was repeatedly told Alief ISD was under TEA sanctions for having too many special education kids. Then, one day she was handed a paper with the names of a dozen of her students, she said.

"Someone somewhere had decided that we had too many Asians in our self-contained autism class," said Damiani, whose story was confirmed by a colleague. "I was supposed to call the parents to schedule a (meeting) to move the children into another program or out of special ed altogether."

Damiani said she did it, even though it felt illegal and immoral. She lost sleep for weeks afterward, she said, and eventually the incident helped drive her to retire after 21 years with the district.

Craig Eichhorn, a spokesman for Alief ISD, said that no teacher has ever been ordered to remove students from special education.

Several other districts also concentrated on children with autism, a disability that exists across a spectrum that ranges from relatively mild social impairment to profoundly anti-social behavior that makes education highly challenging.
In San Felipe Del Rio CISD, officials used the 2013 update of the Diagnostic and Statistical Manual of Mental Disorders to dismiss students with Asperger syndrome, said Kerry Steiner, who worked with the district as part of a federally-funded parent training project. The update eliminated the diagnosis of Asperger syndrome as a distinct disorder – but placed it on the autism spectrum. Still, the district used the change to say that children with that diagnosis no longer had a disability, Steiner said.

"The law requires that schools base their special ed decisions on need, not opinion, or space availability, or money, or teacher training or other subjective positions," Steiner said. "It was heartbreaking to see schools not do that."

A spokeswoman for San Felipe Del Rio CISD denied Steiner’s story. She speculated that the decline in students with autism in the district was due to families coming and going from a nearby military base.

Brazosport ISD administrators worked to remove students with learning disabilities, said Dede Wilkinson, who taught English there between 2004 and 2015. Wilkinson said the district responded to TEA criticism about over-identification by adopting new policies saying children could be discharged if they made even the smallest amount of progress in a year.

Brazosport ISD said in a statement that it is “committed to providing quality education and outstanding learning experiences with caring and compassionate teachers for each of our students.”

In Northwest ISD, the target was kids who stuttered. That district decided it would no longer give speech therapy to those children after middle school. One parent of a child who stuttered said administrators told her speech therapy had been eliminated for high school students who stutter.

Stuttering is a disorder whose causes are not well understood and for which there is no known cure, and, according to Jackie Edmonds, who taught special ed at Northwest ISD before going to work for the American Federation of Teachers in 2012, services are important for helping students learn to cope – even for high schoolers.

A spokeswoman for Northwest ISD said the district does not have a blanket ban on high schoolers receiving services for stuttering. She said district employees may have misunderstood directives about only giving services to children who actually have disabilities.
Several parents and advocates shared stories about districts that provide special education services through Preschool Programs for Children with Disabilities but remove services once children enter kindergarten.

One of those policies affected Michael Crighton, who was born weighing 1.6 pounds just 25 weeks into his mother's pregnancy. In preschool in Pearland ISD, he was in an autism program and got occupational and speech therapy, school records show. But when he got to kindergarten in 2010, his parents said they were told he had been “cured of autism.”

Michael's school put him in Section 504 (http://www.houstonchronicle.com/denied/documents/#pearland), which allowed him to sit close to the teacher, records show.

"It was a disaster. A complete disaster," said his mother, Lisa Odom. "The seating was a joke because he usually hid under his desk, and he often was sent to the principal's office because they felt him to be disruptive...I was called to the school every single day. And then the last two weeks of school, they just told me to keep him home."
Michael got back into special education, but not until 2013. The three years out of services have left him "extremely behind" academically and emotionally, his parents said.

At least a dozen school districts including Bellville ISD and Brenham ISD have promised the TEA in Corrective Action Plans that they will closely scrutinize special education students who transfer into the district to see if they can manage without services, records show.

"Records of transfer students will be thoroughly reviewed," Morgan ISD vowed in a 2009 Corrective Action Plan (http://www.houstonchronicle.com/denied/documents/#morgan), which included a blunt promise: "The number of students eligible for special education services at Morgan ISD will decline."

When Anna Smith and her husband moved their family from Evanston, Ill. to Texas, Austin ISD administrators told them that Steven no longer qualified for special education status. Their son Steven Smith, 11, was born with autism and without functional hands. Video by Marie D. De Jesus

Evanston, Ill. vs. Austin, Tex.
When a job change led Steven Smith's parents to move to Texas, they chose to send him to Austin ISD because they heard good things about its special education department.

Their 11-year-old son was born without functional hands and had since been diagnosed with both autism and scoliosis, medical records show. He had gotten a classroom aide, social skills classes, a laptop and other special education services when the family lived in Evanston, Illinois.

But when they arrived in 2014, Austin ISD told them that Steven no longer qualified for special education – not even the laptop.

"I showed them all of the paperwork from Illinois," said Steven's mother, Anna Smith. "Everybody called from Illinois – his principal, his teacher, his aide, his social worker. But I was told that from (Austin ISD's) eyes, he didn't have any need for special ed."

Steven struggled immediately, according to his mother. He failed assignments, lost confidence and began to hate school. One day, he told his parents that he wanted to kill himself, leading them to pull him out of school.

Austin ISD declined comment.

The family has since moved to nearby Leander ISD, seeking a fresh start.
Steven Smith’s parents pulled him out of public school after he told them that he was so depressed that he considered suicide.

Laredo's purge

Then there's the Laredo ISD, an impoverished school system on the Mexican border where 98 percent of students receive free or reduced-price lunch and 60 percent do not speak English as their native language.

The Laredo schools provide a unique window into how the Texas Education Agency enforces its special education enrollment benchmark.

For months, the TEA has refused to release any records or correspondence about the enforcement efforts (https://twitter.com/intent/tweet?text=The%20Texas%20Education%20Agency%20has%20refused%20to%20release%20other%20than%20some%20Corrective%20Action%20Plans%20submitted%20by%20some%20school%20districts%20in%20the%20past%20few%20years.%20Agency%20lawyers%20have%20argued%20that%20all%20other%20records%20are%20exempt%20(http://www.houstonchronicle.com/denied/documents/%23sped) because they were part of audits, and Attorney General Ken Paxton's office has agreed (http://www.houstonchronicle.com/denied/documents/%23ag).
The TEA turned over some documents about Laredo ISD only after the Chronicle found that those records had been shared with another requestor five years ago.

The agency's efforts in Laredo are a good illustration of how it monitored districts around the state, according to three of the five employees on the team.

The documents show that the district caught the TEA's attention because it scored poorly on the monitoring protocol (http://www.houstonchronicle.com/denied/documents/#laredo), called the Performance-Based Monitoring Analysis System (PBMAS).

As a result, the agency in March 2007 sent five employees to spend nearly a week in Laredo (http://www.houstonchronicle.com/denied/documents/#schedule) interviewing district administrators, teachers and parents, according to a letter summarizing the visit.

The regulators noted problems with a few individual special ed student plans and identified four systemic "issues/trends": low participation and passing rates on state tests; a lack of inclusive practices; insufficient monitoring of student progress; and "potential over-identification," particularly among non-English speakers.

TEA officials ordered (http://www.houstonchronicle.com/denied/documents/#sanction) the district to take 12 different corrective actions, including the hiring of consultants.
Over the past two months, Laredo ISD has ignored multiple requests for public records related to its response to the sanctions. But dozens of current and former staffers said the penalties led to a massive reduction in special education.

Teresita Gutierrez, a longtime district staffer who was a vice principal at the time, recalled meetings in which she was ordered to make it hard to get into special education.

Because of the district’s poverty, the schools have historically had to teach parents about special ed, Gutierrez said. But suddenly, she said, schools were ordered not to tell parents that they can test children to see if they qualify for services.

"We just had to watch them fail," Gutierrez said.
Catherine Rodriguez, who taught 4th grade in the district for 37 years before retiring last year, said the district began requiring teachers to go through several different cycles of interventions before requesting a child be evaluated for special ed.

"They came up with this system where it was so dragged out...," Rodriguez said. "Now try this and now try that.' It was ridiculous because the whole year would go by, and you'd have to start it all again the next year."

Officials also ordered purges.

Even strong Laredo ISD supporters acknowledged that the district responded to TEA pressure by re-examining special ed students.

Criselda Alvarez, a consultant hired by the district, said she and others focused on testing non-English speakers to see if they actually had disabilities or had struggled in school only because of language barriers.

"We really had to look at that, and exit some of those kids because at one point the numbers were really high," Alvarez said.

In Laredo ISD in the mid-2000's, so-called English Language Learners did receive special ed services at a higher rate than English speakers – a situation that was not the case in the rest of the state. But, their special education percentage was only slightly higher than the national average of 13 percent.

The number of English Language Learners in services in Laredo ISD has plummeted since then, state statistics show. Today, only 6.8 percent of those kids get services, far below the district, state and national averages.

The federal government has said it is especially concerned about the denial of special education services to English Language Learners in Texas.

Districtwide, the special education percentage has dropped from 11 percent to 7.8 percent. There have been steep dips in kids with learning disabilities (down 56 percent since 2004), visual impairments (down 46 percent) and mental illnesses (down 29 percent), but no drop has been more dramatic than in the speech impairment category, which has plummeted 74.3 percent.
Just one in every 300 students in Laredo ISD now receive speech therapy services – seven times less than the national average.

Numerous staffers said the district decided to only provide services to students who could not pass state tests. Since tests are written, not oral, kids with problems with pronunciation, stuttering and swallowing were deemed to no longer qualify.

Rossana Venecia, a former supervisor in the district’s speech therapy department, defended that decision, saying special education is not meant to help kids talk.

"If they are making A's or B's, they don't have an educational need for special education," Venecia said. "We're not just here to teach them r's and sh's."

But speech therapy experts in Texas and around the country said kids with pronunciation, stuttering and swallowing disorders do have educational needs. They often cannot communicate with their teachers, are afraid to speak in class and have few friends and low self-esteem, the experts said.

It is impossible to know what has happened to the discharged students because Texas does not meaningfully track what happens to children who leave special education.

The PBMAS system monitors the percentage of students who pass state tests in the year after they exit services, but that metric is flawed because it does not require schools to say how many kids took modified tests or did not participate at all.

Laredo ISD does not give state tests to most children who exit special education, statistics show.
In the 2008-2009 school year – the year after more than 700 students left special ed – only 78 kids in grades 3-8 took the state math test, according to the TEA. Forty-five passed.

Only 15 children took the state social studies test. Eight passed.

Maricela Gonzalez, the speech therapist, said she is certain that many of the discharged students have suffered academically, socially and emotionally.

