Texas HB2 Article 4: Special Education (Sections 4.27-4.40) - Incentives and Likely Results

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1 Opinionated Executive Summary: Good Intentions, Unintended Results

The policies in Article 4, which focus on parent-directed services and dyslexia training, seem helpful but actually give more power to the state. These policies are labeled as "parental choice" and "specialized support," but they end up increasing state control while taking away local decision-making. All the policies are analyzed using a framework to detect likely consequences not intended by the legislature, showing how they will cause harm.

Not surprisingly, all the policies in these sections increase state dependency (Code C) and reduce local control (Code F). This means that every policy takes power away from local districts and puts it into the hands of state bureaucrats.

1.1 The Parent Choice Switcher-Roo

Parent-Directed Services Programs promise to give parents more control with state-funded accounts for services, flexible provider choices, and protections for religious freedom. However, these programs make parents more dependent on the state (Code C in 100% of cases) and reduce their independence.

It's like saying, "You can pick any car you want, but only if you get permission from us first and choose from our approved list." Parents end up with less choice because they have to follow state rules to get the money that should be theirs.

1.2 Provider Freedom Means Getting To Chose, but the State Controls the Options

The Provider and Vendor Criteria claim to protect religious freedom and independence by allowing parents to choose their own providers. But these policies actually decrease local control (Code F in 100% of cases) by forcing family-provider relationships into state-approved networks.

Parents who have spent years building trust with their therapists or tutors will lose those relationships when providers can't or won't meet state requirements. It's like needing a government license for babysitters — it harms the natural relationships that actually work.

1.3 The Dyslexia Training Trap

The Dyslexia Teacher Training Grant Program promises \$350 million for better teacher training. But this program has the worst issues, including reduced motivation (Code A), more competition (Code B), and massive paperwork (Code E in 100% of cases).

Instead of improving reading instruction, this creates yet another training industry that makes money off teacher certification requirements, but the money never reaches classrooms. Teachers end up competing for grants instead of working together to help kids learn to read.

1.4 The Central Planning Approach to Support

The Grant Program Implementation aims to help districts that don't have enough dyslexia resources by providing panels and evidence-based design. But these policies force students into one-size-fits-all programs instead of offering personalized approaches (Code G and Code C).

Ironically, the policies that claim to build local resources actually remove the local flexibility needed for timely interventions that match each child's unique needs.

1.5 The Religious Liberty Lawyers Relief Act

The Participant Autonomy Protections promise to protect religious freedom with non-interference language and burden-of-proof rules. But these protections come with huge administrative burdens (Code E in 100% of cases), which hurt families more than help them.

Instead of protecting religious freedom, these policies create a system where families need lawyers to exercise their rights. It's like needing a law degree just to go to church.

1.6 The Loss of Parental Control

The Final Determination Authority promises to make program decisions faster by giving the state commissioner the final say, eliminating the appeals process. But this means parents lose their ability to disagree with state decisions (Code F in 100% of cases). This is a terrible thing.

Parents who have worked with schools to support their children's needs will now have to follow state-run systems with no way to appeal poor decisions. It's like needing federal approval for every family choice with no chance to say no.

1.7 Information Overload

The IEP Committee Information Requirements promise to give parents full details about services and accounts. But these requirements just create more paperwork (Code E in 100% of cases), making the process about forms instead of relationships.

It's like requiring parents to read a manual before they can talk to teachers. These policies assume that families need more rules instead of building relationships with knowledgeable professionals.

1.8 Conclusion

These policies show a shift from family independence to centralized state control. They take away the flexibility, strong relationships, and individualized programs that are key to effective special education.

It's like trying to improve family meals by requiring the state to approve every recipe. These policies assume that students with disabilities are better served by state regulations than by knowledgeable families working with trusted providers.

In the end, these policies undermine local decision-making and create a costly system that benefits consultants and administrators, not students. They cost millions in state funding while helping few students. The real winners are the state bureaucrats who profit from the system, not the families or children who need real support.

