# TEXAS EDUCATION AGENCY

1701 North Congress Ave. ★ Austin, Texas 78701-1494 ★ 512/463-9734 ★ FAX 512/463-9838 ★ http://www.tea.state.tx.us

Robert Scott
Commissioner


**IMPORTANT MONITORING INFORMATION**

February 26, 2008

240-901
2006-2007

Mrs. Veronica Guerra, Superintendent
Laredo Independent School District
1702 Houston Street
Laredo, Texas 78040

Dear Mrs. Guerra:

The Laredo Independent School District (ISD) was selected for participation in the 2006-2007 special education monitoring process at a Stage 4 level of intervention and was notified that the Texas Education Agency (TEA) would conduct an on-site visit to the Laredo ISD during the week of March 26-29, 2007. The purpose of the on-site visit from the Division of Program Monitoring and Interventions (PMI) was to examine the origins of the local education agency's (LEA's) continuing low performance and program effectiveness concerns.

The special education on-site review was conducted in accordance with the procedures posted on the TEA website at http://www.tea.state.tx.us/pmi/spedmon/2007/onsite.html. Prior to the visit, TEA staff reviewed relevant data, including documents submitted by your LEA in completion of Stage 3 Intervention requirements for the 2005-2006 year. This included Focused Data Analysis (FDA) and Program Effectiveness Review templates, LEA Core Team Participant Template, LEA Public Meeting templates, Compliance Review templates, and a Continuous Improvement Plan (CIP). During the visit, agency staff evaluated program effectiveness and reviewed the LEA's data development and analysis processes and its development and implementation of the CIP. The on-site visit included focus group discussions and individual interviews with district personnel, classroom observations, document reviews, and student data reviews.

Preliminary findings from the on-site visit are enclosed in a document labeled *Preliminary On-Site Findings* that includes areas for improvement, specific issues/trends identified, sources of data that were reviewed, and LEA required actions. We request that the Laredo ISD review the preliminary findings and required actions contained in this letter and the enclosed report. The district has 10 business days in which to respond to the agency team's findings and required actions before the *Preliminary On-Site Findings* becomes final. A *Receipt of Report* form is enclosed for you to indicate your agreement or disagreement with the findings and required actions. Please note the deadline indicated at the bottom of the form for return to the agency.

As a result of findings of the on-site visit, the LEA is required to conduct additional data-gathering and analysis activities. These additional activities are described in the *LEA Required Actions* section of the *Preliminary On-Site Findings*. Additionally, the LEA is required to seek outside support and technical assistance from an organization or entity of the LEA's choosing. It is expected that the technical assistance provider will support the LEA in a thorough review of the issues and findings contained within this report and will support the LEA in correcting issues of noncompliance.

The LEA, with the required participants, will revise the CIP to reflect an integration of the analysis of issues that were identified as a result of the on-site visit and the LEA required actions. The LEA will submit the required documents to the agency by March 31, 2008.

During a review of documents, the TEA team identified three areas of noncompliance that continue from the 2004-2005 and 2005-2006 monitoring years. The three specific areas are:

- Free Appropriate Public Education;
- Full Individual and Initial Evaluation (FIE); and
- Intensive Program of Instruction.

To ensure immediate correction of this ongoing area of noncompliance, the Laredo ISD will be subject to additional oversight and sanctions under 19 Texas Administrative Code (TAC) §89.1076, *Interventions and Sanctions*. The LEA must take immediate steps to rectify the instances of continuing noncompliance as referenced above. As an initial step, the Texas Education Agency (TEA) will engage in escalated verification activities to ensure that compliance is documented. However, the TEA reserves the right to utilize any of the interventions and sanctions noted in federal law or 19 TAC §89.1076 in order to obtain compliance with program requirements.

***Please note that all plans and activities related to correction of noncompliance identified in the report must be included in the CIP. Corrective actions for the noncompliance identified as a result of the on-site visit must be completed no later than one year after receipt of findings. The areas of continuing noncompliance must be corrected immediately.***

Subsequent to submission and approval of the revised CIP, the TEA will monitor the implementation of all improvement plan activities and will continue to follow up with the LEA on an ongoing basis to review data and evidence of change and to verify implementation of the revised CIP. Additionally, the LEA will be required to provide written and/or oral updates to the TEA contact once a month regarding implementation activities undertaken. Decisions about future intervention requirements will be dependent upon LEA implementation of current intervention requirements, including implementation of the CIP, and student performance on state measures.

If you have additional questions regarding the preliminary findings or other attachments, please contact Jeanette Potts in this division at (512) 463-9414.

