



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

**May 2, 2023**

Honorable Cecile Young  
Executive Commissioner  
Texas Health and Human Services Commission  
4601 W. Guadalupe St.  
Austin, Texas 78751  
cecile.young@hhsc.state.tx.us

Dear Executive Commissioner Young:

I write to you as follow up to the U.S. Department of Education's Office of Special Education Program's (OSEP's) Differentiated Monitoring and Supports (DMS) report dated October 5, 2020, which identified findings under Part C of the Individuals with Disabilities Education Act (IDEA). This letter summarizes OSEP's review of the corrective actions taken by the State lead agency, the Texas Health and Human Services Commission (HHSC), Early Childhood Intervention (ECI) program and closes out the findings of noncompliance identified in OSEP's DMS report.

Specifically, OSEP's DMS report found that HHSC failed to:

1. Provide appropriate Early Intervention (EI) services to all infants and toddlers with disabilities and their families that are eligible for those services consistent with IDEA Section 635(a)(2) and 34 C.F.R. § 303.112, including, failing to:
  - a. Ensure its local ECI programs are appropriately maintaining records as required by IDEA Section 637(b)(4), as well as 34 C.F.R. § 303.224(b), 2 C.F.R. § 200.333, and 2 C.F.R. § 200.303, in order to provide EI services to infants and toddlers with disabilities in a timely manner;
  - b. Ensure that it has a comprehensive child find system in place that is able to appropriately identify infants and toddlers with disabilities for IDEA Part C services under IDEA Section 635(a)(5) and 34 C.F.R. § 303.302(b)(1); and
  - c. Ensure that IDEA Part C resources are available for all geographic areas in the State, consistent with IDEA Section 637(a)(7) and 34 C.F.R. § 303.207.
2. Implement its single line of responsibility authority including general supervision and coordination of all available resources for its ECI program, consistent with IDEA Section 635(a)(10) and 34 C.F.R. § 303.120.

In a letter dated February 3, 2021, HHSC responded to the findings of noncompliance identified by OSEP, explained steps the State had already taken to address noncompliance, and included a proposed corrective action plan (CAP) as required in the monitoring report.<sup>1</sup> OSEP approved the CAP on September 20, 2021, and identified additional documentation that would be required to close the outstanding findings of noncompliance. In its 2021 response, OSEP requested additional documentation related to sections 1.c.1 and 1.d.2 of the CAP. Specifically, under 1.c.1, OSEP requested HHSC to identify the specific steps or the plan developed based upon the

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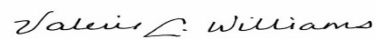
<sup>1</sup> OSEP's October 5, 2020 letter is available at <https://www2.ed.gov/fund/data/report/idea/dmsrpts/index.html>

data collected from the self-assessment tool distributed as part of the CAP. Under 1.d.2, OSEP requested documentation demonstrating that training identified under the CAP was completed. In a letter dated, December 20, 2022, the State provided the additional documentation and requested that OSEP close out the findings of noncompliance.

Based upon analysis of evidence submitted by HHSC, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in the OSEP's 2020 monitoring report.

We appreciate your efforts to improve results for infants and toddler with disabilities and their families. If you have any questions, please contact Travis Bryant, your OSEP State Lead, at 202-245-7442 or [travis.bryant@ed.gov](mailto:travis.bryant@ed.gov).

Sincerely,



Valerie C. Williams

Director

Office of Special Education Programs

cc: Texas Part C Coordinator