15-DIVIDE-ISD-133905-2024

SPECIAL EDUCATION
CYCLICAL MONITORING REPORT

School Year (SY) 2023-2024

Cycle 5, Group 3

APRIL-JUNE

DIVIDE ISD (133905)

July 26, 2024

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SCHOOL YEAR (SY): 2023-2024
MONITORING PATH: Cyclical Monitoring
CYCLE: 5, **GROUP:** 3 (APRIL-JUNE)

REGION: 15
DISTRICT NAME: DIVIDE ISD (133905)
DISTRICT TYPE: INDEPENDENT

SHARED SERVICE ARRANGEMENT (SSA) MEMBER: NA
FISCAL AGENT: NA

TEXAS VIRTUAL SCHOOL NETWORK CAMPUS: NA
RESIDENTIAL FACILITY (RF): NA

MONITORING TYPE: Comprehensive Desk Review
SELF-REPORTED NONCOMPLIANCE: No
COMPLIANCE STATUS: Compliant
ACTION REQUIRED: No Action Required

STRATEGIC SUPPORT PLAN (SSP) DUE DATE: NA
CORRECTIVE ACTION PLAN (CAP) DUE DATE: NA

DYSLEXIA STATUS: Pre-finding Corrected
DYSLEXIA ACTION REQUIRED: NA
DYSLEXIA PERFORMANCE PLAN (DPP) DUE DATE: NA

INTRODUCTION

The Texas Education Agency (TEA) extends its appreciation to the parents, students, teachers, staff, and administration for their time and effort supporting the special education cyclical monitoring review at DIVIDE ISD (133905).

The special education cyclical monitoring report provides the local education agency (LEA) with findings from the comprehensive cyclical monitoring review and serves as official notification from the TEA that any findings of noncompliance will require corrective action. Noncompliance findings must be corrected no more than one year from the date of notification (for information on the required actions and timeframe for completion, see OSEP QA 23-01).

The report has nine sections, the first of which presents an overview of cyclical monitoring. The following six sections describe the cyclical monitoring activities and findings from the monitoring review and stakeholder feedback. The last two sections describe results from the dyslexia program evaluation, summary of required actions, if any, and contact information for questions or requesting report corrections.

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OVERVIEW OF CYCLICAL MONITORING

TEA conducts a comprehensive cyclical monitoring review once every six years for each LEA. The balanced monitoring review supports positive student outcomes and ensures the LEA maintains compliance with the requirements and purposes of the Individuals with Disabilities Education Act (IDEA), per 34 CFR § 300.600 State Monitoring and Enforcement.

The comprehensive cyclical monitoring review includes different monitoring activities to evaluate the LEA's special education program and dyslexia program. Monitoring activities focus on seven state-identified priority areas and may include but are not limited to a desk review (i.e., policy review and folder review), on-site campus review, and stakeholder feedback:

- Child Find/Evaluation/FAPE
- IEP Development
- IEP Content
- IEP Implementation
- State Assessment
- Properly Constituted ARD
- Transition

The comprehensive cyclical monitoring review includes either a desk review or an on-site review (in addition to a desk review) based on the LEA's previous year's results driven accountability (RDA) determination level (DL). The desk review includes both a folder review and a policy review. All LEAs in cyclical monitoring receive a desk review, but LEAs with a DL 3 (Needs Intervention) or DL 4 (Needs Substantial Intervention) receive an on-site review. For example, an LEA engaged in cyclical monitoring for the SY 2023–2024 with a 2022 RDA DL 4 from SY 2021–2022 would receive both a desk review and an on-site review.

Both targeted monitoring and intensive supports occur during the five interim years for LEAs with elevated DLs and significant disproportionality (SD Year 3).

COMPLIANCE REVIEW AND NONCOMPLIANCE FINDINGS

The compliance review section includes a summary of student compliance by priority area for the policy review and the folder review. The noncompliance findings section includes citations of noncompliance from the desk review, on-site review, and/or self-reported noncompliance.

Compliance Review

The compliance review includes both a policy review and folder review of student folders for seven priority areas. Table 1 shows the number of policy review questions and student folders reviewed (denominator), the number of policy review questions and student folders found compliant (numerator), and the overall compliance percentage for each priority area.

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Table 1. Summary of the Desk Review (Policy Review and Folder Review) by Priority Area

Priority Area	Policy Review	Folder Review
Child Find/Evaluation/FAPE	100% (16 of 16)	100% (7 of 7)
IEP Development	100% (3 of 3)	100% (7 of 7)
IEP Content	100% (3 of 3)	100% (7 of 7)
IEP Implementation	100% (14 of 14)	100% (7 of 7)
Properly Constituted ARD	100% (7 of 7)	100% (7 of 7)
State Assessment	100% (4 of 4)	100% (7 of 7)
Transition	100% (5 of 5)	100% (7 of 7)

Note. Noncompliant student folders had at least one finding of noncompliance for the priority area.

Noncompliance Findings

This report provides the required written notification for an LEA with a "Noncompliant" status requiring corrective actions in Table 2. LEAs must complete the required actions as soon as possible but in no case later than one year from the date of this report (see OSEP QA 23-01).