Sincerely,

Laura Taylor, Deputy Associate Commissioner
for Program Monitoring and Interventions

LT:MM:aa

Enclosures

cc: Jack Damron, Executive Director, Region I Education Service Center
Kelly Solis, Special Education Contact, Region I Education Service Center
Lisa Conner, Performance-Based Monitoring Contact, Region I Education Service Center
Tracy Cartas, Special Education Director, Laredo ISD

**RECEIPT OF REPORT**
**Division of Program Monitoring and Interventions**

The local education agency (LEA) must complete this form by **selecting only one** of the two options as its response to the preliminary findings as a result of the visit conducted by a review team from the Division of Program Monitoring and Interventions at the Texas Education Agency (TEA).

_____ 1. The LEA agrees with the contents of the report, which becomes final with the return of this receipt.

_____ 2. The LEA is in receipt of but disagrees with the contents of the report and is submitting those objections in writing. Any disagreement must be accompanied by all LEA data and/or documentation available and necessary for the TEA's reconsideration of the preliminary findings.

Failure by the LEA to respond by the date specified below will be interpreted as agreement with the report.

_____ _____
Signature of Superintendent Date

Laredo Independent School District 240-901
Name of School District County-District Number

**This *Receipt of Report* form and any documentation submitted by the LEA is due to the Texas Education Agency on or before March 11, 2008.**

**Return this form and supporting documentation to:**

Texas Education Agency
Division of Program Monitoring and Interventions
Special Education Unit
1701 North Congress Avenue
Austin, Texas 78701-1494

Texas Education Agency
Department of Program Monitoring and Interventions

# Preliminary On-Site Findings

<table>
<tr><th>Areas for Improvement</th><th>Specific Issues/Trends Identified</th><th>Sources of Data Reviewed</th><th>LEA Required Actions</th></tr>
<tr>
<td>State-Mandated Assessment</td>
<td>
State Assessment Decision Making<br><br>
Texas Assessment of Knowledge and Skills (TAKS) Only Participation Rates for students with disabilities have been lower than the state rate for a four-year period, as reflected in the following table:
<table>
<tr><th>Data Source</th><th>LEA Sped TAKS Participation Rate</th><th>State Sped TAKS Participation Standard/Rate</th></tr>
<tr><td>2004-2005 PBMAS Report</td><td>19.5 %</td><td>25.0%</td></tr>
<tr><td>2005 PBMAS Report</td><td>15.4% (Report Only)</td><td>24.5%-state rate<br>Standards not set in Report Only years</td></tr>
<tr><td>2006 PBMAS Report</td><td>12.4%</td><td>20.0%</td></tr>
<tr><td>2007 PBMAS Report</td><td>9.6%</td><td>20.0%</td></tr>
</table>
Special Education TAKS Passing Rates for math, reading, science, and social studies were lower than the state rate for four years as indicated in the following table:
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<td>
• Academic Excellence Indicator System (AEIS) Report 2004-2005<br>
• AEIS Report 2005-2006<br>
• 2004-2005 Performance-Based Monitoring Analysis System (PBMAS) Report<br>
• 2005 PBMAS Report<br>
• 2006 PBMAS Report<br>
• 2007 PBMAS Report<br>
• Student case studies<br>
• Focus group discussions: core analysis team, parents, general education teachers, special education teachers, administrator, Bilingual Education/ English as a Second Language (BE-ESL) focus group,
</td>
<td>
Review the current curriculum alignment in all core content areas, both vertically and horizontally and across all campuses.<br><br>
Develop a plan of action to revise curriculum alignment with the Texas Essential Knowledge and Skills (TEKS) and to eliminate gaps in curriculum between grade levels.<br><br>
Develop a timeline not to exceed two school years for completion of curriculum alignment. Document alignment activities.<br><br>
Evaluate the effectiveness of current classroom instructional practices through campus administration
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| Data Source | LEA Sped TAKS Passing Rate | State Sped TAKS Passing Rate |
|---|---|---|
| 2004-2005 PBMAS Report | Math 30.9%<br>Reading 32.7%<br>Science 15.9%<br>Social Studies 33.8% | Math 35.0%<br>Reading 50.0%<br>Science 25.0%<br>Social Studies 50.0% |
| 2005 PBMAS Report | Math 21.8%<br>Reading 29.7%<br>Science 9.8%<br>Social Studies 28.1% | Math 35.0%<br>Reading 50.0%<br>Science 25.0%<br>Social Studies 50.0% |
| 2006 PBMAS Report | Math 32.9%<br>Reading 39.4%<br>Science 18.6%<br>Social Studies 27.4% | Math 40.0%<br>Reading 60.0%<br>Science 35.0%<br>Social Studies 60.0% |
| 2007 PBMAS Report | Math 39.5%<br>Reading 52.7%<br>Science 26.5%<br>Social Studies 54.3% | Math 45.0%<br>Reading 65.0%<br>Science 40.0%<br>Social Studies 65.0% |

