Texas HB2 Article 4: Special Education (Sections 4.01-4.15) - Incentives and Likely Results

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Table of contents

Opinionated Executive Summary: Good Intentions, Unintended Results

The special education policies in HB2 Article 4 may seem like good ideas until you think about them. However, they could actually harm students with disabilities. These policies are labeled as "comprehensive" and "supportive," but they will likely cause more problems than they solve.

These sections are object lessons in wasting our most precious resource - time.

More Rules, Less Flexibility for Schools

The expansion of services for visual and hearing impairments promises to help students. But these changes require more state funding and more rules (Code C in 100% of cases). They also take away local control (Code F in 100% of cases). Schools that understand their students best will now have to follow state rules, which may not work for each child.

Federal Rules Create Extra Work

The updates to IEP committees and eligibility rules are meant to help schools follow federal laws. But these changes add more paperwork (Code E in 100% of cases), making it harder for teachers to

focus on teaching. Schools that have built trust with families will be forced to change everything just to meet new rules, instead of focusing on helping children.

A Bigger System Means More Problems

The plan to restructure the special education system aims to improve services statewide. But this creates more dependence on state funding (Code C) and adds tons of paperwork (Code E). These new requirements waste resources and delay help for students who need it now. Instead of better services, this new system costs more but offers less support.

Monitoring Wastes Resources

The new monitoring systems and penalties are meant to ensure accountability. However, they focus on "accountability theater" rather than making real improvements (Code D in 45% of cases). Schools will spend millions just to prove they are following the rules. The people evaluating them may have little or no experience working with students with disabilities, which leads to more paperwork without actually improving teaching.

Language Barriers Lead to More Paperwork

The new rules for translating documents are supposed to help non-English speaking families. What they do is add more paperwork (Code E). This slows down communication instead of improving it. Instead of having real conversations with families, schools will focus on translating forms and following procedures.

Training Rules Make Teacher Shortages Worse

New rules for regional service centers are meant to solve the teacher shortage in special education. But these rules make schools even more dependent on state bureaucracy (Code C in 100% of cases). This drives experienced teachers away from the field. Instead of supporting teachers who work with students, these policies create jobs that focus on compliance rather than teaching, which worsens the teacher shortage.

Focus on Compliance, Not Individual Needs

The new diploma requirements for special education are supposed to ensure individualized teaching. But these policies treat teachers and families as the problem (Code G in 22.5% of cases) without fixing the system that they work in. Policies that claim to individualize education end up taking away the flexibility needed for truly personalized teaching.

More Bureaucracy Slows Services

The new requirements for memorandums of understanding between education and human services agencies promise better coordination. But they only add more layers of bureaucracy, creating more paperwork (Code E). This slows down services for families who are already struggling to navigate multiple systems.

Conclusion

These policies hurt students with disabilities. Instead of focusing on professional judgment, they replace it with compliance checks. They replace strong family relationships with endless paperwork. They replace individualized programs with more government control.

These policies assume that students will be better served by state rules rather than by teachers who know them well and work closely with their families. They take away local decision-making and harm the stable relationships that are key to good special education services.

As expected, these policies create an expensive bloated system that wastes tens of millions of dollars in state funding. It trains administrators and consultants to deal with bureaucracy, but not to build meaningful relationships with students, families, and communities.

In the end, these policies hurt the very students they are supposed to help, while enriching the compliance consultants and government workers who unwittingly will benefit from the system. Most will have good intentions.

Detailed Analysis

Main Table

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Intended_Consequence column length: 40
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Likely_Result column length: 40
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All columns same length: TRUE
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Category	Incentive Created	Intended Result	Codes for Destructive Results We Will Actually Get
All	All	All	All
Visual Impairment Agency Duties Expansion	Agency must carry out duties for children with visual impairments, who are deaf or hard of hearing, or who are deaf-blind	Expand state support to include broader population of students with hearing impairments in addition to visual impairments	C, E, F
Visual Impairment Agency Duties Expansion	Commissioner must develop system to distribute special supplemental allowances for students with visual impairments	Ensure adequate financial support reaches districts serving students with various sensory impairments through systematic distribution	C, E, F
Special Supplemental Allowance Distribution System	Regional education service centers must distribute special supplemental allowances as required under revised section reference	Maintain consistent funding distribution while updating administrative references to reflect current legal framework	C, E, F
Regional Service Center Core Services Mandates	Regional service centers must maintain core services including assistance for districts out of special education compliance	Provide targeted technical assistance to districts struggling with special education compliance requirements	C, D, E, F
Regional Service Center Core Services Mandates	Core services must include training for programs qualifying for funding allotments under specified sections	Guarantee districts receive appropriate support for implementing special education programs that qualify for state funding	C, E, F
Regional Service Center Core Services Mandates	Assistance must be specifically designed for districts assigned unacceptable performance ratings or compliance failures	Focus intensive assistance on districts with documented performance problems or compliance failures	C, D, E, F, G
Special Education Diploma Achievement Requirements	Special education students may earn distinguished achievement or endorsements by completing curriculum with or without modifications	Enable special education students to achieve high academic recognition while accommodating individual learning needs	C, E, F, G
Special Education Diploma Achievement Requirements	ARD committee must determine whether student must achieve satisfactory performance on end-of-course assessments	Ensure individualized decision-making about assessment requirements based on each student's capabilities and needs	C, E, F, G
Special Education Implementation Law Restructure	Agency must develop comprehensive system to ensure statewide and local compliance with federal and state special education law	Create systematic statewide approach to ensure consistent special education compliance across all districts	C, D, E, F
Special Education Implementation Law Restructure	Comprehensive system must include provision of services primarily through school districts and shared services arrangements	Establish clear service delivery framework using existing district structures supplemented by regional support	C, E, F