The overall compliance status includes noncompliance findings from Tables 3 and 4 and self-reported noncompliance from APPENDIX I. Table 2 also shows the number of noncompliant citations that must be addressed in the corrective action plan (CAP).

Table 2. Overall Cyclical Monitoring Compliance Status

Compliance Status Overall	Number of Noncompliance to be Addressed *(shown in "Status" column of Tables 3 and 4 and Appendix I)*	Required Action Overall
Compliant	0	No Action Required

The overall LEA compliance status includes noncompliance findings from the folder review, policy review, on-site review, and/or self-reported noncompliance identified by the LEA.

The following rules determine an LEA's overall compliance status:

- LEAs with at least one finding of noncompliance from the folder review, on-site review, policy review, or self-reported noncompliance are assigned an overall compliance status of "Noncompliant" and require a CAP.
- LEAs with no findings of noncompliance from the folder review, on-site review, policy review, or self-reported noncompliance but at least one pre-finding correction of noncompliance are assigned an overall compliance status of "Pre-finding Corrected" and have "No Action Required" (i.e., LEA does not require a CAP).
- LEAs with no findings of noncompliance or pre-finding correction from the folder review, on-site review, or self-reported noncompliance are assigned an overall compliance status of "Compliant" and have "No Action Required" (i.e., LEA does not require a CAP).

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LEAs with an overall noncompliant status must submit a CAP within 30 calendar days of this report. The CAP must include all citations with a noncompliance finding. LEAs should access the CAP resources and submission requirements on the Review and Support TEA webpage.

LEAs must complete the required actions *as soon as possible, but in no case later than one year from the date of this notification* (see OSEP QA 23-01). TEA determines if noncompliance has been addressed according to the following criteria:

- Child-specific correction: Individual cases of noncompliance have each been corrected
- Systemic correction: 100% compliance implementing regulatory requirements

LEAs with both pre-finding correction of noncompliance for two or fewer students (i.e., individual level) and verification of child-specific and systemic corrections by the pre-finding correction deadline do not require a CAP. However, LEAs with an individual level of noncompliance for two or fewer students that has not been corrected by the pre-finding correction deadline or LEAs with a systemic level of noncompliance (i.e., more than two students) require a CAP.

LEAs that do not complete their CAP or complete their CAP after the required one-year timeframe from the report date will be designated as having "Continuing Noncompliance."

Table 3. Noncompliance Findings from the Folder Review

Area	Citation	Level	Status	Action
NA	NA	NA	NA	NA
NA	NA	NA	NA	NA
NA	NA	NA	NA	NA

Note. The "Area" column has seven possible values representing the state-identified priority areas. The "Citation" column contains unique citations of applicable laws and regulations. The "Level" column contains two possible values: Individual (two or fewer students) and Systemic (more than two students). The "Status" column contains two possible values: Noncompliant and Pre-findings Corrected. The "Action" column contains two possible values: Corrective Action Plan and No Action Required.

Table 4. Noncompliance Findings from the Policy Review

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Area	Citation	Level	Status	Action
NA	NA	NA	NA	NA
NA	NA	NA	NA	NA

Note. The "Area" column contains seven possible priority areas. The "Citation" column contains citations of applicable laws/regulations. The "Level" column contains one value: Systemic. The "Status" column contains one value: Noncompliant. The "Action" column contains one value: Corrective Action Plan.

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IMPLEMENTATION OF HOUSE BILL 4545:

Accelerated Instruction

House Bill (HB) 4545 was passed during the 87th Regular Texas Legislative Session and signed into law by Governor Abbott on June 16, 2021, and June 7, 2021, respectively. This bill subsequently became codified into Texas Education Code (TEC).

HB 4545 amended TEC §28.0211 and §28.0217, primarily, to establish new requirements related to accelerated instruction (including accelerated learning committees and modified teacher assignment) for students who do not pass the State of Texas Assessments of Academic Readiness (STAAR). For students served by special education, the ARD committee serves as the Accelerated Learning Committee for students in grades 3, 5, and 8 who were not successful on the STAAR math or reading assessment. Table 5 shows the overall compliance findings related to accelerated instruction requirements. In 2023, HB 1416 updated the requirements previously established under HB 4545. LEAs in Cycle 5 may have folders that based on the IEP development date fall under the previous HB4545 requirements or the new HB 1416 updates. For IEPs developed in the 2022-2023 school year, the HB 4545 requirements outlined below were applied to the desk review. IEPs developed in the 2023-2024 school year were reviewed using the requirement set forth in HB 1416 that the ARD committee must review the student's participation and progress in accelerated instruction at the student's next annual review meeting.