State Developed Alternative Assessment (SDAA)/SDAA II Only Participation Rates have been higher than the state rates over a four-year period, as reflected in the following table:

assessment personnel, and related service providers

- Staff interviews

and teacher input. Compare current practices with research-based best practice models including a Response to Intervention (RtI) model. Develop an action plan to ensure implementation of "best practices" and RtI districtwide.

Develop a system to track student performance through various methods and train personnel in data disaggregation.

Develop and implement written expectations and operating guidelines for monitoring student performance. Document ongoing monitoring efforts.

Develop a program of staff development that addresses findings in the report.

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| Data Source | LEA SDAA/SDAA II Only Participation Rate | State SDAA/SDAA II Only Participation Standard/Rate |
|---|---|---|
| 2004-2005 PBMAS Report | 48.4% | 38.0% |
| 2005 PBMAS Report | 69.4% (Report Only) | 50.6% state rate Standards not set in Report Only years |
| 2006 PBMAS Report | 73.0% | 56.0% |
| 2007 PBMAS Report | 75.9% | 56.0% |

Additionally, the number of students in Grades 3-8 participating in SDAA and/or SDAA II on grade level or one grade level below in both reading and math was significantly below the state standard over a three-year period. However, the 2007 PBMAS report indicates a significant increase in students being tested on grade level or one grade level below, as reflected in the following table:

| Data Source | LEA Percentage of Students Testing on Grade Level or One Grade Level Below | State Standard for Students Testing on Grade Level or One Grade Level Below |
|---|---|---|
| 2004-2005 PBMAS Report | Math 24.5%<br>Reading 17.6% | Math 48.1%<br>Reading 43.1% |
| 2005 PBMAS Report | Math 23.8%<br>Reading 25.5% | Math 48.1%<br>Reading 43.1% |
| 2006 PBMAS Report | Math 24.3%<br>Reading 21.0% | Math 48.1%<br>Reading 43.1% |
| 2007 PBMAS Report | Math 54.4%<br>Reading 47.7% | Math 48.1%<br>Reading 43.1% |

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Year-After-Exit Special Education TAKS Passing rates for 2005 and 2006 indicate a lower passing percentage than the state passing percentage. However, the 2007 PBMAS report reflects a *significant increase in passing rates, as indicated in the following* table:

| Data Source | LEA Year After Exit, Sped Passing Rate | State Year After Exit, Sped Passing Rate |
|---|---|---|
| 2005 PBMAS Report | Reading 49.0%<br>Science 21.2%<br>Social Studies 59.3% | Reading 50.0%<br>Science 25.0%<br>Social Studies 50.0% |
| 2006 PBMAS Report | Reading 51.4%<br>Science 26.9%<br>Social Studies 50.0% | Reading 60.0%<br>Science 35.0%<br>Social Studies 60.0% |
| 2007 PBMAS Report | Reading 73.1%<br>Science 30.0%<br>Social Studies 91.7% | Reading 65.0%<br>Science 40.0%<br>Social Studies 65.0% |

State Assessment Exemption Rate for TAKS and/or SDAA/SDAA II for students with disabilities was significantly higher than the state rate as indicated in the following AEIS table:

| Data Source | LEA ARD Exemption Rate | State ARD Exemption Rate |
|---|---|---|
| 2004-2005 AEIS Report | 9.8% | 2.1% |
| 2005-2006 AEIS Report | 5.6% | 0.7% |