She and other therapists tried to find time to check on the purged children in regular classes, but "a very, very, very high percentage of kids fell through the cracks," she said.

Gonzalez does not work with Laredo ISD anymore. In 2008, she joined a private company that provides for-fee pediatric therapy services.

She is haunted by the times that she wrote "Discharge" at the top of student files of children with disabilities who still desperately needed help. She often wonders what happened to them.

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A CHRONICLE INVESTIGATION

Denied:

Mentally ill lose out as special ed declines

Story by Brian M. Rosenthal
(http://www.houstonchronicle.com/author/brian-rosenthal/)

Photos by Marie D. De Jesús (http://www.mariedejesus.com/)

Published Nov. 9, 2016
Alston Jeffus, a 16-year-old from Frankston, twice tried to kill himself and ended up hospitalized for five months.

FRANKSTON — As the miles passed, and the state psychiatric hospital faded into the rearview mirror, Alston Jeffus allowed himself to smile for the first time in five months.

The 16-year-old closed his eyes and savored his chance to get his life back. He thought about his brothers and his friends. He imagined returning to his school basketball team and becoming the star.

In the front seat, his mother snapped a picture and posted it on Facebook.

"Coming home," she wrote. "Home and he gets to stay home."

She, too, could not wait to get back to this East Texas railway town. She wanted to call the high school and the mental health center, to create a support system to ease the return. Her oldest son would never again try to kill himself, she swore.

The Jeffus family was ready for a fresh start.

The Frankston Independent School District had other plans.

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A Chronicle Investigation
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**Explainer:** How we know the reason for the drop in Texas special ed students ([http://www.houstonchronicle.com/denied/beyond-the-data/](http://www.houstonchronicle.com/denied/beyond-the-data/))

The Texas Education Agency’s decision to set an 8.5 percent target ([http://www.houstonchronicle.com/denied/](http://www.houstonchronicle.com/denied/)) for special education enrollment has led schools to cut services for children with all types of disabilities, but mentally ill students like Alston have been disproportionately affected, the Houston Chronicle has found.
Federal law requires schools to provide counseling, therapy, protection from discipline and other support to children with "emotional disturbances," including severe anxiety, depression, bipolar disorder and post-traumatic stress disorder. Today, however, Texas schools serve 42 percent fewer of those students relative to overall enrollment, than when the TEA set the benchmark in 2004.

It is a bigger drop than has occurred in almost any other disability category.

In all, an estimated 500,000 school-age children in Texas have a serious mental illness that interferes with their functioning in family, school or community activities, according to the state Health and Human Services Commission. Only 30,034 receive special education services.

Nearly two dozen educators from across the state told the Chronicle that schools seeking to lower special ed enrollments below the benchmark have focused on denying services to mentally ill students because their needs are often hard to diagnose and expensive to address.

"They can get away with it, and it also saves them money," said Shemica Allen, who explained how she was told to keep kids out while teaching in Crowley, Garland and Irving between 2004 and 2013.

Teachers in a dozen school districts, mostly in the Houston area, said they have been ordered to discipline children who consistently act out instead of determining whether they qualify for special education. The TEA itself has found evidence of that illegal practice in multiple districts, documents show.

As a result, Texas kids are now 31 percent less likely than the national average to receive services for mental illnesses, a disparity that has nearly quadrupled since 2004, according to data compiled by the U.S. Department of Education.
The Chronicle revealed the existence of the enrollment target (http://www.houstonchronicle.com/denied/1/) in September and reported the TEA quietly implemented the goal without consulting any research. The percentage of students in special education has dropped from near the national average of 13 to exactly 8.5.

In response to the investigation, the U.S. Department of Education last month ordered the TEA to end the policy (http://www.houstonchronicle.com/news/houston-texas/houston/article/Feds-order-Texas-to-eliminate-use-of-benchmark-on-9652019.php? t=6dcfc9f295438d9cbb&cmpid=email-premium) unless it can prove no students have been deprived of services.

The TEA informed the federal government (http://www.houstonchronicle.com/news/houston-texas/houston/article/TEA-suspends-special-education-cap-10534865.php) earlier this month that it would eventually end the target, but it said it did not have specific evidence that any student had been kept out of services. The agency also vigorously defended its benchmark, saying it was not a "cap" on enrollment.

The agency has not given any explanation for why there has been such a dramatic decline in the category of mental illness. There has been a small nationwide drop, but enrollments in Texas have sunk much more precipitously.

TEA officials declined to comment for this story. They responded to questions by pointing to their letter to the federal government and promise to end the target.

John Allen, the superintendent of Frankston ISD, said he could not discuss Alston's case. He said he opposed the TEA target, but he added he did not think it was the reason for the 37 percent drop in special education students in the district over the past decade.

"I think we do a pretty good job at providing our kids an appropriate education," Allen said. "But any time we get feedback of any kind, we use it to better our craft. I can promise you that we are going to continue to grow."
Alston Jeffus has been diagnosed with bipolar disorder and ADHD, but his school district was reluctant to evaluate him for special education.

Alston Jeffus was a happy child. Nicknamed "Little Dude" by his grandfather, he embraced the conservative culture of Deep East Texas. He loved to fish, hunt and camp. He was small, but he had a broad smile, and even at a young age, he saw himself as a ladies' man.

In elementary school, he was diagnosed with ADHD and placed in Section 504, a program for kids with minor disabilities. The condition did not seem to seriously affect his school performance.

It was not until sixth grade, after his parents had divorced, that problems arose. He failed the state reading test that year and was given detention for failing to do homework, school records show.

Gradually, Alston began to resent authority. He still got good grades, motivated by his desire to stay on the basketball team, but he grew out his hair, started to talk back to his teachers and regularly received detention for being disruptive in class.
A psychologist determined he had a "mood disorder" and prescribed medication. But the school did not evaluate him (http://www.houstonchronicle.com/denied/documents/#eval) to see if he qualified for counseling or other specialized education services.

His mother, who knew nothing about the federal law mandating special education for kids with disabilities, was unaware she could request an evaluation.

Soon, Alston's grades plunged. In January 2014, when he was in eighth grade, the school told his parents he was failing (http://www.houstonchronicle.com/denied/documents/#fisd) and at risk of being held back.

His behavior worsened, too, records show. At the beginning of ninth grade, he got suspended for shoving another student, and at the end of the year, he was suspended for threatening to bring a gun to school.

His parents were worried, but they didn't know what to do. His mother, a correctional officer, and his stepfather, a maintenance worker, could not afford a private psychiatrist. They had to trust the school to help their son.

Then, in October 2015, Alston's girlfriend broke up with him.

That night, he tried to overdose on his ADHD medication.

His mom caught him and took him to a hospital, where he was stabilized and eventually released.

He begged his parents to let him go to school the next day so he could attend basketball practice. They agreed, thinking a return to normalcy would be good for him.

Despite the suicide attempt, the school still did not test him for special ed.

A week later, he tried again.

His mother found him in the living room, his unconscious body draped over a beanbag chair.
She shook him awake and led him to the bathroom, where she forced him to throw up. For the rest of the night, she watched him.

In the morning, he seemed fine and again persuaded his parents to let him go to school.

But by lunch, the drugs in his system flared up, leaving him unable to walk or talk normally. The school called 911.

At the Palestine Regional Emergency Room, Alston told doctors he had overdosed because of his girlfriend. "I don't have a reason to live," he said, hospital records show (http://www.houstonchronicle.com/denied/documents/#access).

His heart rate seesawed dangerously for hours, but, again, he survived.

Doctors weren't willing to allow a third attempt. They diagnosed Alston with bipolar disorder, a manic-depressive illness that triggers drastic shifts in mood, energy and activity levels, and they ordered him sent to North Texas State Hospital in Vernon, near the Texas-Oklahoma border.
North Texas State Hospital is the state's largest psychiatric facility, but it has only 24 beds for noncriminal children and adolescents.

Its low capacity illustrates the weakness of the Texas mental health system. Public and private providers are underfunded and understaffed, experts say, which increases the burden on schools.
"That's where kids spend most of their time," said Greg Hansch, a lobbyist for the Texas chapter of the National Alliance on Mental Illness. "And so (schools) are often the front lines for identifying needs and even providing services, especially for low-income children."

School services also are important because mental illness affects academic performance, according to researchers and advocates in Texas and elsewhere.

Ignoring problems can have dire consequences, the experts said.

"What we're looking at with these kids who don't get services for so long is continued demoralization," said David Anderson of the Child Mind Institute, a New York nonprofit. That can lead kids to give up and become part of the "dropout-to-prison pipeline," he said.

Some experts said the reduction in special education services almost certainly has had fatal consequences.

"The goal of the education system is to educate our kids, and the schools love saying that their only job is to educate kids. But you can't educate them if they're dead," said Candace Aylor, a consultant and appointee to the state health commission's Behavioral Health Advisory Committee. "That may sound extreme. But I know students that have killed themselves because nobody was willing to pay attention."
A few hours after driving Alston home to Frankston, his mother made a call she had been anticipating for months. She could not wait to tell Frankston High School that her baby was back.

But after reaching the principal, her excitement quickly evaporated.

Alston would not be returning to school, the principal told her. At least, not until he spent three months at a disciplinary school 30 miles away.

"What?" she asked.

Alston had gone to school under the influence of drugs, the principal said. There were consequences for that.

The Jeffus family did not realize that by law, Alston could not be punished for a suicide attempt. Nor did his parents recognize that his five-month stay in a psychiatric hospital and bipolar diagnosis were obvious signs that he should have been evaluated for special ed.
Alston knew he would not go to the disciplinary school, though. He announced that he would drop out, take the GED and find a job.

His mother was devastated. She hadn't graduated college, but she had earned a high school diploma and seen its benefits.

Without it, she worried her son would end up on the streets — or worse.

For some Texas kids battling mental illness, a disciplinary school is a more likely outcome than special education.

In the years since the TEA set the enrollment target, Texas schools increasingly have lowered their numbers by expelling special education students to those schools. The state now orders those expulsions at a rate five times higher than the national average (https://twitter.com/intent/tweet?text=Texas%20special%20education%20students%20are%205x%20more%20likely%20to%20be%20expelled). Federal statistics show. Before the target began, the state was only about two times above average.
But discipline is even more common for students who have not been evaluated for special ed.

Gayle Pitcher, a former psychologist at Cypress-Fairbanks ISD, the third-largest district in the state, said Cy-Fair responded to the TEA target by encouraging staffers to suspend or expel students instead of requesting evaluations.