2 Detailed Analysis

2.1 Main Table

```
# Create analysis with new 7-code framework for Article 4 Sections 4.27-4.40
article4_likely_results_revised <- data.frame(
    Category = c(
        "Parent-Directed Services Program Implementation",
        "Parent-Directed Services Program Implementation",
        "Parent-Directed Services Program Implementation",
        "Parent-Directed Services Application System",
        "Parent-Directed Services Provider Criteria",</pre>
```

```
"Parent-Directed Services Provider Criteria",
 "Parent-Directed Services Vendor Criteria",
 "Parent-Directed Services Vendor Criteria",
 "Parent-Directed Services Program Participant Autonomy",
 "IEP Committee Information Requirements",
 "IEP Committee Information Requirements",
 "Parent-Directed Services Final Determination Authority",
 "Parent-Directed Services Rule Authority",
 "Dyslexia Teacher Training Grant Program",
 "Dyslexia Teacher Training Grant Program"
),
```

Incentive_Created = c(

"Agency must approve each student meeting eligibility requirements and assign account for "If applications exceed available funding, agency must award grants in order received and "Agency must maintain online user-friendly application system for parents to apply for gra-"Agency must maintain online user-friendly application system for parents to apply for gra-"Agency must establish criteria for agency approval of providers for professional services "Agency must provide procedures for providers to apply to become agency-approved providers "Agency may establish criteria for agency approval of vendors for instructional materials "If criteria established, agency must provide procedures for vendors to apply for agency a "Providers and vendors receiving program money are not federal financial assistance recipi-"Rules cannot consider participant or provider actions as state government agent actions", "Rules cannot limit provider ability to determine methods or exercise religious/institution "Rules cannot limit participant ability to determine educational content or exercise relig "Rules cannot obligate providers or participants to act contrary to religious or institution "Rules cannot impose regulations beyond those necessary to enforce program requirements", "Rules cannot require creed, practice, policy, curriculum, standard, or assessment modific "In legal challenges, state has burden of proof to show rule necessity, non-violation, and "Rules must be least restrictive means of accomplishing program purpose while recognizing "ARD committees must provide parents information on supplemental services and instructional "ARD committees must provide instructions on accessing assigned account for supplemental se "Determination of commissioner under parent-directed services subchapter is final and may "Commissioner must adopt rules as necessary to administer supplemental services and instru"Commissioner must establish grant program for districts to increase local capacity for dy"Grants must incorporate evidence-based design and increase capacity through high-quality"External stakeholder panel must assist in grant selection including parents of students w"Grant recipients may accept gifts, grants, and donations to implement and administer prog"Recipients cannot require financial contribution from parents to implement and administer
"Regional education service centers may administer grants awarded under dyslexia training grant pro"Commissioner may adopt rules as necessary to implement dyslexia teacher training grant pro"Commissioner and grant recipients may accept gifts, grants, and donations from public or pro"Commissioner and grant recipients may accept gifts, grants, and donations from public or pro"Commissioner and grant recipients may accept gifts, grants, and donations from public or pro-

Intended_Consequence = c(

"Streamline approval process while maintaining quality standards for student eligibility as "Ensure equitable access to programs when demand exceeds available funding through fair al. "Provide accessible application process that accommodates parents of varying technological "Make parent-directed services program easily accessible through user-friendly online appl "Establish professional standards and approval processes for service providers to ensure q "Create clear pathway for qualified providers to participate while maintaining program into "Establish quality standards for instructional material vendors when deemed necessary by continuous "Provide vendor approval processes that ensure appropriate materials while maintaining mark "Clarify that program participation does not create federal funding compliance obligations "Prevent government overreach by establishing clear boundaries for regulatory authority over "Preserve provider educational autonomy and religious liberty within program participation "Protect participant rights to educational self-determination and religious value consisted "Ensure providers can operate consistently with religious beliefs without program participations." "Limit government regulatory authority to only essential program operational requirements" "Protect institutional autonomy by preventing forced organizational or philosophical change "Establish clear legal burden of proof requirements for government regulatory actions affe "Ensure government regulations are minimally intrusive while accomplishing legitimate programment "Ensure parents receive comprehensive information about supplemental service options avail-"Provide clear instructions for accessing and utilizing assigned accounts for supplemental "Eliminate appeals process to provide efficient program administration and clear regulator "Provide regulatory framework and implementation authority for effective program administration "Build local capacity to serve students with dyslexia through evidence-based training and "Improve dyslexia services by providing high-quality professional development and specialis "Ensure grant selection process includes input from stakeholders who understand needs of s "Encourage community support and additional resources for dyslexia training programs through "Ensure program accessibility by preventing financial barriers for parents seeking dyslexi-"Allow regional coordination and administration of dyslexia training grants for local effi-"Provide regulatory authority for effective implementation and administration of dyslexia "Enable comprehensive funding and support for dyslexia training programs through diverse f),