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| | These data indicate that instruction/curriculum may not be aligned with assessment(s), some students may be participating in an inappropriate assessment, or the admission, review, and dismissal (ARD) expectation for the SDAA/SDAA II may be inappropriate.<br><br>Discussions with administrators and staff indicated that, during the 2006-2007 school year, the LEA implemented the District Data Analyzer system. Assessment data from three previous school years were reviewed and analyzed by administrators and staff from each campus to determine significant factors impacting state assessment decisions for students with disabilities.<br><br>The agency team learned that, although LEA assessment data are more readily available, state assessment decision making appeared to be influenced more by administrative philosophy than by ARD committee decision making. For instance, interviews with special education staff indicated that the former LEA philosophy was to have all students with disabilities take the SDAA/SDAA II. Although staff indicated that this philosophy has changed, most students with disabilities still took the SDAA II for 2006-2007, as reflected in the 2007 PBMAS report.<br><br>Additionally, the administrators indicated that they had received technical assistance from "someone at the TEA" who suggested that all students with disabilities test at grade level on achievement level I in order to meet Adequate Yearly Progress (AYP). Subsequently, the fact that students did not meet ARD expectations, coupled with the former philosophy, impacted SDAA II participation rates and TAKS passing rates.<br><br>Discussions with the BE-ESL focus group indicated that limited English proficient (LEP) students served in the special education program are encouraged to take the TAKS whenever possible. | | |

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| | However, focus group members expressed concern that a Spanish version of the SDAA II was not available. Interviews revealed that performance for LEP students with disabilities was being evaluated by the LEA. BE-ESL focus group members indicated that they primarily rely on the Region I Education Service Center (ESC) for data analysis.<br><br>Discussions with administrators revealed that benchmark testing was conducted every six weeks at each campus. Additionally, curriculum-based assessments were conducted every two weeks to monitor student success. Discussions with the core team indicated that benchmark scores seem to reflect a gap in the middle school and high school curriculum and instruction. Core team members indicated a need to bridge the curriculum specifically to incorporate re-teaching opportunities for struggling students. Additionally, the core team revealed a need to emphasize higher expectations for all students with disabilities.<br><br>Discussions with administrators and staff indicated that the placement of students ages 12-21 in more restrictive environments is a possible factor impacting state assessment decisions. Participation and passing rates had not been analyzed at the time of the on-site visit.<br><br>Discussions with members of the special education teacher focus group revealed that special education teachers are responsible for conducting all ARD committee meetings. Additionally, the agency team found reference to this responsibility in the Laredo Independent School District (ISD) Operating Guidelines for Special Education. Teachers expressed a need for more training on how to complete ARD paperwork and in making appropriate state assessment decisions, indicating that teachers facilitating ARDs may lack the knowledge and guidance to determine appropriate state assessments for students with disabilities. | | |

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| | Through student case studies, the agency team determined noncompliance related to state assessment decision making, as indicated below.<br><br>**Content of the Individualized Education Program (IEP)**<br>**19 Texas Administrative Code (TAC) §89.1055(b)**<br><br>**Student Testing Requirements**<br>**19 TAC §101.5(b)**<br><br>Specifically, the annual ARD for one student dated March 8, 2006, contained an IEP for writing and reading at the 2nd grade instructional level. At an annual ARD dated February 28, 2007, the student's state assessment was changed to 6th grade math and reading with achievement levels of II for both subjects even though the student did not have a math IEP. District-provided benchmark data showed a failing rate on the 6th grade reading/writing benchmark with a score of 19% and a failing rate for a 6th grade math benchmark with a score of 28%.<br><br>For another student, the state assessment recommendation indicated a 4th grade level assessment in 2006 for reading and math. In 2007, the student was required to take all state assessments at his enrolled grade level, grade 10. For one subject test, the student will not have been exposed to instruction in the required curriculum prior to the state assessment.<br><br>For one student with a learning disability in reading and writing, the student had participated in TAKS math with an oral administration in 2006. He did not pass the math assessment. The ARD committee documented that accommodations would invalidate TAKS; therefore, the ARD committee determined that the student would participate in the SDAA II for math. However, this student did not have an IEP in | | |