"It's a very intentional effort to get the individual to withdraw from school instead of access special ed programs," said Pitcher, who retired last year.

Fellow former psychologist Heather Kaiser-Hahn saw the same thing while working in multiple Houston area districts.

"Many districts pressure their discipline problems to pursue GED, online high school or home school to get them out of the system," she said.

Last year, the TEA sanctioned four districts, including Houston ISD and Fort Bend ISD, for disciplining students instead of evaluating them, according to investigative reports obtained by the Chronicle (http://www.houstonchronicle.com/denied/documents/#complaints). Many charged the kids criminally with truancy.

A Houston ISD spokesman said the district has "undergone a drastic overhaul" since the TEA verdict. HISD is no longer zero tolerance, and teachers can now consider "the uniqueness" of students, he said.

Other districts have used other tactics to lower numbers, educators said.

Several teachers said they were required to put mentally ill kids through a months-long teaching program called "Response to Intervention" before requesting evaluations.

Brook Roberts, a West Texas psychologist and president of the Texas Association of School Psychologists, said many schools have responded to the 8.5 percent target by refusing to serve mentally ill kids unless they have failed out of classes.

"They may be placing their school's rating above the needs of the individual students," Roberts said.
Alston Jeffus hopes to graduate college and become an underwater welder.

Over the summer, Alston's mother saw an opportunity.

She had landed a job at the local mental health center, and at a training session, she heard about Disability Rights Texas, a group that helps special needs families. She called.

Eric Kwartler, a South Texas College of Law clinical teaching fellow who works with the group, decided to take the case. He wrote to Frankston ISD to ask that Alston be let back into high school and evaluated for special education.

When the district hesitated, Kwartler filed a legal complaint alleging the district had violated federal law by failing to conduct an evaluation when it clearly was warranted.

Faced with the possibility of an expensive fight, the district agreed to conduct the evaluation and to immediately let Alston back to school with counseling and tutoring, according to a settlement agreement (http://www.houstonchronicle.com/denied/documents/#meds). The district also agreed to train the entire Frankston High School staff on special education law.
The counselor promised to work with Alston to catch him up on his credits so he might be able to graduate on time next year.

Alston's mother said she knows the district's decision will not evict the demons inside him. But now, she said, he will have a support system.

He is hoping to go to college and become an underwater welder, she said.

"He wanted to walk across the stage. He wanted that diploma. He wanted the accomplishment of knowing that he did it," she said. "Thankfully, he can, hopefully, because we found Mr. Eric."

Last month, Alston returned to school for the first time in a year. Last Tuesday, he played in his first basketball game. He scored nine points.

He wasn't the star, but it was a start.

**Reporter St. John Barned-Smith contributed to this story.**

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0 Comments

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A CHRONICLE INVESTIGATION

Denied:

Texas schools shut non-English speakers out of special ed

Story by Brian M. Rosenthal
(http://www.houstonchronicle.com/author/brian-rosenthal/)

Photos by Marie D. De Jesús
(http://www.mariedejesus.com/)

Published Dec. 10, 2016
Ashley Rodriguez, 9, tries to read a book as her mother Evangelina Cardenas observes her. Rodriguez is a fourth grader who has always struggled with reading but just recently got placed in special education after years of fighting by her parents.

VICTORIA – Refugees, immigrants and other kids who do not speak English are entitled to the same special education services as native speakers. But in this Southeast Texas city, they seldom get them.

Just 39 of the nearly 1,000 English Language Learners here receive services like tutoring, counseling and speech therapy, 70 percent fewer per capita than a decade ago.

Many more need help, but usually, teachers say, their pleas are ignored.

"It's almost impossible to get my kids into special ed," said Arlene De Los Santos of Patti Welder Middle School. "They have to have very, very severe needs for the school to even consider it."

The situation in Victoria exemplifies a new reality playing out across Texas.

From Beaumont to El Paso, school districts facing pressure to lower their special education numbers have decided to do it by shutting out thousands of English Language Learners, the Houston Chronicle has found.

Districts have used a range of tactics, from refusing to conduct eligibility evaluations in other languages or accept medical records from other countries to blaming language barriers for problems caused by disabilities, according to data and interviews with dozens of current and former educators. Some have eliminated special education altogether from schools for international students.

Many districts have even held trainings to warn teachers that English learners are over-identified in special education, when statistics show the opposite is true.

A Chronicle Investigation

In Texas, unelected state officials have devised a system that has kept thousands of disabled kids out of special education. Read other installments in the series here.
The moves have taken place as immigration politics have become increasingly sensitive in Texas. Most English learners were born in the United States, studies show, but many have parents who are not American citizens.

The revelations add a civil rights dimension to the controversy over the Texas Education Agency’s decision to set a special education enrollment target.
Statewide, only 7.3 percent of English learners now get special education (https://twitter.com/intent/tweet?text=In%20Texas,%20only%207.3%20of%20English%20Language%20Learners%20compared%20to%208.7%20percent%20for%20native%20speakers. That%2020%20percent%20difference%20is%20three%20times%20higher%20than%20the%20gap%20that%20existed%20when%20the%20target%20began%20in%202004.

"Even%20if%20the%20policy%20was%20not%20meant%20to%20be%20discriminatory,%20it%20has%20clearly%20had%20that%20effect,"%20said%20Gary%20Orfield,%20a%20prominent%20longtime%20social%20scientist%20and%20co-founder%20of%20The%20Civil%20Rights%20Project%20while%20at%20Harvard%20University,%20who%20called%20it%20the%20most%20outrageous%20education%20policy%20he%20%27s%20ever%20seen. "If%20schools%20are%20creating%20systems%20in%20which%20students%20are%20not%20getting%20services%20simply%20because%20of%20the%20language%20they%20speak,%20that%27s%20discrimination."

The%20TEA%20target,%20which%20the%20Chronicle%20revealed%20earlier%20this%20year%20(http://www.houstonchronicle.com/denied/),%20set%208.5%20percent%20as%20the%20ideal%20maximum%20rate%20of%20students%20who%20should%20be%20in%20special%20education. Agency%20officials%20have%20audited%20school%20districts%20for%20exceeding%20the%20benchmark%20and%20(http://www.houstonchronicle.com/denied/documents/#overid)penalized%20districts%20for%20over-identification%20of%20minorities. But%20they%20have%20not%20levied%20any%20punishments%20for%20under-identification. (https://twitter.com/intent/tweet?text=Texas%20penalizes%20schools%20for%20over-identifying%20minorities%20in%20special%20ed.%20There%27s%20no%20penalty%20for%20under-identification%20http://www.houstonchronicle.com/denied/4/)

As%20a%20result,%20Texas%20has%20lowered%20its%20overall%20special%20education%20rate%20from%20near%20the%20longtime%20national%20average%20of%2013%20percent%20to%20exactly%208.5%20percent. That%20is%20the%20lowest%20of%20any%20state,%20by%20far.

If%20English%20Language%20Learners%20were%20in%20special%20education%20at%20the%20same%20rate%20as%20they%20were%20in%202004,%20about%2040,000%20more%20of%20them%20would%20now%20be%20receiving%20those%20services.

The%20U.S.%20Department%20of%20Education,%20which%20is%20hosting%20public%20"listening%20sessions"%20(http://www.houstonchronicle.com/news/education/article/Feds-coming-to-Texas-for-listening-sessions-on-10645931.php) in%20five%20Texas%20cities%20this%20week%20as%20part%20of%20an%20investigation%20into%20the%20issue,%20has%20said%20it%20is%20particularly%20concerned%20about%20the%20low%20number%20of%20English%20learners%20in%20special%20ed.

In%20defending%20the%20benchmark%20to%20federal%20regulators%20last%20month,%20TEA%20officials%20acknowledged%20"some%20possible%20under-representation"%20of%20English%20learners.
They declined to answer questions for this story.

Alexia Stamatis, middle, has been diagnosed with autism, epilepsy and hypotonia, a muscle disorder. But when her mother asked Houston Independent School District to evaluate her for special education, a teacher told her there was a "waiting list."

When Karen Aramburu moved from Mexico to Houston two years ago, she thought she would get help for her daughter, then 11 and dealing with autism, epilepsy and hypotonia, a muscle disorder.

But when she asked Houston Independent School District for special education, she was told there was a "waiting list" for eligibility evaluations.

Aramburu, who cares for her daughter full time while her husband works as a candy distributor, did not get any information about the process in the only language she speaks – Spanish. She did not know there was no such thing as a waiting list. Or that she could compel the district to evaluate her daughter by filing a written request. HISD, which provides special education to 7.4 percent of students and just 5.3 percent of English learners, did not tell her or perform an evaluation, even as Alexia got failing grades, cried throughout classes and had bathroom accidents, records show.
More than a year later, an advocate finally told Aramburu how to force HISD to evaluate, and Alexia was found eligible for extensive services.

"Nobody told me until it was so late," Aramburu said in Spanish on a recent afternoon, grimacing as she gazed at her daughter.

The family now lives in Katy.

A HISD spokesman said the district does give families information in Spanish and focuses on proper identification of disabled English learners.

Many educators said immigrants often do not understand how special ed works. Part of the reason for the dramatic drop among English learners, they said, is that parents are less able to fight the hurdles the TEA target has brought for all families seeking special education.

"These parents don't understand the system," said Iliana Benitez, a social worker at Baylor College of Medicine. "Culturally, they're not inclined to speak up ... and nobody tells them they have rights."

Many school districts have actively worked to keep English learners out of special education so they can keep their overall numbers low, the Chronicle has found.

Dozens of current and former educators said they were made to attend trainings in which they were told that the TEA had concluded they were over-identifying English learners. Virtually all those districts were actually under-identifying them, (https://twitter.com/intent/tweet?text=For%20years,%20Texas%20has%20warned%20teachers%20that%20English%20learners%20were%20identified%20in%20special%20education.%20It%27s%20not%20true%20http://www.houstonchronicle.com) data show.

At the trainings, the educators said they were told to assume struggles of English learners were the result of language issues and to request special ed evaluations only for failures lasting months or years.

"They always try to pass off deficits as due to language and cultural barriers," former Fort Worth teacher Megan Houston said. "So (the kids) have to fail classes to get tested, even when the teacher, counselor, principal, etc all can tell it's more than a language problem."
Parents reported more subtle discrimination.

Rosa Sanchez of El Paso said that when she asked that her kindergartener be tested for dyslexia, Canutillo ISD refused and only gave her information on how to appeal in English.