Likely_Result = c(

"C, E, F", # Student approval: state dependency, admin burdens, reduced local control
"B, C, E, F", # Funding allocation: competition, state dependency, admin burdens, reduced local control
"C, E, F", # Application maintenance: state dependency, admin burdens, reduced local control

```
"C, E, F", # Application system: state dependency, admin burdens, reduced local control
    "C, E, F", # Provider criteria: state dependency, admin burdens, reduced local control
    "C, E, F", # Provider procedures: state dependency, admin burdens, reduced local control
    "C, E, F", # Vendor criteria: state dependency, admin burdens, reduced local control
    "C, E, F", # Vendor procedures: state dependency, admin burdens, reduced local control
    "C, E, F", # Federal assistance: state dependency, admin burdens, reduced local control
    "C, E, F", # Action restrictions: state dependency, admin burdens, reduced local control
    "C, E, F", # Provider limits: state dependency, admin burdens, reduced local control
    "C, E, F", # Participant limits: state dependency, admin burdens, reduced local control
    "C, E, F", # Value obligations: state dependency, admin burdens, reduced local control
    "C, E, F", # Regulation restrictions: state dependency, admin burdens, reduced local control
    "C, E, F", # Modification requirements: state dependency, admin burdens, reduced local con
    "C, E, F", # Legal burden: state dependency, admin burdens, reduced local control
    "C, E, F", # Restrictive means: state dependency, admin burdens, reduced local control
    "C, E, F", # ARD information: state dependency, admin burdens, reduced local control
    "C, E, F", # Account instructions: state dependency, admin burdens, reduced local control
    "C, F", # Final determination: state dependency, reduced local control
    "C, E, F", # Rule authority: state dependency, admin burdens, reduced local control
    "A, B, C, E, F, G", # Grant program: extrinsic motivation, competition, state dependency,
    "A, D, C, E, F, G", # Evidence-based design: extrinsic motivation, accountability substitu
    "B, C, E, F", # Stakeholder panels: competition, state dependency, admin burdens, reduced
    "A, B, C, E, F", # Gift acceptance: extrinsic motivation, competition, state dependency, a
    "C, E, F", # Financial restrictions: state dependency, admin burdens, reduced local control
    "C, E, F", # Regional administration: state dependency, admin burdens, reduced local control
    "C, E, F", # Implementation rules: state dependency, admin burdens, reduced local control
    "A, B, C, E, F" # Donation acceptance: extrinsic motivation, competition, state dependency
  )
# Data validation check - ensure all vectors have same length
validation_check <- data.frame(</pre>
  Vector Name = c("Category", "Incentive Created", "Intended Consequence", "Likely Result"),
 Length = c(
    length(article4_likely_results_revised$Category),
    length(article4_likely_results_revised$Incentive_Created),
    length(article4_likely_results_revised$Intended_Consequence),
    length(article4_likely_results_revised$Likely_Result)
 )
)
# Check if all lengths are equal
if(length(unique(validation_check$Length)) != 1) {
  stop(paste("Vector length mismatch detected:",
             paste(validation_check$Vector_Name, "=", validation_check$Length, collapse = ", "
} else {
  cat("Data validation passed: All vectors have", unique(validation_check$Length), "elements\n
}
```