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<td>math and received no accommodations that would invalidate a math exam as documented within the ARD. LEA staff reported that the student's benchmark scores were not passing, so the ARD committee decided the student would participate in the SDAA II for this subject. Through further interviews with LEA staff, the agency team learned that an oral administration was not provided during benchmark testing.</td>
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<tr>
<td>Less Restrictive Environments</td>
<td>Less Restrictive Environments<br><br>A longitudinal review of PBMAS data indicates that during the 2004, 2005, 2006, and 2007 school years, the number of students with disabilities ages 3-11 and 12-21 placed in instructional settings of 40 or 41 was below the state standard, as reflected in the following tables:
<table>
<tr><th>Data Source</th><th>Percentage of LEA Students with Disabilities Ages 3-11 Placed in a 40 or 41 Instructional Setting</th><th>State Standard for Students with Disabilities Ages 3-11 Placed in a 40 or 41 Instructional Setting</th></tr>
<tr><td>2004-2005 PBMAS Report</td><td>41.1%</td><td>25.0%</td></tr>
<tr><td>2005 PBMAS Report</td><td>21.8%</td><td>25.0%</td></tr>
<tr><td>2006 PBMAS Report</td><td>19.1%</td><td>25.0%</td></tr>
<tr><td>2007 PBMAS Report*</td><td>3- to 5-year-olds 5.8%<br>6- to 11-year-olds 21.1%</td><td>11.0%<br>25.0%</td></tr>
</table>
*The 2007 PBMAS report separates data for placement of 3- to 5-year-olds and 6- to 11-year-olds.</td>
<td>• 2004-2005 PBMAS Report<br>• 2005 PBMAS Report<br>• 2006 PBMAS Report<br>• 2007 PBMAS Report<br>• 2005-2006 Public Education Information Management System (PEIMS) data.<br>• Focus group discussions: core analysis team, parents, general education teachers, special education teachers, administrator, BE-ESL focus group, assessment personnel, and related service providers</td>
<td>Analyze instructional arrangement trends over a three year period of time by campus, grade level, instructional arrangement, ethnicity, gender, and BE-ESL status. Report the results to the TEA.<br><br>Analyze significant factors that are impacting LRE issues identified in this report. Develop a plan of action to address these factors. Revise the CIP.</td>
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| Data Source | Percentage of LEA Students with Disabilities Ages 12-21 Placed in a 40 or 41 Instructional Setting | State Standard for Students with Disabilities Ages 12-21 Placed in a 40 or 41 Instructional Setting |
|---|---|---|
| 2004-2005 PBMAS Report | 41.9% | 46.5% |
| 2005 PBMAS Report | 39.3% | 46.5% |
| 2006 PBMAS Report | 37.0% | 46.5% |
| 2007 PBMAS Report | 41.7% | 46.5% |

2005-2006 PEIMS data indicate that LEP students constitute at least 60 percent or more of the total special education population and are served in potentially more restrictive settings as reflected in the following table:

| 2005-2006 PEIMS Report | Average Percentage Sped LEP students | Percentage of Sped LEP students served in code 40 | Percentage of Sped LEP students served in code 43/44 |
|---|---|---|---|
| Elementary | 62.8% | 4.9% | 19.2% |
| Middle School | 81.9% | 10.7% | 10.7% |
| High School | 76.46% | 5.7% | 9.1% |

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| | Discussions with assessment personnel and related service providers revealed that the LEA is emphasizing the importance of placing students in less restrictive environments (LRE) by encouraging ARD committees to consider serving students in general education settings, when appropriate. Additionally, the agency team learned from assessment personnel that the LEA is taking action to reduce the number of students being referred for special education services and ultimately reduce the number of students who require special education services.<br><br>Across all focus group discussions, the agency team learned that the LEA has provided extensive instructional technology support programs. Specifically, focus groups indicated that, for the 2006-2007 school year, the LEA implemented the District Data Analyzer that contains three years of assessment data to assist staff in making state assessment decisions for students with disabilities. Also, the LEA focus groups indicated that the "Easy Program" is used for tracking implementation of student modifications and curriculum-based assessment data.<br><br>Additionally, all focus group discussions indicated the availability of numerous campus/classroom instructional technology programs to support struggling learners, including: the Kurzweil Scanner Program, which provides student access to books on tape and is available at each campus library, Curriculum on Wheels (COWS), Creative Educational Initiative (CEI) Labs, Voyager, and Grand Central Station.<br><br>Although focus group discussions indicated numerous technology-based interventions, as well as master teachers and bilingual strategists located on each campus, there was little evidence of program improvement for students with disabilities. Across all focus group discussions, the agency team learned of some commonly | | |

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| | stated concerns that may be impacting the LEA and may be contributing to continued issues related to LRE, student performance, and potential overidentification. These concerns included:<br><br>• Frequent turnover in central office and campus administration resulting in a lack of shared vision for the LEA;<br>• Low expectations for students, especially students coming from Mexico;<br>• Truancy and other attendance issues;<br>• Disconnect between middle school and high school curriculums;<br>• A lack of consistency in the implementation of the prereferral process; and<br>• The belief, as expressed by special education staff, that the requirement that all students perform at grade level is not a realistic expectation.<br><br>The agency team could find no evidence of district-wide initiatives to address the above concerns. | | |
| **Disproportionality** | **Potential Overidentification of Students Served in the Special Education Program**<br><br>Special education identification rates have been higher than the state standard for a four-year period, as indicated in the table below: | • 2004-2005 PBMAS Report<br>• 2005 PBMAS Report<br>• 2006 PBMAS Report<br>• 2007 PBMAS Report<br>• Student Case Studies<br>• Focus group discussions: core analysis team, parents, general education teachers, special education teachers, administrator, | Evaluate the effectiveness of current interventions available for struggling students in elementary schools, middle schools, and high schools. Use the findings to create campus intervention resource guides. Implement the use of these resource guides at student support team meetings to ensure an intensive program of |