Evangelina Cardenas of Pflugerville, in Central Texas, said that when she noticed her shy daughter was struggling in school, she asked to observe her in class to see if she should request special education. She said she was turned away because "only parents with Social Security Numbers" can observe.

Her daughter, Ashley, fell further and further behind. The district warned the family about it in 2013, school records show (http://www.houstonchronicle.com/denied/documents/#ashley), and she got a 24 percent on her first state math test.

But the district did not put her in special ed until this fall, when an advocate intervened – four years after her issues first arose.

In DeSoto ISD, near Dallas, former school psychologist Marcy Barlow said her school decided that students could be classified as either English Language Learner or special education – but not both.

And in Beaumont ISD, multiple current and former employees said the district does not accept medical records from other countries, does not conduct evaluations in other languages and only rarely allows English learners to also be in special ed.

A spokeswoman denied those allegations and said the district gives special ed to all who need it.

The district, which has been under scrutiny for poor performance and dysfunction, now serves just 4.2 percent of English learners in special ed. Its overall rate is 7.5 percent.

"It's very important to the district to stay below the TEA cap," said Janice Brassard, who taught at the district for 27 years and then served on the school board for nine, up until 2014. "(English learners) are getting language services, so they say, 'Well, they're already serviced.'"
Autism and hypotania often make life frustrating for Alexia, a 13-year-old. But she did not get special education services for months, in part because she and her parents do not speak English.

Federal law requires schools to provide both language and disability services to disabled English learners, and experts say both are critical.

"Think of a student as a flower," said Madeline Mavrogordato, an education professor at Michigan State University. "If you only give them language services and not disability services, you're giving them only sun and not water. It's not enough."

Mavrogordato and other experts also said English learners are just as likely as native speakers to have disabilities.

In fact, research has found (http://m.edr.sagepub.com/content/early/2015/06/22/0013189X15591157.full.pdf?ijkey=SczH6cdfaJjrg&keytype=ref&siteid=spedr) English learners and other minorities are more prone to disabilities because they are more likely to be born prematurely, at low weight or with fetal alcohol system and to be malnourished or exposed to toxins like lead.
"There is absolutely no reason for them to be in special ed less often," said Jarice Butterfield, the director of special ed for California's Santa Barbara County and an expert on disabled English learners.

Nevertheless, unlike African Americans, who have been put in special ed at higher rates than white students nationwide, prompting concern from some academics and officials, English learners have historically been under-identified.

In the past, that has been partly due to difficulty in discerning whether student struggles were caused by linguistic problems or disabilities, but that issue has eased with new tests in other languages, said several experts, including Butterfield.

"That shouldn't be a major issue," she said.

In Texas, before the TEA benchmark, when about 12 percent of all students were in special ed, English learners had a lower rate (11 percent) and African Americans had a higher rate (14 percent), according to state data.

After a decade in which the state has pressured school districts to cut special education – and has penalized districts for over-identification (http://www.houstonchronicle.com/denied/documents/#overid) – little has changed for African Americans. They are still more likely to get services than white students, and the divergence is almost exactly the same rate.

For English learners, however, there has been a significant decline.
Few places have been more affected than Victoria, a city near the Gulf of Mexico that is best known for hosting a country music festival called Bootfest.

The city gave special ed to 11.8 percent of students before the TEA target, including 13 percent of English learners.

Today, the rate for English learners has sunk to 4 percent, helping to drop the overall district rate to 8.9 percent.

De Los Santos and others said the district often cautions teachers against requesting that English learners be evaluated, citing "over-identification."

That has led to a 78 percent decline in English learners identified as having "learning disabilities," such as dyslexia, and a 55 percent drop in the speech impairment category.

In addition, according to Victoria ISD, none of its nearly 1,000 English learners has autism. A spokeswoman said the district "has remained dedicated to addressing the needs of our ELL student population." She added that Victoria ISD does not pay special attention to the TEA benchmark.
A review of school board meeting notes shows otherwise.

The benchmark has been described as a goal at several meetings. At one, in October 2014, special education director Michelle Goebel said the district's special education rate had fallen to 8.6 percent, very close to the "TEA target" of 8.5 percent.

"We are definitely headed in the right direction," she said.

Carlos Gonzalez, 8, practices his kick during a taekwondo class. Gonzalez has defiant behaviors due to autism, but Aldine ISD at first refused to acknowledge he had a disability.

In some Texas schools for English learners, special ed does not exist at all. 🦁 (https://twitter.com/intent/tweet?text=In%20some%20Texas%20schools,%20special%20education%20does%20not%20exist)

Austin ISD's International High School, a new campus for foreign newcomers, had just one special ed student among its 368 kids and no special ed teachers in the 2014-15 year, state data show.
Similar dynamics now exist in many schools. Houston ISD's Las Americas school only evaluated one of its 144 students for special education last year, according to the district.

In Austin, four current and former International High School employees blamed the TEA benchmark for the lack of services, saying administrators have blocked their school's students from special ed to help keep the district's overall numbers low.

"The district decided to make it extraordinarily difficult for our students to get special education...," said Peggy Robinson, who retired from the district in August 2015. "I think the cap is the reason."

Austin ISD declined comment.

The lack of services has had disastrous consequences, educators said.

In August 2011, an International High School student named Marcos Cruz brandished a knife at several people, including two boys on their way to an East Austin bus stop. Cruz was arrested and charged with aggravated assault with a deadly weapon, which can result in a lifelong prison sentence.

Before the incident, Cruz's teachers had tried to get him into psychiatric counseling. But administrators had turned them away, claiming he was struggling only because he could not speak English.

Five years later, former English teacher Melissa Arasin still wonders what would have happened if he had gotten special ed.

"It was clear it wasn't just a language issue. This kid needed help," she said. "Everybody knew it."

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For others, the suffering has unfolded more slowly.

When Andrés Hernández arrived from Matamoros, Mexico in 2006, it was obvious he had special challenges. He was diagnosed with dyslexia, and his family hoped his school would help.
But they were in Beaumont, where schools were cutting back on English learners in special ed.

The district did not even test to see if Hernández qualified for services, records show. Instead, according to his mother, Irene Aviles, the district told her it could not do evaluations in Spanish.

Aviles was a single mother working at two different restaurants. She could not fight the district.

Over the next few years, her son struggled. He had to repeat eighth grade. But he was never evaluated for special education.

Last year, he dropped out of school.

Now, Hernández is about to turn 19. He is a friendly young man who loves to play the drums and wants to be a mechanic, but he is struggling to get a GED.

"I'm worried, and I feel guilty," Aviles said in Spanish. "I wish there was something more that I could have done."

**Staff photographer Marie D. De Jesús contributed reporting to this story.**

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Denied:

Unable to get special education in Texas, one family moved


Photos by Marie D. De Jesús (http://www.mariedejesus.com/)

Published Dec. 24, 2016
Jade Blouin’s parents moved to Pennsylvania to try to get specialized education services for her.

STATE COLLEGE, Pa. — In the summer before their daughter started fifth grade at a new school in a new state, Ed Fuller and his wife met with the special education team.

Fuller, an associate education professor at Penn State University, explained that Jade had struggled with reading since kindergarten. She had been diagnosed with Asperger syndrome and attention deficit hyperactivity disorder. She had started calling herself a "dummy" and begging to be home-schooled.

For years, Texas schools had refused to give her special education services, insisting she didn’t qualify.

Fed up, Fuller had taken the job at Penn State and moved his family halfway across the country.

At the meeting, he handed the teachers a 4-inch-thick stack of paperwork that included Jade’s psychological and neurological assessments and school records.

Give us a week to read all of that, the teachers said, and then we'll sit down and talk.

Fuller tried not to feel skeptical.

"I don't believe anybody anymore," he thought.
A lot of kindergartners can recognize simple words, like cat. Jade didn't know any, Fuller realized as she sat next to her at a low table in Marie LeMay's Austin apartment.

Jade's dad was out of the picture, and LeMay was raising Jade, who was in kindergarten, and her brother Jake, then 10.

Jade was petite for a 6-year-old and had a cascade of strawberry-blond hair and bright-green eyes. Fuller asked Jade to read some letters to him. She couldn't.

It was then, about a month after he met Jade's mom in 2005, that he first suspected something might be wrong with the child.

A year earlier, the Texas Education Agency had quietly and arbitrarily decided that no more than 8.5 percent of students in each school district should get special education services.
Neither Fuller nor LeMay — nor most anyone else in Texas, for that matter — knew anything about that policy decision, which would drive the state's special education enrollments to the lowest in America over the next decade.

At first, Fuller kept his concerns about Jade's reading to himself. He knew that children develop at different rates. Some kids don't start reading until a little bit later and then they catch up quickly, he thought.

LeMay, who holds a master's degree in occupational therapy, recognized that reading challenges hold potential for lifelong harm. Seventy-five percent of children with reading disabilities who are not identified before third grade continue to have trouble reading in ninth grade, according to a National Institutes of Health study.

She took Jade to a pediatric neurologist, who put her on ADHD medication and wrote out a note on a prescription pad:

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**A Chronicle Investigation**

In Texas, unelected state officials have devised a system that has kept thousands of disabled kids out of special education. Read other installments in the series here.

*About this series ([http://www.houstonchronicle.com/denied/about/](http://www.houstonchronicle.com/denied/about/))*

**Part 1:** How Texas keeps tens of thousands of children out of special education ([http://www.houstonchronicle.com/denied/1/](http://www.houstonchronicle.com/denied/1/))

**Part 2:** Schools push students out of special education to meet state limit ([http://www.houstonchronicle.com/denied/2](http://www.houstonchronicle.com/denied/2))

**Part 3:** Mentally ill lose out as special ed declines ([http://www.houstonchronicle.com/denied/3](http://www.houstonchronicle.com/denied/3))

**Part 4:** Facing pressure to cut special education, Texas schools shut out English Language Learners ([http://www.houstonchronicle.com/denied/4](http://www.houstonchronicle.com/denied/4))
"To school special ed dept., Jade has developmental problems including attention impulse control and language/speech fluency. She should be evaluated by school psychologist and speech therapist — including IQ and LD (learning disability)."

LeMay brought the note to the Austin Independent School District and pushed for a special ed evaluation.

Jade's teacher acknowledged that she had weaknesses in reading fluency and comprehension. The girl also struggled to follow instructions, sit still and stay quiet.

"Student continues to have difficulty in regular education classroom," the evaluation noted.

Still, a committee concluded Jade did not have any "educational need" for special education.