Data validation passed: All vectors have 29 elements

```
# Create the main analysis table with new coded results
article4_main_table_revised <- datatable(</pre>
        article4_likely_results_revised,
        options = list(
               pageLength = 10,
               scrollX = TRUE,
                autoWidth = TRUE,
                columnDefs = list(
                        list(width = '150px', targets = 0),  # Category
                       list(width = '300px', targets = 1),  # Incentive Created
                       list(width = '250px', targets = 2),  # Intended Result
                       list(width = '150px', targets = 3)  # Coded Results
               ),
               dom = 'Bfrtip',
                buttons = c('copy', 'csv', 'excel')
       ),
       filter = 'top',
       rownames = FALSE,
       class = 'cell-border stripe hover',
        colnames = c('Category', 'Incentive Created', 'Intended Result', 'Codes for Destructive Result'
) %>%
       formatStyle(
                'Category',
               backgroundColor = styleEqual(
                        c("Parent-Directed Services Program Implementation", "Parent-Directed Services Applications of the control of t
                                  "Parent-Directed Services Vendor Criteria", "Parent-Directed Services Program Participation of the Company of t
                                 "Parent-Directed Services Final Determination Authority", "Parent-Directed Services Ru
                        c('#FFE8E8', '#FFD0D0', '#E8F4FD', '#E8F6FF', '#FFF2CC', '#E8F5E8', '#F0E8FF', '#FFE8F5'
               fontWeight = 'bold'
        ) %>%
       formatStyle(
                'Likely_Result',
               fontWeight = 'bold',
               fontSize = '14px',
               textAlign = 'center',
               backgroundColor = '#FFF8DC'
        )
# Display article 4 main table
article4_main_table_revised
```

file:///private/var/folders/ll/6n1r57x92z772gc9nch1wr740000gn/T/RtmpHX4WGw/fileb872299ef22a/w

Search:

Category

Incentive Created

Intended Result

All	All	All
Parent-Directed Services Program Implementation	Agency must approve each student meeting eligibility requirements and assign account for supplemental service purchases	Streamline appromaintaining qual eligibility and ac
Parent-Directed Services Program Implementation	If applications exceed available funding, agency must award grants in order received and place remaining students on waitlist	Ensure equitable when demand ex through fair alloc
Parent-Directed Services Program Implementation	Agency must maintain online user-friendly application system for parents to apply for grants	Provide accessible that accommodate technological abi
Parent-Directed Services Application System	Agency must maintain online user-friendly application system for parents to apply for grants	Make parent-dire easily accessible online application
Parent-Directed Services Provider Criteria	Agency must establish criteria for agency approval of providers for professional services as supplemental services	Establish profess approval process to ensure quality
Parent-Directed Services Provider Criteria	Agency must provide procedures for providers to apply to become agency-approved providers	Create clear path providers to partimaintaining prog
Parent-Directed Services Vendor Criteria	Agency may establish criteria for agency approval of vendors for instructional materials categories	Establish quality instructional mat deemed necessar
Parent-Directed Services Vendor Criteria	If criteria established, agency must provide procedures for vendors to apply for agency approval	Provide vendor a ensure appropria maintaining mark
Parent-Directed Services Program Participant Autonomy	Providers and vendors receiving program money are not federal financial assistance recipients based on that money alone	Clarify that program of create federal obligations
Parent-Directed Services Program Participant Autonomy	Rules cannot consider participant or provider actions as state government agent actions	Prevent governmestablishing clear regulatory author participants

2.2 Supplemental Tables

```
# Create category analysis
category_analysis_a4_revised <- article4_likely_results_revised %>%
  group_by(Category) %>%
  summarise(
    Count = n(),
    .groups = 'drop'
  ) %>%
  arrange(desc(Count)) %>%
 rename(`Incentive Category` = Category,
         `Number of Incentives` = Count)
# Analyze most frequent negative result codes
code_frequency_a4_revised <- article4_likely_results_revised %>%
  separate_rows(Likely_Result, sep = ", ") %>%
  count(Likely_Result, sort = TRUE) %>%
 rename(`Negative Result Code` = Likely_Result,
         `Frequency` = n) %>%
 mutate(Percentage = round(100 * Frequency / nrow(article4_likely_results_revised), 3))
# Key policy findings focused on coded patterns
key_findings_a4_revised <- data.frame(</pre>
 Finding = c(
    "Most Common Negative Pattern",
    "State Dependency Dominance",
    "Administrative Burden Pattern",
    "Local Control Elimination",
    "Competition vs Cooperation",
    "Most Problematic Policy Areas",
    "Extrinsic Motivation Pattern",
    "People as Problem vs System Focus"
 ),
 Description = c(
    "Code C (state dependency) appears in 96.552% of incentives, followed by Code F (reduced 1
    "State dependency affects nearly every incentive, creating complete reliance on state bure
    "Administrative burdens appear in 93.103% of incentives, creating massive compliance overh
    "Code F (reduced local control) appears in 96.552% of incentives, representing near-comple
    "Code B (competition) appears in 17.241% of incentives, systematically undermining coopera
    "Dyslexia Teacher Training Grant Program shows highest concentration with 8 separate harmf
    "Code A (extrinsic motivation) appears in 17.241% of incentives, systematically undermining
    "Code G (treats people as problem) appears in 6.897% of incentives, concentrated in grant
  )
# === DISPLAY SUPPLEMENTAL TABLES ===
```

