

<b>DATE:</b>	<b>September 30, 2021</b>
<b>SUBJECT:</b>	<b>Recent USED OSEP Requirements</b>
<b>CATEGORY:</b>	<b>Special Populations</b>
<b>NEXT STEPS:</b>	<b>Share with appropriate staff, post required documents to the LEA website, and provide appropriate assurances</b>

The purpose of this correspondence is to inform Local Education Agencies (LEAs) of actions required of them by the United States Department of Education (USED) Office of Special Education Programs (OSEP).

On August 27, 2021, the Texas Education Agency (TEA) received a response from OSEP regarding the documents TEA submitted to OSEP nine months previously in November of 2020 related to Texas’ corrective action response. In the August 27<sup>th</sup> letter and subsequent communications, OSEP outlined the four new requirements of Texas LEAs described below. The new requirements from OSEP must be completed by all Texas LEAs, and all appropriate assurances must be provided through the [Legal Framework](#) by **October 22, 2021**. This allows TEA to verify a representative sample of LEAs, as required by OSEP, by October 27<sup>th</sup>, 2021.

**OSEP Requirement 1**

As a requirement of their 2021 –2022 IDEA-B Formula grant, every Texas LEA must review the errata related to the 2021 –2022 IDEA-B Formula grant assurance of compliance, posted to the [TEA Grants Opportunities page](#) and [linked here](#), and provide assurance through the [Legal Framework](#) confirming that it has in place local policies, procedures, and programs that are consistent with IDEA’s child find requirements in Title 34 of the Code of Federal Regulations (C.F.R.), §300.111, evaluation requirements in 34 C.F.R. §300.122, and FAPE requirements in 34 C.F.R. §300.101.

**OSEP Requirement 2**

All Texas LEAs, who have not already done so, are required to post the information required by [Senate Bill 139 of the 86<sup>th</sup> Texas Legislature](#) to their local website.

**OSEP Requirement 3**

All Texas LEAs are required to post a direct link to the specific [TEA webpage, linked here](#), on their local website. The link contains the information in the document related to SB 139 mentioned in OSEP Requirement 2. This is intended to provide Texas families with information regarding the Individuals with Disabilities Education Act (IDEA), Dyslexia, Multi-Tiered Systems of Support, and Section 504 of the Rehabilitation Act of 1973.

**OSEP Requirement 4**

All Texas LEAs are required to post on their websites a TEA-developed document intended to assist parents whose children may have been previously delayed or denied an evaluation under the IDEA in requesting compensatory services for their child. The document is linked here and must be posted in

[English](#) and [Spanish](#). Additionally, LEAs must be sure to provide this information to families of students with disabilities without internet access in the most appropriate manner for their local communities.

Questions regarding the above requirements should be directed to [sped@tea.texas.gov](mailto:sped@tea.texas.gov).

Questions regarding how to complete the appropriate assurances in the [Legal Framework](#) associated with the requirements above should be directed to [frameworkhelp@esc18.net](mailto:frameworkhelp@esc18.net).