Austin ISD spokesman Jacob Barrett said the state's 8.5 percent benchmark has not affected district practices, saying special education determinations are "based on student need and state and federal regulations."

But 10 current and former employees have told the Houston Chronicle that the district took the benchmark seriously and kept disabled students out of special education because of it.
Before Jade entered first grade in 2006, LeMay bought a house in Round Rock, a suburb north of Austin. At her new school, Purple Sage Elementary, her teachers quickly realized Jade was struggling, particularly with reading, and decided to put her in Response to Intervention.

RTI, which is now in use in nearly every school in the country, is a set of instructional techniques designed to help struggling students in general education.
For Jade, being in RTI meant she received short-term, one-on-one reading instruction for 30 minutes daily, her school records show. Her mother remembers her being pulled out of class only for a reading group with other students.

It helped some but not much. Jade loved her first-grade teacher, and she knew what she was doing, but "she just didn't grasp the severity of Jade's disability," Fuller said.

Even with extra help, Jade still ended up at the bottom of her class in reading. She also couldn't grasp the concept of coins or time, her mother said.

The school recommended that Jade repeat first grade. LeMay and Fuller agonized over the recommendation, but, eventually, they agreed.

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During Jade's second year in first grade, LeMay felt a rising sense of panic. Jade still couldn't read fluently.

She brought Fuller to a meeting at the school to help her argue that Jade needed to be placed in special education. Jade was mixing up her letters, pulling out her eyebrows and calling herself a "dummy."

Fuller was then an adjunct professor at the University of Texas at Austin. He had spent years teaching high school geometry, and he spoke the jargon of education. He understood what the school wanted to do: keep Jade in RTI.

But instead of siding with LeMay, Fuller found himself nodding along with the school officials.

Afterward, LeMay seethed.

"Why didn't you back me up? I needed you!"

Fuller said he was operating on the most basic of assumptions, one ingrained in him from his years in the classroom. Educators always act in the best interest of their students, he believed back then.
In second grade in 2008, Jade started begging to be home-schooled.

LeMay and Fuller, who had just married, took her to a psychiatrist.

Jade's overall cognitive ability fell within the average range, records show, but the psychiatrist diagnosed anxiety, depression, ADHD and a learning disability in written expression.

She loved books, Fuller said, but it was painful to watch her read. She'd slog through a page in 10 minutes, and then not understand what she had read because she was focused on reading correctly. She'd get tired and give up.

"Ed, can you read me a story?" Jade used to ask.

He'd read her Junie B. Jones while she soaked in the tub.
At the end of second grade, Fuller said, he and LeMay learned the school had failed to provide Jade with RTI services as it had promised. He said he was told the person in charge of the program had left and "it fell through the cracks."

Fuller was livid. For him, it was a turning point.

"They just don't care about our kid," he remembers thinking.

They transferred Jade to Kathy Caraway Elementary, an affluent school 15 minutes from their home.

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At Caraway, Jade was put on a so-called Section 504 plan for reading fluency. These plans let students with disabilities receive accommodations, such as extra time on tests and assignments. They do not, however, involve individualized services or robust accountability and are not supposed to be used as substitutes for special education.

Jade also was placed in RTI again and met with mentors four times a week and attended a small group. She earned mostly B's her first semester but placed in the 45th percentile for reading and 21st percentile for writing on curriculum-based tests.

Several national education experts said Jade's experience highlights a serious problem with RTI: It can delay critical special education services.

Toward the end of Jade's third-grade year, LeMay and Fuller met with Caraway's special education team, shared information on her diagnoses and pushed for her to be moved into special education.

The school said no.

"Although the student has a documented disability condition, the student does not demonstrate a need for special education resulting from the disability, therefore, it is recommended that the student is not currently eligible for special education services," the school wrote.
Marie LeMay, right, takes a look at her daughter’s school work.

By Jade's fourth-grade year in 2010, Fuller, who was then working as a consultant for Round Rock ISD, had enough. He emailed the superintendent.

How could she be making so little progress with reading but still not qualify for special education, he asked.

The school responded by scheduling a new round of tests.

But by then, Fuller had applied at Penn State. His first question during his interview, he said, was, "How is the special education here?" A colleague who had two kids on the autism spectrum told him about a few schools in State College with excellent reputations. He accepted the job.
After they told the school Jade would be moving, officials finally approved her for special ed. By the time her education plan was implemented, however, the school year was almost over.

Like Austin ISD, Round Rock ISD declined to comment on Jade’s case. The district’s special education director, Mary Cardiff, said the TEA benchmark “in no way impacts how we do our business.” She attributed the 15 percent drop in the district's special education rate in large part to better early intervention.

For Fuller, the district’s stubborn refusal to put Jade in special education finally made sense after the Chronicle in September revealed the existence of the 8.5 percent benchmark, quoting dozens of educators who said that it had deprived thousands of disabled students of an appropriate special education.

He knew that in many ways, Jade was more likely than most to get special education: She attended wealthy, well-performing schools. She got good medical care, which led to early diagnoses. And her parents had money and time to fight for her, to say nothing of his own special knowledge about education. So he wondered how many other children have been robbed of their potential.

"The TEA folks should go to jail over this," he said."

Pennsylvania does not have a special education enrollment target — no state does, other than Texas — but it does fund special ed in an unusual way.

The state assumes that roughly 16 percent of students need special ed and funds all school districts at that rate, regardless of how many special ed kids they actually have.

The state's rationale for choosing that number was simple — it was the state average at the time, according to Casey Smith, an education department spokesman. But before implementing the system, officials also called in experts and hosted public forums across the state, Smith said.
That approach is far different than what took place in Texas, when a small group of officials set a benchmark well below the state average without consulting the public, the federal government or any researchers.

The Pennsylvania system is good because it does not incentivize either under-identification or over-identification, several experts said.

Pennsylvania law also is praised for requiring schools to respond to verbal requests from parents for special education evaluations, instead of only written requests.

As a result, about 17 percent of students receive special education, [tweet](https://twitter.com/intent/tweet?text=In%20Pennsylvania,%20about%2017%20percent%20of%20students%20receive%20special%20education%2C%20a%201.5%20percentage%20point%20increase%20from%202004%2C%20according%20to%20the%20latest%20federal%20data.)

Jade takes a walk through the woods near her parents home in Pennsylvania. ([source](http://www3.hdnux.com/photos/56/04/10/12075554/3/rawImage.jpg))
Fuller and LeMay returned to Ferguson Township Elementary School a week after they dropped off her paperwork in 2011 and met with a special education teacher and the principal.

We know what Jade's problem is, the teacher said. We've seen it before. We're confident we can address this.

Jade would be provided with direct reading intervention in the special education classroom. It was exactly what her parents had fought so hard for in Texas.

Charlotte Zmyslo, the principal at Ferguson Township, remembers trying to reassure Fuller and LeMay.

"We won't let her fall through the cracks," she told them.

Jade was placed in a reading program called Corrective Reading Decoding Strategies for the start of her fifth-grade year.

She received an hour of reading instruction a day. There were no more than two students in the instruction groups, which were taught by a teacher certified in elementary and special education, as well as reading instruction, or by a paraprofessional trained in the program. It included direct instruction in learning sounds, sound combinations, practice in reading fluency, spelling and comprehension skills. It used immediate correction techniques so that the students would practice correctly.

Zmyslo, who herself holds special education certifications, said the school selected the new, direct reading program because Jade's problem came in decoding words.

"Through that direct program, it helped her grow and to develop her vocabulary and work on skills of decoding words and putting words back together and develop meaning from what she was reading."

The elementary school now has a special education enrollment of about 10.7 percent, the same as the district's although well below the state average. Zmyslo credited the lower numbers to early intervention programs, such as RTI.

Principals, she said, have to create a culture that makes it clear helping struggling students is the priority, regardless of any kind of outside pressure.
"We're in education," she said. "It has to be about the kids. It's not about what I want. It's not about what the state wants. You give kids what they need. And you don't back off from that. This is the rest of their lives. You are laying this foundation for who they're going to be for the rest of their lives."

With the intensive focus on decoding words, Jade made a year's worth of growth in reading in her first semester, Fuller said. In the second semester, she progressed even more.

"All it took was for someone to give her the right kind of assistance," Fuller said.

In sixth grade, Jade attended a math class at Mount Nittany Middle School taught by both special education and general education teachers. It was taught at a slower pace and had supplemental work to help students boost their skills.

In seventh grade, Jade started out in a math class taught by a teacher certified in both special education and middle school math. Although this class used the general education curriculum, it was smaller than a traditional class and was taught at a slower pace, with reteaching as necessary.

Jade performed well from the start and didn't seem to need the materials taught at a slower pace, her teacher recalled, and she really wanted to go into the larger general education class. So, around the end of the first marking period, the team decided to move her into the other class and monitor how she was doing.

She was able to stay for the remainder of the year.

By eighth grade in 2014, she was reading above grade level and making all A's and B's.

In her freshman year of high school, she took an advanced English class and scored as advanced in algebra on standardized tests.

"That never would have happened in Texas," Fuller said.

Jade is now 16, and has some minor accommodations, including extra time on tests. She has made slow but steady progress dealing with her Asperger's, which is mild but sometimes makes it harder to fit in.
She still has an individualized education plan, a legally binding document that sets achievement goals and lays out a plan for services, supports and accommodations. The school is letting it follow her throughout high school, and her mother said she wouldn't let the school take her off it at this point. If anything does come up again, her mother said, she won't have to go through the whole entrance and evaluation process to get services.

She has not needed specialized reading or math instruction since middle school, but she does have a required study-skills class every day in which teachers assist her with organization and homework, and any social or emotional guidance she may need, her mother said.

This semester, her class is reading the book "Monster" by Walter Dean Myers. It's written like a screenplay, and her teacher wanted the students to read it aloud in class.

Her teacher offered extra credit to anyone willing to take the part of the main character. Jade's hand shot up into the air, and her teacher picked her.

Jade plays "Amazing Grace" in front of a collage with positive words at her home in State College.
She seems so much happier now, her mom said on a recent Saturday morning as Jade hiked through falling oak leaves and played with her pet bunny.

Afterward, Jade retreated into the warmth to paint with watercolors.

"Mom," she said suddenly. "I want to do ballet again. And piano."

"Will you practice and follow through with it?" her mom asked.

She nodded and jumped up and settled into the piano bench.

"I didn’t want to do it before because it felt like homework," she said.

Her mom had put little stickers on the keys to make it easier for her to remember them.

G was pink; D was green; A was yellow; and E was pink.