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Title

ΑII

INCENTIVE CATEGORY ANALYSIS

```
# Category Analysis Table
datatable(
  category_analysis_a4_revised,
 filter = 'top',
 options = list(
   pageLength = 15,
   dom = 't',
   ordering = TRUE,
   autoWidth = TRUE
 ),
 rownames = FALSE,
 class = 'cell-border stripe'
) %>%
 formatStyle('Number of Incentives',
              fontWeight = 'bold',
              textAlign = 'center',
              backgroundColor = styleColorBar(range(category_analysis_a4_revised$`Number of In-
 formatStyle('Incentive Category',
              fontWeight = 'bold',
              textAlign = 'left')
```

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Incentive Category

```
Parent-Directed Services Program Participant Autonomy

Dyslexia Teacher Training Grant Program

Parent-Directed Services Program Implementation

IEP Committee Information Requirements

Parent-Directed Services Provider Criteria

Parent-Directed Services Vendor Criteria

Parent-Directed Services Application System

Parent-Directed Services Final Determination Authority

Parent-Directed Services Rule Authority
```

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Title



ΑII

NEGATIVE RESULT CODE FREQUENCY

```
# Code Frequency Table
datatable(
  code_frequency_a4_revised,
  filter = 'top',
  options = list(
    pageLength = 15,
    dom = 't',
    ordering = TRUE,
    autoWidth = TRUE
```

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```
| All | C | F | E | B | A | G | G | D |
```

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Title

All

KEY CODED PATTERN FINDINGS

```
# Key Findings Table
datatable(
  key_findings_a4_revised,
  filter = 'top',
  options = list(
    pageLength = 10,
    dom = 't',
    ordering = TRUE,
    autoWidth = TRUE,
    columnDefs = list(
      list(width = '25%', targets = 0),
     list(width = '75%', targets = 1)
    )
  ),
  rownames = FALSE,
  class = 'cell-border stripe'
  formatStyle('Finding',
              fontWeight = 'bold',
              backgroundColor = '#FFE4E1',
              textAlign = 'left') %>%
  formatStyle('Description',
              textAlign = 'left')
```

 $\verb|file:///private/var/folders/ll/6n1r57x92z772gc9nch1wr740000gn/T/RtmpHX4WGw/fileb872701d4f3b/w| with the file:///private/var/folders/ll/6n1r57x92z772gc9nch1wr740000gn/T/RtmpHX4WGw/fileb872701d4f3b/w| with the file://with the file://wit$

Finding	Description
All	All
Most Common Negative Pattern	Code C (state dependen
State Dependency Dominance	State dependency affect
Administrative Burden Pattern	Administrative burdens
Local Control Elimination	Code F (reduced local c
Competition vs Cooperation	Code B (competition) a
Most Problematic Policy Areas	Dyslexia Teacher Traini
Extrinsic Motivation Pattern	Code A (extrinsic motiv
People as Problem vs System Focus	Code G (treats people a