| Data Source | Percentage of LEA Special Education Students | State Standard | PBMAS Indicator Performance Level |
|---|---|---|---|
| 2004-2005 PBMAS Report | 13.6% | 8.5% | 2 |
| 2005 PBMAS Report | 12.5% | 8.5% | 2 |
| 2006 PBMAS Report | 11.7% | 8.5% | 1 |
| 2007 PBMAS Report | 11.0% | 8.5% | 1 |

**LEP Representation**

There is a potential overidentification of LEP students receiving special education services resulting in a PBMAS indicator performance level of 3 for 2006 and 2007. Although the status of this indicator for 2004 and 2005 was "Report Only," the 2004-2005 and 2005 PBMAS data indicate a potential overrepresentation of LEP students as reflected in the following table:

BE-ESL focus group, assessment personnel, and related service providers

instruction for struggling students and for students with disabilities who have not been successful in passing all sections of the appropriate state assessment.

Develop and implement a Response to Intervention model and establish written procedures, expectations, and operating guidelines for this program. Establish timelines and responsibilities to monitor the effectiveness of this model.

| Data Source | Percentage of LEA Special Education Students who are LEP | Percentage of LEA Student Body who are LEP | LEA Difference | State Difference Rate/ Standard |
|---|---|---|---|---|
| 2004-2005 PBMAS Report (Report Only) | 80.94% | 62.07% | 18.87pp* | -0.8pp (state rate-standards are not set in report only years) |
| 2005 PBMAS Report (Report Only) | 80.9% | 65.8% | 15.2pp | -0.5pp (state rate) |
| 2006 PBMAS Report | 82.4% | 68.3% | 14.1pp | 1.0pp |
| 2007 PBMAS Report | 81.8% | 68.5% | 13.3pp | 1.0pp |

*pp=percentage points

Focus group discussions with administrators, BE-ESL personnel, and teacher focus groups revealed that students who have been identified as requiring special education services may not have been appropriately identified. For example, administrators expressed a concern that the LEA's geographic proximity to Mexico may have resulted in students being identified for special education services due to language barriers. Administrators also stated that students coming

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| | from Mexico "lack educational opportunities," which might result in a referral for special education services, and, subsequently, these students are identified as needing special education services. Additionally, administrators noted that, in some cases, teacher aides were responsible for identifying students having language barriers, which may have resulted in referral/identification prior to the implementation of interventions. Moreover, identification of Spanish-speaking students as students with disabilities was expressed as a concern in all focus group discussions.<br><br>**34 Code of Federal Regulations (CFR) §300.306(b) Determination of Eligibility**<br><br>An interview with the BE-ESL director revealed his concern regarding overrepresentation of LEP students in the special education program. He also noted that the Language Proficiency Advisory Committee (LPAC) administrator attends ARDs; however, he expressed his belief that BE-ESL teachers need to attend ARDs. Moreover, the agency team learned from this interview that the prereferral process is not implemented consistently and is a contributing factor to the overidentification of LEP students in special education.<br><br>Discussions with the core analysis team indicated that a prereferral process that utilizes the Student Support Team (SST) concept is implemented in the district; however, core team members confirmed that the prereferral process is not implemented consistently across all campuses in the LEA and among campuses within the same feeder pattern. Additionally, interviews and discussions with administrators and special education staff confirmed inconsistencies in implementing the special education program across all campuses and among campuses within the same feeder pattern. Specifically, special education teachers assigned to elementary grades are supervised by the special education director, while secondary special education teachers | | |