Jade played a few notes, hit a wrong key and stopped. And then she tilted her head slightly and started again, her fingers flowing slowly but smoothly.

G-C-E-C-E...

Amazing grace...

D-C-A-G

how sweet the sound...

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Email: [mailto:?body=For%20years,%20one%20family%20was%20repeatedly%20denied%20access%20to%20special%20](mailto:?body=For%20years,%20one%20family%20was%20repeatedly%20denied%20access%20to%20special%20)

Credits

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**MULTIMEDIA** Marie D. De Jesús

**INTERACTIVES** Rachael Gleason

**PRESENTATION** Jordan Rubio

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Denied:

Houston schools systematically block disabled kids from special ed

Story by Brian M. Rosenthal
(http://www.houstonchronicle.com/author/brian-rosenthal/) and St. John Barned-Smith
(http://www.houstonchronicle.com/author/st-john-barned-smith/)

Photos by Marie D. De Jesús
(http://www.mariedejesus.com/)

Published Dec. 27, 2016
Tra'Vris Williams, 14, of south Houston, has been diagnosed with bipolar disorder and had to repeat first grade and the sixth grade. But he has never been evaluated for special education.

At Poe Elementary School in west Houston, former social worker Marsha Baumann says she was told repeatedly that students could not be evaluated for special education.

At Garden Oaks Montessori School in north Houston, retired assistant principal Kathy Drago says she was informed that only two kids could be evaluated per month.

And at Attucks Middle School in south Houston, longtime language arts teacher Thomas Iocca says he was ordered to remove children from special education at random.

"It became a nightmare," Iocca said.

Houston schools provide special education services to a lower percentage of students than schools in virtually any other big city in America. Only Dallas serves fewer than Houston's 7.26 percent. The national average is 13 percent.

For months, as special education has come under increasing scrutiny in Texas, Houston Independent School District officials have described their percentage as a good thing, saying it is the product of robust early interventions that have helped students without labeling them.

But a Houston Chronicle investigation has found that HISD achieved its low special education rate by deliberately discouraging and delaying evaluations in pursuit of goals that have clearly denied critical services to thousands of children with disabilities.

Records show the largest school district in Texas enthusiastically embraced a controversial state policy that has driven special education enrollments to the lowest in the United States. In fact, after HISD officials reduced their enrollment rate from 10 percent to the Texas Education Agency's 8.5 percent target, they set an even more restrictive standard: (http://www.houstonchronicle.com/denied/documents/#improvement) 8 percent.

To accomplish the objective, HISD officials slashed hundreds of positions from the special education department, dissuaded evaluators from diagnosing disabilities until second grade and created a list of "exclusionary factors" that disqualify students from
getting services, among other tactics described in district documents, court records and dozens of interviews.

A Chronicle Investigation

In Texas, unelected state officials have devised a system that has kept thousands of disabled kids out of special education. Read other installments in the series here.

About this series (http://www.houstonchronicle.com/denied/about/)

Part 1: How Texas keeps tens of thousands of children out of special education (http://www.houstonchronicle.com/denied/1/)

Part 2: Schools push students out of special education to meet state limit (http://www.houstonchronicle.com/denied/2)

Part 3: Mentally ill lose out as special ed declines (http://www.houstonchronicle.com/denied/3)

Part 4: Facing pressure to cut special education, Texas schools shut out English Language Learners (http://www.houstonchronicle.com/denied/4)

Part 5: Unable to get special education in Texas, one family called it quits and moved to Pennsylvania (http://www.houstonchronicle.com/denied/5)

Part 6: Houston schools block disabled kids from special education (http://www.houstonchronicle.com/denied/6)

Part 7: Texas special ed cap drives families out of public schools (http://www.houstonchronicle.com/denied/7)

Explainer: How we know the reason for the drop in Texas special ed students (http://www.houstonchronicle.com/denied/beyond-the-data/)
HISD also pressured teachers to reduce "over-identification" of African-Americans in special education, despite research suggesting that black students may be more prone to disabilities. The district never made it a goal to fix the significant under-representation of Hispanics in special ed, records and interviews show.

In all, 41 current and former HISD employees told the Chronicle that the district has kept special education rates arbitrarily low. Almost all of them said they saw kids shut out of needed services.

The former superintendents who presided over the special education drop, Abelardo Saavedra and Terry Grier, denied trying to lower the numbers. Both deflected specific questions, saying they could not remember details.

Grier said he didn't even remember the massive special education budget cuts that he ordered in 2011.

At the time, he called the cuts "right-sizing" necessitated by years of drops in special education students. But a data analysis shows the cuts significantly increased the special ed student-to-teacher ratio — and hastened a further decline in students.

The year after the cuts, HISD officials evaluated almost 50 percent fewer students for special ed: evaluated 2,943 in the 2010-11 year. They tested just 1,572 in 2011-12.

Current district officials, including newly hired Superintendent Richard Carranza, declined to comment.

In September, before the Chronicle first reported that the state had quietly set the 8.5 percent benchmark in 2004, HISD special education director Sowmya Kumar
defended the target, saying in an interview that it helped indicate whether special ed was "an area that you need to do something about."

After a public outcry over the benchmark, district officials said they opposed it, (https://twitter.com/HoustonISD/status/798982458121322509) although they continued to defend their own practices.

Kumar, who was hired by Grier in 2010, has repeatedly said the district's special education reduction is part of a nationwide trend, a claim contradicted by federal data. (http://www.houstonchronicle.com/denied/beyond-the-data/)

She also said in September that special ed is actually harmful because teachers have lower expectations for kids with labels.

"If the disability label was going to produce better results for kids, then we should have all kids line up. Unfortunately, that's not the case," Kumar said, noting that special ed students score worse on standardized tests than kids without disabilities. "Special education does not deliver better outcomes for kids."

National education experts took exception to her statement about labeling and expressed concern over HISD's low special education enrollment.

"Wow," former Boston Public Schools Superintendent Carol Johnson said. "Seven percent is almost unfathomable."

Several Houston school board members said they were outraged by the Chronicle's findings. Anna Eastman, Michael Lunceford and Rhonda Skillern-Jones, as well as member-elect Anne Sung, all vowed to take action.

"We need to address this," Eastman said.

Former social worker Marsha Baumann talks about student being left out of special ed

Marsha Baumann speaks about special ed in HISD

by Hearst Newspapers
Rebecca Amstutz will never forget the first time she heard about the Texas Education Agency’s 8.5 percent special education enrollment benchmark.

It was 2006, and Amstutz was teaching math at Hogg Middle School in the Heights. She had a sixth-grader who seemed bright but was struggling in her class, making her suspect a disability might be holding the student back. She approached a colleague to ask about the special education referral process. She was stunned by the response.

"'Don't bother,'" she remembers being told. "'They won't even take the request. Remember the cap.'"

Federal law requires schools to evaluate all students suspected of having a disability. The law even requires districts to search out and screen potentially disabled children, including those in private school or not in school at all.

But Amstutz, who retired in 2013 after 27 years with HISD, said that in her final years in the district, her attempts to get students evaluated were routinely rejected because more than 8.5 percent of the school's students were already in special ed.

Her experience speaks to how seriously HISD takes the benchmark.

When the state set the target in 2004, about 21,000 of HISD's 210,000 students were in special education, statistics show. It took HISD just four years to move from that 10 percent rate to below 8.5 percent, a difference of more than 3,000 kids.
Then HISD officials set a new goal.

In 2010, Grier hired a Harvard University professor to audit HISD's special education department and then asked Kumar to write a strategic plan.

The audit noted HISD's small special ed rate, but then defended it — by citing the TEA benchmark. "(HISD's) percentage is also consistent with Texas Education Agency guidelines," the audit said.

Kumar's Comprehensive Program Improvement Plan, which she completed during the 2011-12 school year, included a goal similar to the TEA target but more restrictive.

"Maintain the percent of students with disabilities at 8% of the district's enrollment," the plan said, according to a copy obtained by the Chronicle.

The goal was disseminated throughout the district and articulated to a Special Education Community Advisory Committee, two members said.

"They always had that magic number that they wanted to keep in (special ed)," committee member Sari Obermeyer said.

Most rank-and-file HISD educators interviewed by the Chronicle said they were not told specifically about a target percentage. But more than a dozen said they were.

At Attucks Middle School, everybody knew about the "cap," said Iocca, the longtime language arts teacher. Teachers sarcastically referred to it as "TEA's attempt to legislate the disappearance of special ed students," he said.

"We had long, agonizing meetings where we tried to push as many special ed students as we could into general education just to meet TEA's mandate," said Iocca, who taught in HISD for 29 years before retiring. "You realize, this is not the best environment for these kids, but there's nothing you can do about it."
Teachers tried to fight back, but they soon realized that resistance would bring trouble, Iocca said.

"The principals and the other administrators had a pretty good idea of what was going on," he said. "If teachers referred too many kids, they'd say, 'Maybe it's a classroom-management issue.' ... Your efficiency as a teacher was questioned."

HISD principals also have been punished for special ed "over-identification," said Kristi Rangel, a former principal of Kashmere Gardens Elementary, a northeast Houston school where 99 percent of students are minorities.

Rangel recalled constant pressure to reduce special education rates. Once, when a fellow principal was fired, she was told by colleagues that it was because he refused to comply with the target.

"School districts have to do what the TEA tells them to do," said Rangel, who left in 2015 to join the Houston Health Department. "It's the reality."

Only 5.7 percent (http://www.houstonchronicle.com/denied/visualizations/#hisdschools) of Kashmere Gardens Elementary students now receive special education.

Listen: Houston ISD Special Education Director discusses the reduction of services

In September 2016, the Houston Chronicle requested an interview with the special education director of the Houston Independent School District, Sowmya Kumar, to discuss the large reduction in special education students in the district and the state. The audio is a portion of that interview, which Reporter Brian M. Rosenthal conducted with Kumar and HISD Communications Director Jason Spencer.
Houston ISD's effort to curtail special education began soon after the state set its 8.5 percent target. Within months, Saavedra and his special ed director, Carolyn Guess, increased the paperwork required to get students evaluated and created committees to vet evaluation requests and decide whether to approve them, among other moves.

"The process for getting an evaluation became very difficult and time-consuming," said Claudia Anderson, who worked in a variety of roles over a 34-year HISD career and retired in June. "It was all about delay, delay, delay."

Then, after enrollments started to fall, HISD rolled out a new evaluation request form. (http://www.houstonchronicle.com/denied/documents/#refer) The form, which is still in use, prohibits teachers from filing a request until they certify that a student's struggles in school could not possibly be explained by trauma, moving between different schools, "any variables related to the student's medical history," "any variables related to family history," "the student's cultural background" or other "exclusionary factors."