Showing 1 to 10 of 40 entries

Supplemental Tables

Supplemental table consistency check:

Category analysis rows: 17

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Key findings rows: 8
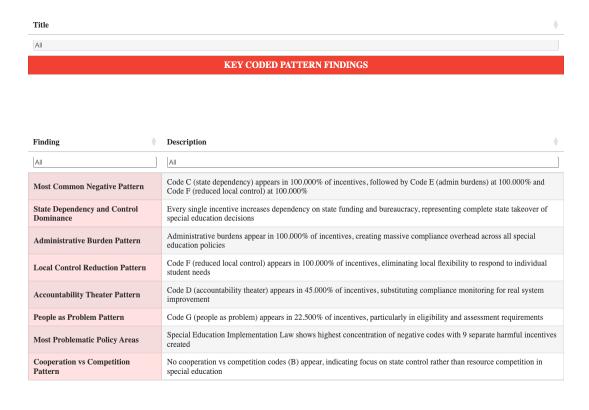
Title

All

INCENTIVE CATEGORY ANALYSIS

Incentive Category	Number of Incentives
All	All
Special Education Implementation Law Restructure	9
Regional Service Center Core Services Mandates	3
Special Education Eligibility Criteria Updates	3
State Living Center Information Materials System	3
Annual Special Education Board Meeting Requirements	2
IEP Committee Composition Federal Alignment	2
Parent Language Translation Requirements	2
Special Education Advisory Committee Restructure	2
Special Education Contract Approval System	2
Special Education Diploma Achievement Requirements	2
Special Education Monitoring System Overhaul	2
Special Education Progressive Sanctions System	2
Visual Impairment Agency Duties Expansion	2
Commissioner Autism Information Authority	1
Interagency Coordination Memorandum Requirements	1

Title

All

NEGATIVE RESULT CODE FREQUENCY

Negative Result Code	Frequency	Percentage
All	All	All
C	40	100
E	40	100
F	40	100
D	14	35
G	8	20

5

KEY CODED PATTERN FINDINGS

Finding	Description
Most Common Negative Pattern	Code C (state dependency) appears in 100.000% of incentives, followed by Code E (admin burdens) at 100.000% and Code F (reduced local control) at 100.000%
State Dependency and Control Dominance	Every single incentive increases dependency on state funding and bureaucracy, representing complete state takeover of special education decisions
Administrative Burden Pattern	Administrative burdens appear in 100.000% of incentives, creating massive compliance overhead across all special education policies
Local Control Reduction Pattern	Code F (reduced local control) appears in 100.000% of incentives, eliminating local flexibility to respond to individual student needs
Accountability Theater Pattern	Code D (accountability theater) appears in 45.000% of incentives, substituting compliance monitoring for real system improvement
People as Problem Pattern	Code G (people as problem) appears in 22.500% of incentives, particularly in eligibility and assessment requirements
Most Problematic Policy Areas	Special Education Implementation Law shows highest concentration of negative codes with 9 separate harmful incentives created
Cooperation vs Competition Pattern	No cooperation vs competition codes (B) appear, indicating focus on state control rather than resource competition in special education

Title ◆

CODED ANALYSIS SUMMARY STATISTICS

Metric	Value
Total Incentives Analyzed	40
Most Problematic Code	Code C, E, and F (all appear 40 times each)
Most Frequent Code Combination	C, E, F (state dependency + admin burden + reduced local control)
Policy Categories with Code C	40
Policy Categories with Code F	40
Average Codes per Incentive	3.55

Key List of Likely Negative Results

The evaluation codes are based on these axioms:

- Central planning (one size fits all) degrades everyone's performance
  - ‣ Makes nearly every district action a legal matter
  - ‣ Robs people of pride in their work

- Efforts at 'accountability' will not improve performance of anyone

- Cooperation within an organization is far more effective than competition

- All incentives work; some promote and some pervert the ***intention*** of the incentive

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Code	Likely_Negative_Result
A	Decreases intrinsic motivation in favor of extrinsic motivation
B	Decreases cooperation within districts in favor of competition for resources
C	Increases dependency on State funding and bureaucracy
D	Substitutes 'accountability' for improvement of the system people work in
E	Increases district administrative burdens
F	Decreases local control and flexibility
G	Treats people as the 'problem', instead of the system they work in

Showing 1 to 7 of 7 entries   Previous | 1 | Next