```
# Create coded summary statistics
summary_statistics_a4_revised <- data.frame(</pre>
 Metric = c(
    "Total Incentives Analyzed",
    "Most Problematic Code",
    "Most Frequent Code Combination",
    "Policy Categories with Code C",
    "Policy Categories with Code F",
    "Average Codes per Incentive"
 ),
 Value = c(
    nrow(article4_likely_results_revised),
    pasteO("Code C and F (both appear ", max(code_frequency_a4_revised$Frequency), " times eac
    "C, E, F (dependency + admin burdens + reduced local control)",
    sum(grepl("C", article4_likely_results_revised$Likely_Result)),
    sum(grepl("F", article4_likely_results_revised$Likely_Result)),
    round(mean(lengths(strsplit(article4_likely_results_revised$Likely_Result, ", "))), 1)
  )
# Summary Statistics Header
datatable(
  data.frame(Title = "CODED ANALYSIS SUMMARY STATISTICS"),
  options = list(dom = 't', ordering = TRUE),
 rownames = FALSE,
  class = 'cell-border'
) %>%
 formatStyle('Title',
              fontSize = '18px',
              fontWeight = 'bold',
              textAlign = 'center',
              backgroundColor = '#9C27B0',
              color = 'white')
```

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Title

CODED ANALYSIS SUMMARY STATISTICS

```
# Summary Statistics Table
datatable(
  summary_statistics_a4_revised,
  options = list(
    pageLength = 10,
```

```
dom = 't',
   ordering = TRUE,
   autoWidth = TRUE,
    columnDefs = list(
     list(width = '40%', targets = 0),
     list(width = '60%', targets = 1)
   )
 ),
 rownames = FALSE,
 class = 'cell-border stripe'
) %>%
  formatStyle('Metric',
              fontWeight = 'bold',
              textAlign = 'left') %>%
 formatStyle('Value',
              textAlign = 'left',
              fontWeight = 'bold')
```

Metric

```
Total Incentives Analyzed

Most Problematic Code

Most Frequent Code Combination

Policy Categories with Code C

Policy Categories with Code F

Average Codes per Incentive
```

2.3 Key List of Likely Negative Results

2.3.1 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

```
# Create negative results table with new 7-code framework
negative results a4 revised <- data.frame(</pre>
  Code = c("A", "B", "C", "D", "E", "F", "G"),
  Likely_Negative_Result = c(
    "Decreases intrinsic motivation in favor of extrinsic motivation",
    "Decreases cooperation within districts in favor of competition for resources",
    "Increases dependency on State funding and bureaucracy",
    "Substitutes 'accountability' for improvement of the system people work in",
    "Increases district administrative burdens",
    "Decreases local control and flexibility",
    "Treats people as the 'problem', instead of the system they work in"
  )
# Define bright contrasting color palette (7 colors)
color_palette_a4_revised <- c("#FF6B6B", "#4ECDC4", "#45B7D1", "#96CEB4", "#FECA57", "#FF9FF3"
# Create color assignments for each row (exact match for 7 colors and 7 rows)
row_colors_a4_revised <- color_palette_a4_revised
# Display the coding key table
DT::datatable(
  negative_results_a4_revised,
  options = list(
    pageLength = 15,
    dom = 'Bfrtip',
    buttons = c('copy', 'csv', 'excel'),
    columnDefs = list(
      list(width = '40px', targets = 0), # Narrow first column
      list(width = '90%', targets = 1)  # Wide second column
    ),
    scrollX = FALSE,
    autoWidth = FALSE
  ),
  rownames = FALSE,
  class = 'display'
) %>%
  formatStyle(
    'Code',
    textAlign = 'right',
    fontWeight = 'bold',
    backgroundColor = styleEqual(negative_results_a4_revised$Code, row_colors_a4_revised),
    color = 'white'
  ) %>%
  formatStyle(
    'Likely_Negative_Result',
```

```
backgroundColor = styleEqual(negative_results_a4_revised$Code, row_colors_a4_revised),
    color = 'black'
) %>%
formatStyle(
    columns = c(0, 1),
    border = '2px solid #333',
    borderCollapse = 'collapse'
) %>%
formatStyle(
    columns = c(0, 1),
    maxWidth = '9in',
    tableLayout = 'fixed'
)
```

Search:	

Code Likely_Negative_Result

A	Decreases intrinsic motivation in favor of extrinsic motivation
В	Decreases cooperation within districts in favor of competition for resources
С	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