Special education evaluations are supposed to check for the presence of those issues. But several experts said HISD's form is so broad that it likely deters teachers from requesting evaluations. Some suggested it might be illegal.

"Such a criterion includes just about each and every student not only in HISD but in just about any school," said John Lloyd of the University of Virginia.

More recently, under Grier and Kumar, several diagnosticians said they were urged not to diagnose students with learning disabilities until second grade. (https://twitter.com/intent/tweet?text=Houston%20schools%20discourage%20employees%20from%20letting%20students%20problems%20before%20second%20grade%20were%20caused%20by%20a%20lot%20of%20things%2C%20the%20diagnosticians%20said%20they%20were%20told.)

Employees also have testified about that in court cases involving special ed denials. Evaluation specialist Katherine Bell said in a 2013 case that she was "not supposed to identify dyslexia" before second grade, records show (http://www.houstonchronicle.com/denied/documents/#testimony).

Federal law does not include any grade line and encourages schools to identify disabilities (http://idea.ed.gov/explore/view/p/,root,regs,300,B,300%252E111) as early as possible.
Experts, including professor Barbara Pazey of the University of Texas, quoted research saying dyslexia can be diagnosed prior to second grade.

But the most harmful delay tactic, according to employees, has been Response to Intervention, a new set of regular-education teaching techniques in use across the country that have been championed in Houston by Kumar.

Federal officials have approved RTI, with one caveat: Schools cannot require teachers to try RTI before requesting a kid be evaluated for special ed.

That is exactly what has happened in HISD, according to numerous current and former staffers.

"RTI was a huge roadblock," said Renee Tappe, who retired in 2015 after 35 years in special education at HISD. "Every now and again, it would help a kid a little bit, but when you look at the number of kids denied, it's not even close to being worth it."

When delay is no longer possible, several HISD staffers said they have been encouraged to suspend or expel students who act out instead of evaluating them for special ed. A 2015 TEA probe confirmed HISD has done that multiple times, including by charging kids with truancy, according to records obtained by the Chronicle.

The district also has started increasingly serving students with dyslexia in Section 504, a less robust and less accountable program than special ed.
Veteran employees also pointed to the budget cuts as a way that HISD has intentionally lowered special education rates. Officials have cut nearly 600 special ed positions over the past decade, a 40 percent drop that has been even sharper than the dip in students, statistics show.

Cuts in the number of diagnosticians have made it harder to get evaluations, while cuts in other areas have diminished the amount and qualify of services available to disabled students, the staffers said.

Today, HISD — the seventh-largest school district in the country — does not employ a single Board Certified Behavior Analyst, a specialist certified to provide the therapy that is seen as the best way to serve autistic students.

The district also has set an arbitrary threshold that forbids special education students from receiving the most intensive types of supports unless their IQ is below 60 in two different areas, records show.

"The teachers pretty much knew that (special ed students) wouldn't get any services. So they thought, 'Why would I go through all this to get the kid identified?' All the paperwork and the rigmarole," said diagnostician Mary Ann Ryerson, who retired in 2015.

Ryerson and others said they were particularly upset with the IQ threshold, in part because the commonly accepted national standard for when a student needs help is an IQ of 70. Setting the threshold at 60 was "shocking" and "illegal," Ryerson said.

Together, the moves have helped drop HISD’s special education population by about 5,000 students, even as the district’s total enrollment has grown.

Today, most major cities give special education services to students at a rate twice as high as in Houston.
If the district provided special ed at the same rate as the national average, more than 12,000 more Houston children would be getting services.

Nevertheless, HISD has continued to focus on an alleged problem of "over-identification."

Dozens of current and former employees said they were led to believe that the district was in trouble with the federal government for having too many special ed students.

"We were told that several times," said Simon Babin, a 40-year teacher who retired from Scarborough High in 2013.

The pressure made teachers feel like they would get in trouble for referring students to special ed — especially if the child was African-American, said teacher Ron Doak, who retired from Hartman Middle School in 2013.
Laterrica Williams, who is African-American, was among many parents who told the Chronicle that they felt their kids were kept out of special ed.

Her son, Tra'Vris, is a lanky 14-year-old who has been diagnosed with bipolar disorder and ADHD. He sings in his church chorus and dreams of a career in the military, but his disabilities hinder his ability to pay attention in class, which sometimes gets him in trouble, his mother said.

He had to repeat first grade and sixth grade, school records show.

His mother said she asked HISD three times in five years to evaluate him for special education. Each time, the district said no. (http://www.houstonchronicle.com/denied/documents/#williams)

Now, she's worried that if her son does not soon get the help he needs, he'll get frustrated and drop out.

"For them, they see he has a problem, but it's going ignored," said Williams, who works as a cashier and maid. "It's very aggravating as a parent who wants their child to progress. If they need help, help them. And this child clearly needs help."

The district only recently agreed to conduct an evaluation after Williams contacted a nonprofit disability-rights lawyer.

She hopes it's not too late.

Join the discussion
For months, as special education has come under increasing scrutiny in Texas, Houston Independent School District officials have described their percentage as a good thing, saying it is the product of robust early interventions that have helped students without labeling them.

But a Houston Chronicle investigation has found that HISD achieved its low special education rate by deliberately discouraging and delaying evaluations in pursuit of goals that have clearly denied critical services to thousands of children with disabilities.

Denied: Houston schools systematically block disabled kids from special e...

Houston schools provide special education services to a lower percentage of students than schools in virtually ...

HOUSTONCHRONICLE.COM

Ericka Mellon contributed to this story.

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My first year in the district, 1991-92, I had a student who didn't socialize with the other kids. He was really struggling with his grades as well. I was able to get him tested. He didn't qualify based on the criteria for academics. I just knew there was something different about this little boy. And his parents saw that too. The diagnostician wouldn't allow any kind of behavioral testing. A few years ago, I was getting ready for school and Channel 13 was on in the background. I heard them...

Play the numbers game and get that year-end bonus!

What a disgrace; really really shocking that so many young people would be shunted aside by these venal bureaucrats...Seems truly like the Soviet regime...the throw away society strikes again...

There's no excuse for Texas to lag behind every other state like this. Especially when the district artificially caps acceptance rates below the average rate of disabled children. There's also no reason to test children differently. The testing and criteria should be the same. As for where the funding should come from, there are undoubtedly other programs that could be cut or eliminated. Imagine how many children we could help if we weren't spending millions on stadiums for a handful of students...
I didn't see any suggestion as to where all the money needed is to come from. If we increase the property tax (which will trigger a grab by the state for the poorer schools) or we start charging out of country tuition (which isn't going to happen) some where the line must be set so someone is going to be left out!!!

10 months ago

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Texas is often such a disgrace. It is failing in several areas, including those with special ed needs, those without health care, maternal mortality, education, etc.

10 months ago (edited)

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The feds need to come in and clean house.

10 months ago

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Share

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Credits

STORY Brian M. Rosenthal and St. John Barned-Smith

MULTIMEDIA Marie D. De Jesús
A CHRONICLE INVESTIGATION

Denied:

Special ed cap drives families out of public schools

Story by Brian M. Rosenthal
(http://www.houstonchronicle.com/author/brian-rosenthal/)

Photos by Marie D. De Jesús (http://www.mariedejesus.com/)

Published Dec. 29, 2016
Jennie Grau didn't realize that it would be hard to find a private school. She didn't know that the nearest good one was an hour away. She certainly didn't know that it cost $50,000 per year, an expense that would turn her life upside down.

All she knew was that the public school system had failed her family.

For years, the Conroe Independent School District had refused to evaluate her identical twins for special education services, even after the otherwise bright boys tested in the second percentile in reading and began showing other clear signs of dyslexia.

So when a teacher told her on a cold December morning four years ago that she was not likely ever to get dyslexia services in Conroe ISD, Grau decided on the spot to pull her second-graders out of school.

She asked just one question before signing the paperwork:

"Can we stay until lunch so the boys can say goodbye to their friends?"

It's a scene that has played out across Texas, where a target limiting special education enrollments (http://www.houstonchronicle.com/denied/) to 8.5 percent has led many frustrated families to leave the public schools and turn to private schools or homeschooling, the Houston Chronicle has found.
A data analysis comparing 15 years of special education enrollments with parent withdrawal rates in all 1,200 Texas school districts as well as all other states that had available data shows that many more families are leaving Texas public schools and suggests that limitations on special ed are part of the reason.

**A Chronicle Investigation**

In Texas, unelected state officials have devised a system that has kept thousands of disabled kids out of special education. Read other installments in the series here.

*About this series ([http://www.houstonchronicle.com/denied/about/](http://www.houstonchronicle.com/denied/about/))*

**Part 1:** How Texas keeps tens of thousands of children out of special education ([http://www.houstonchronicle.com/denied/1/](http://www.houstonchronicle.com/denied/1/))

**Part 2:** Schools push students out of special education to meet state limit ([http://www.houstonchronicle.com/denied/2](http://www.houstonchronicle.com/denied/2))

**Part 3:** Mentally ill lose out as special ed declines ([http://www.houstonchronicle.com/denied/3](http://www.houstonchronicle.com/denied/3))

**Part 4:** Facing pressure to cut special education, Texas schools shut out English Language Learners ([http://www.houstonchronicle.com/denied/4](http://www.houstonchronicle.com/denied/4))

**Part 5:** Unable to get special education in Texas, one family called it quits and moved to Pennsylvania ([http://www.houstonchronicle.com/denied/5](http://www.houstonchronicle.com/denied/5))

**Part 6:** Houston schools block disabled kids from special education ([http://www.houstonchronicle.com/denied/6](http://www.houstonchronicle.com/denied/6))

**Part 7:** Special ed cap drives families out of public schools ([http://www.houstonchronicle.com/denied/7](http://www.houstonchronicle.com/denied/7))

**Explainer:** How we know the reason for the drop in Texas special ed students ([http://www.houstonchronicle.com/denied/beyond-the-data/](http://www.houstonchronicle.com/denied/beyond-the-data/))
Among the findings:

• It has become increasingly common for Texas parents to move their children from public school to private school or schooling at home. About 33,000 students are now pulled out annually, which is about 30 percent higher, relative to overall enrollment, than when the target took effect in 2004.

• The phenomenon has defied national trends. Nationwide, the number of children educated outside public schools is dropping, and no other state that tracks withdrawals has experienced a significant increase.