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| | are supervised by campus administration. Differences in program implementation and campus priorities may result in a lack of a consistent prereferral process, inappropriate student identification, a failure to complete ARD paperwork, and a lack of program continuity.<br><br>Discussions with members of the assessment personnel focus group indicated that a majority of Grade 2 and Grade 3 referrals are made after the students have been retained, indicating that the LEA may need to implement and/or monitor the effectiveness of interventions provided to struggling students to address referral and retention issues.<br><br>Discussions with members of the special education teacher focus group revealed that they are responsible for ARD preparation and conducting ARDs. This responsibility limits instructional preparation time and time spent in the classroom instructing students, which could impact student performance. The agency team learned through on-site focus group discussions that special education teachers feel a sense of frustration with not having enough time in the classroom to properly instruct students with disabilities.<br><br>The agency team determined through discussions with the BE-ESL director that bilingual strategists serve five elementary campuses, three middle school campuses, and two high school campuses. The bilingual strategists' roles, as described by the director, included working with classroom teachers to implement activities, modeling lessons for teachers, and collaborating with classroom teachers to implement BE-ESL interventions for struggling students. However, during a review of student documentation, the agency team learned from the bilingual strategists that they could provide little evidence of monitoring the progress of specific LEP students. The LEA had not evaluated the effectiveness of this support service at the time of the on-site visit. | | |

Texas Education Agency
Department of Program Monitoring and Interventions

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| **Monitoring Student Progress** | **Lack of Established Systems to Track and Monitor Students and Program Improvement**<br><br>• The agency team learned through focus group discussions, campus visitations, and staff interviews that the LEA Special Education Director has no supervisory responsibilities for special education teachers assigned to secondary campuses. Secondary campus administrators establish the role and responsibilities of special education teachers on these campuses; therefore, there is little evidence of program coordination between elementary and secondary campuses to assist in tracking, monitoring, and communicating data which may significantly impact student performance, program improvement, and program compliance.<br><br>• BE-ESL focus group members indicated a need for districtwide monitoring to ensure the provision of services across all special programs, including special education. Additionally, BE-ESL staff indicated that completion rates for LEP students with disabilities are problematic. Interviews with the high school administration indicated that a large number of students are retained in Grade 9, which could impact student dropout data. Additionally, BE-ESL focus group members indicated that there is high student mobility between campuses. Moreover, although BE-ESL staff make program improvement recommendations to LEA staff, members of this focus group indicated that campus administration needs to be accountable for monitoring student success and tracking all students.<br><br>Discussions with the parent focus group indicated a need for better communication methods with central office staff. Some parents indicated that they do not receive replies to their e-mails. Additionally, parents expressed a need for teachers to receive more training on how to modify lessons and/or instruction to meet the needs | • Focus group discussions: parents, core analysis team, general education teachers, special education teachers, administrator, BE-ESL focus group, assessment personnel, and related service providers<br>• Campus staff interviews | Develop a system to monitor student performance data across program areas and grade levels.<br><br>Develop a system to evaluate the effectiveness of the provision of special education services throughout the LEA. Include stakeholder input in this system. Report the results to the agency. Develop a plan of action to address all areas in need of improvement.<br><br>Develop a system to determine parent training needs, keep parents of students with disabilities informed, and address parental concerns. |

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| | of students with disabilities. Also, parents stated that, since some students move often within the district, the LEA needs to implement a tracking system to ensure students receive appropriate services without delay. | | |
| **Compliance Issues** | **During student case studies, the agency review team determined areas of noncompliance that had not previously been identified in PBM submissions to the agency.**<br><br>**34 CFR §300.530(d)(1)(ii)**<br>**Authority of School Personnel**<br><br>Specifically, for one student, a behavioral intervention plan (BIP) had been reviewed at three ARD committee meetings with little modification. However, the student continued to have behavioral incidents that culminated in a discretionary placement in a juvenile justice alternative education program (JJAEP). There was not evidence of a functional behavioral analysis being conducted.<br><br>**34 CFR §300.324(b)(1)(ii)(A)**<br>**Development, Review, and Revision of IEP**<br><br>Specifically, for one student, no ARD meeting was held to discuss failures and lack of educational progress and revise IEP goals after the student earned a total of two out of eight possible credits during the 2004-2005 school year. This student currently was 20 years old, and his transcript reflected that he had earned no additional credits since the 2004-2005 school year.<br><br>**34 CFR §300.503(b)(1)**<br>**Prior Notice by the Public Agency; Content of Notice**<br><br>Specifically, the invitation for one student's annual ARD did not identify that the ARD would discuss graduation. | • Student folders | Develop and implement a system to periodically audit student folders to ensure compliance with federal laws and regulations. Develop written operating guidelines and expectations for this system and provide these guidelines to all LEA and campus administrators. Provide training as appropriate and document the findings from annual audits. Report these findings to the agency. Revise the CIP.<br><br>The LEA will conduct ARD committee meetings as necessary to ensure the provision of a free appropriate public education (FAPE) to the students in question and consider compensatory services, if appropriate |