• The Texas surge in parent withdrawals has occurred primarily in school districts that have drastically cut their special education rates since 2004. In the 20 major districts with the biggest special ed declines, withdrawals have soared by 44 percent. In the 20 major districts where special ed rates haven't changed much, withdrawals have actually dropped by 18 percent.

To be sure, many factors affect rates of withdrawals from public schools, including white flight, overcrowding, religious beliefs and school performance. Still, four independent educational statisticians said the Texas data suggested that the cutting of special education was most likely a factor in the withdrawal increase.

"There is something there," said Gibbs Kanyongo, an associate professor of educational statistics at Duquesne University in Pennsylvania.

School employees and advocates said they were not surprised by the data.

Dozens said they had seen an increase in parents leaving public schools after being denied special ed.

For many, the trend was evidence that the Texas Education Agency policy had led the state to abandon some of its most vulnerable children.
"You look at these kids and they clearly need services, but you can't give it to them because you're already at 8.5, and you know that some of (those families) are going to give up. ... They're going to leave the system," said Desha Mills, who has taught in San Antonio ISD for 16 years. "We're abandoning them."

Rudy Crew, a former Oregon state education director and superintendent of the public school systems in New York City; Miami; and Sacramento, Calif., called the TEA policy an example of officials "turning a blind eye to children with disabilities" and said the withdrawal numbers were among the clearest evidence of its failure.

"All that this has done is exacerbate gaps in our society," Crew said. "It's leaving parents to shoulder the burden on their own, which means some are going to be able to do it, and some are not."

The TEA, which has denied that any child has been deprived of special ed, declined to answer questions about the data.

In a statement, Conroe ISD said it "works with all families to provide the best learning experiences for each student in the least restrictive environment."

The district's special ed rate has dropped from 10.6 percent in 2004 to 8.2 percent. In that time, an average of 513 kids have been pulled out in favor of private school or homeschooling each year — twice the average in the years before 2004. In all, more than 5,000 students have left.
Jennie Grau called her husband from the car, her voice bouncing between anger, excitement and fear.

"We put our trust in this school," she vented as she raced away from Buckalew Elementary with the twins that December day. 🚗 (https://twitter.com/intent/tweet?text=Unable%20to%20get%20special%20ed,%20the%20Graus%20pulled%20out%20of%20school)

In many ways, the one-story brick building had shaped the previous decade of all of their lives. Jennie and her husband, David, had moved from The Heights to The Woodlands in search of a quality school for Benner and Hayden. They chose Buckalew because it had a great reputation and seemed like a good fit.

At first, it was. The Graus found a house a mile away from the school and close to David's family. The boys, who were both outgoing, easily made friends. Benner joined the school lacrosse team, and Hayden took up soccer.

David worked 10 miles down the road from the school, allowing him to serve as an assistant coach for both of his sons' teams.
The family adopted two "morkies" — Yorkshire terrier / Maltese mixes — and settled into a comfortable suburban life.

Benner and Hayden initially got good grades, records show, but they performed better on assignments that did not involve reading. On one report card, for example, Benner got 90s in math and science but a 70 in language arts, barely enough to pass.

On the recommendation of a private therapist, who noticed that the boys were ambidextrous, which is a risk factor for dyslexia, Jennie and David requested special education evaluations in 2011, when the boys were in first grade.

But Buckalew Elementary, which at the time gave special ed to just 6.3 percent of its students, said no, arguing the boys did not need help because they were passing.

The Graus asked again throughout 2011 and 2012, they said, but the answer was always the same.

Then, in September 2012, the boys tested in the second percentile in reading (http://www.houstonchronicle.com/denied/documents/#graus), records show. And at about the same time, a teacher did a "Dyslexia Checklist" that found Benner was showing 20 of the 28 warning signs of the disability.

Benner also was showing signs of anxiety and depression, records show, a likely result of frustration and failure.

Both boys were falling further behind in school, and their parents worried their problems could spiral into irreparable damage.

The parents felt sure their sons would soon receive services. But in November 2012, they got a stunning letter (http://www.houstonchronicle.com/denied/documents/#notice): The school still would not even evaluate Benner or Hayden, administrators said, because they were "making academic progress."

The Graus were incensed. They thought about hiring a lawyer, but they could not afford one.

Jennie found the principal to demand answers, but that conversation ended with yet another shock.
"We're not really sure if dyslexia is real," Jennie says she was told.

In the days after leaving Buckalew, the Graus toured several schools and visited the Neuhaus Education Center, which specializes in helping children with reading disabilities.

The search was disheartening. Few places had openings, and even fewer offered dyslexia services. The ones that did were private schools that were astronomically expensive.
"We were terrified. Absolutely terrified," Jennie said. "We knew we were running out of options." They had already ruled out homeschooling, reasoning that if professionals could not help their sons in public school, they could not do it on their own.

Eventually, Jennie and David decided it would be best to enroll the boys in a well-respected campus almost an hour away, and supplement the in-school supports with services at Neuhaus and the Texas Reading Institute.

The family couldn't afford it, though. Together, the tuition and extra supports for both came to more than $50,000 annually, not including additional recommended vision therapy.

Insurance would not cover any of the costs.

The Graus scraped together as much as they could. David borrowed money from his family. Jennie took a part-time job as a substitute teacher. Benner and Hayden sold belongings on eBay.

Still, it wasn't enough.

Finally, just as things looked dire, an opportunity came. A health care technology company offered David a job that would pay enough to cover everything the boys needed.

The catch: The job was based in Dallas. David would have to work there five days every week. He would see his wife and kids only two days a week.

The Graus are not the only ones to have faced such a decision.

Of the more than 700 Texas families that have shared stories with the Chronicle about being denied special education, nearly 100 have said they ended up leaving public schools or leaving the state altogether. Many said the moves forced them to take new jobs or to leave jobs, to move or to put off graduate school. They did it anyway.

David took the job.
Hayden Grau, 11, wrestles with his father, David Grau, on the family trampoline. David spends five days a week working in Dallas so he can make enough to afford the education that his sons need.

Four years later, Benner and Hayden are doing much better.

Within two years of entering private school, both were reading at grade level. Today, thanks to the one-on-one help and other services they should have received in public school, they are performing above grade level — in all subjects.

Benner is planning to become a lacrosse-equipment designer. Hayden wants to be a geologist.

Both boys love the outdoors, and they happily spend much of their time playing sports or camping with the Boy Scouts.

They frequently miss their dad, though. They wish he could coach their sports teams again. They still cry when he leaves long before the sun comes up on Monday mornings.
On the Sunday after Thanksgiving, the Graus picked up a Christmas tree, but by the time they got home, it was too late to decorate it. The boys begged their father to stay another day. But he couldn't, so the tree remained undecorated until David got back. For that whole week, the boys cried nearly every time they saw it.

The parents sometimes think about going back to their old lives.

Both are products of public schools and strongly support public education. Jennie's grandparents both spent their careers as teachers in Arkansas. Her mother taught English in Alabama. Her sister taught elementary teacher in Missouri. And her cousin teaches special education in Pearland.

But the Graus will never go back.

"We would never really consider it," Jennie said on a recent afternoon. "Our children were treated as second-class citizens, and so were we."

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2 Comments

Sunflower

Republicans should be ashamed of their actions. To leave children without acceptable education because they don't want to fund it is horrible.

10 months ago
Texas...so pro-life until children are born. This goes beyond pitting poor vs rich.
Explainer:

How we know the reason for the drop in Texas special education students

Before determining that a Texas Education monitoring system led to a 30 percent drop in the percentage of students in the state receiving special education services, the Houston Chronicle interviewed more than 50 education experts and evaluated many other potential explanations for the decline.

Here are 10 alternate theories, and why they're wrong:

By Brian M. Rosenthal | Houston Chronicle

Are special education enrollments declining across the country?

No. While there has been a small decline in the U.S. special ed rate over the past decade, it has been driven mostly by the large drop in Texas. The rate elsewhere has decreased just 3 percent. No other state has had a dip anywhere close to as big as the one in Texas.

Are fewer Texas babies being born with disabilities?

There's no evidence showing this. In fact, available metrics suggest the opposite. The rate of babies being born at low weight has increased over the past decade, as has the rate of maternal deaths. Premature births are down, but not more so than in the rest of U.S.

Has Texas changed its criteria for which disabilities are covered by special ed?

No.
Has Texas changed its assessment for determining whether a child has a disability?

No. While some schools have started using the "Cross-Battery Assessment," it is being used only in some districts and only to test for learning disabilities, such as dyslexia. It also was not introduced until after the drop in special ed students had already taken place.

Has Texas changed its formula for funding special ed?

No. The formula has not changed since 1984, long before the drop.

Has Texas changed its rules for exempting special ed students from state tests?

No. The rules have not changed since 1998, long before the drop.

Have preschools or Early Childhood Intervention programs changed?

No. Preschools and the state's Early Childhood Intervention programs were cut in 2011, but that was after the drop in special ed students had already taken place.

Have schools stopped putting too many African Americans in special ed?

No. The over-representation of African Americans in special ed, which has been an issue for years, has gotten worse – not better – over the past decade.

Is the Texas Dyslexia Law to blame?

No. While some believe the Texas Dyslexia Law lets schools serve dyslexic kids in regular classes (instead of special ed), the law has existed for decades, so it can’t explain the drop. Plus, 28 states have similar laws, and their special ed rates haven't fallen.

Have innovative new teaching techniques reduced the need for special education?
This is the Texas Education Agency’s explanation, and so to evaluate it thoroughly, the Chronicle brought it to Douglas Fuchs, a Vanderbilt University professor who played a leading role in developing the techniques at issue (http://peabody.vanderbilt.edu/bio/douglas-fuchs), known as "Response to Intervention." Fuchs said the techniques are being used nationwide and haven’t lowered special ed rates anywhere else. "RTI has not reduced the number of kids requiring special ed," he said. (The numbers bear that out: The states that have passed laws implementing RTI actually serve a higher percentage of kids in special ed than states that have not passed such laws, according to a Chronicle data analysis).

Fuchs also said he doubted the state’s explanation because, he said, if the techniques had reduced the need for special ed, they also would’ve improved test scores. The scores of Texas students on the National Assessment of Educational Progress have slumped over the past decade.

Finally, Fuchs and others said that even phenomenally successful use of the techniques could only explain a decline in learning disabilities, which is only one part of the drop in Texas children getting special ed services. The portion of the special ed population that is receiving services for learning disabilities is actually higher than the national average, suggesting that the problem actually lies elsewhere.