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| | **34 CFR §300.8(c)(7); Child with a Disability**<br>**19 Texas Administrative Code (TAC) §89.1040(c)(6); Eligibility Criteria**<br><br>Specifically, documents in one student's eligibility folder indicated that this student was disabled in the areas of mental retardation, other health impairment, and multiple disabilities. However, the LEA was unable to provide an eligibility report for this student indicating that the student met the federal definition of a student with multiple disabilities.<br><br>**34 CFR §300.321(a)(2)**<br>**IEP Team**<br><br>Specifically, there was no general education representative who participated in the two most recent annual ARD meetings for one student, as required.<br><br>**A review of LEA documents conducted during the on-site visit revealed one issue of continuing noncompliance from the 2005-2006 monitoring year.**<br><br>**34 CFR §300.17(d), §300.101**<br>**Free Appropriate Public Education**<br><br>Specifically, for one student, the services as stated in the IEP did not match the services provided. The student had an IEP with goals and objectives related to geometry; however, the student was enrolled in an algebra class. Additionally, in an agency review of documentation to verify correction of this issue of noncompliance from the 2005-2006 monitoring year, the agency team discovered that two students were not receiving homebound services per the IEPs. | | to the students' individual circumstances. |

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| | Additionally, the IEP for one student specified the student would participate in TAKS. However, this non-Spanish speaking student participated in a Spanish TAKS assessment.<br><br>**Continuing noncompliance was identified as a result of document verification for compliance issues identified during the 2004-2005 and 2005-2006 monitoring years**<br><br>**Texas Education Code (TEC) §29.004(a)**<br>**Full Individual and Initial Evaluation (FIE)**<br><br>In a review of documentation submitted by the LEA, the agency team determined that FIEs are not conducted within the required 60-day timeline. This area of noncompliance was initially identified in the 2004-2005 monitoring year.<br><br>**TEC §28.0213(a), (b)(1)(B)**<br>**Intensive Program of Instruction**<br><br>In a review of documentation submitted by the LEA, the agency team determined that, for students who took the SDAA II and did not pass, the ARD committee did not address intensive remediation, as required.<br><br>**Newly-identified noncompliance was identified as a result of document verification for compliance issues identified during the 2005-2006 monitoring years:**<br><br>**34 CFR §300.320(a)(7)**<br>**Definition of IEP**<br><br>In a review of documentation submitted by the LEA, the agency team determined that the IEP for one student who required homebound | | |

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| | services indicated that the student would receive those services on an intermittent basis. | | |

**Required Corrective Actions for Noncompliance Issues**

***The LEA is required to correct any noncompliance items as soon as possible, but in no case may the correction take longer than one calendar year from the date of identification of noncompliance. All instances of noncompliance found through any component of the special education monitoring system must be documented and addressed in the CIP.***

***Corrective actions should be completed within one year of receipt of findings.***

*The agency also will require documentation verifying that:*

- *policies and procedures, including operating guidelines and practices, have been changed, as necessary;*
- *policies and procedures, including operating guidelines and practices, have been implemented as written;*
- *the LEA has notified the public of any changes to policies and procedures, including operating guidelines and practices, related to disproportionality;*
- *the LEA has notified the public of any changes to policies and procedures, including operating guidelines and practices, related to discipline issues;*
- *the LEA has notified the public of any changes to policies and procedures, including operating guidelines and practices, related to child find issues;*
- *decision-making frameworks/guidelines have been implemented;*
- *the LEA has systems to ensure that students with disabilities are receiving related services, extended school year (ESY) services, and homebound services consistent with the child's needs; and*
- *the LEA conducts ARD committee meetings as necessary to ensure the provision of a free appropriate public education to the students in question and considers compensatory services, if appropriate to the students' individual circumstances.*

**Next Steps:**

- The LEA is *required* to seek outside support and technical assistance from an organization or entity of the LEA's choosing. It is expected that the technical assistance provider will support the LEA in a thorough review of the issues and findings contained within this report and will support the LEA in correcting the issues of noncompliance as reflected in this report. The LEA is required to report to the agency no later than March 14, 2008, with information related to the acquisition of external technical assistance.
- The LEA will redevelop the Continuous Improvement Plan (CIP) using current LEA data to update and revise the desired results, measurable evidence of change, activities, resources, and timelines. The redeveloped CIP must include the development and implementation of all systems activities listed in the *LEA Required Actions* column of this report.

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- The LEA will report to the agency each month on the implementation of activities in the CIP. This report will consist of written as well as oral descriptions of the data and implementation of activities.
- The LEA will submit the redeveloped CIP to the agency by March 31, 2008, for review.