Table 5. Desk Review Compliance Findings: Accelerated Instruction Requirements

Citation	Compliance Question	Compliance Finding
TEC §28.0211(f-3)	*Does the LEA have board policies for parent grievances?*	Compliant
TEC §28.0211(c)	*If students did not meet standards in grades 3, 5, or 8 in math or reading on the state assessments for the previous school year, did the LEA establish accelerated learning committees comprised of (1) the principal or the principal's designee, (2) the students' parents or guardians, and (3) the teachers of the subjects of the assessments on which the students failed to pass, for the purpose of developing those students' accelerated instruction plans (AIPs)?*	Compliant
TEC §28.0211(a-1); TEC §28.0217(a)	*For students who did not pass STAAR grade 3-8 or EOC assessments, were AIPs developed for the subjects in which the students did not meet standards?*	Compliant

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For more information about HB 4545, please see the following resources:

- House Bill 4545 Implementation Overview (TAA Letter)
- House Bill 4545 Overview for Parents (YouTube Video)
- House Bill 4545 Frequently Asked Questions

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DATA REVIEW

Data Sources

Data from the following areas were considered for the cyclical monitoring review:

- AskTED District Identification Data
- Results Driven Accountability (RDA) Data
- Significant Disproportionality (SD) Data
- State Performance Plan (SPP) Data
- Desk Review Data
- On-site Review Data (if applicable)
    - On-site Interviews (e.g., campus administrator, general education teacher, special education teacher, dyslexia interventionist)
    - Classroom Observations (e.g., general education classroom, special education classroom, dyslexia intervention classroom)
- Policy Review Data
- Stakeholder Survey Data
- Residential Facility (RF) Summer PEIMS Data
- LEA Self-Reporting Noncompliance Data (if applicable)

Student Sampling and Campus Information

Comprehensive cyclical monitoring includes a folder review and, if applicable, an on-site review. The LEA's sample size(s) are shown in Table 7.

Table 7. Sample Sizes for the Comprehensive Monitoring Review

Monitoring Type	Sample Size
Folder Review	7
TXVSN Folder Sample	NA
On-Site Review	NA
Dyslexia On-Site Review	NA

Note. NA denotes on-site review not applicable to LEA.

Student folders in the folder review were selected using a stratified random sampling method consisting of two strata: elementary and secondary. Each stratum was composed of aggregate grade levels to ensure special education student representation from the 1 active campus listed in AskTED (as of January 12, 2024). Student/campus samples from LEAs with an on-site review were randomly selected from the primary folder review sample for the on-site monitoring review sample (see the DMS Guide to General Supervision and Monitoring, Appendix B: Special Education Sampling Methods).

For LEAs with a Texas Virtual School Network (TXVSN) campus, virtual school monitoring requires a sample of students receiving special education and enrolled in the TXVSN campus; no more than 8 students are selected in addition to the primary folder sample.

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LEAs with a cyclical on-site review included an additional dyslexia sample. The dyslexia on-site sample was generated by TEA and includes the stratified random selection of not more than six students that consists of two strata with three students each identified with either dyslexia and special education or dyslexia and Section 504.

Residential Facilities (RFs)

LEAs must ensure students with disabilities receiving special education are provided a "free appropriate public education" (FAPE) when attending and being educated at an RF located in their geographical boundary (see TAC §89.1115(d)(1)(i)). DIVIDE ISD (133905) had 0 RFs based on the 2023 RF Tracker annual data submission in the Texas Student Data System (Oracle Database).

Results Driven Accountability (RDA), State Performance Plan Indicators (SPP), and Significant Disproportionality (SD)

LEAs are annually assigned special education determination using four determination levels (DLs; see 34 CFR §300.603(b)(1)): Meets Requirements (DL 1), Needs Assistance (DL 2), Needs Intervention (DL 3), and Needs Substantial Intervention (DL 4). The DLs are based on results from both the RDA special education program area and the federally required elements (FREs). The State also assigns SD Year 3 designations, per 34 CFR §§300.646-647 (see Table 8).

Table 8. RDA, SPP, and SD Year 3 Results

Data Source	SY 2021-2022	SY 2022-2023	SY 2023-2024
Determination	Meets Requirements (DL1)	Meets Requirements (DL1)	Meets Requirements (DL1)
SPPI-11A Status	Compliant (100%)	Compliant (100%)	NA
SPPI-11B Status	NA	NA	NA
SPPI-12 Status	Compliant (100%)	Compliant (100%)	NA
SPPI-13 Status	NA	NA	NA
SD Year 3	NA	NA	NA

Note. SPP indicators are assigned one of two compliance statuses: Noncompliant (<100%), or Compliant (100%). The LEA results are also published online in the results driven accountability (RDA) report and the District Profile of State Performance Plan Indicators Report.

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STAKEHOLDER ANALYSIS AND RESULTS

TEA collected stakeholder data through an open survey during the comprehensive cyclical monitoring review from family/guardians, special education providers, general education providers, and district/campus administration. If an on-site review was conducted, stakeholder data was also collected through structured interviews. The purpose of analyzing survey and interview data was to identify positive stakeholder sentiment related to three constructs:

- Understanding – This construct measures positive sentiment about knowledge of special education program requirements and LEA provisions of service.
- Engagement – This construct measures positive sentiment regarding engagement with special education and opportunities for involvement in special education training related.
- Competency in Implementation – This construct measures positive sentiment of perceived competency required for implementing special education program requirements.

Table 9 shows stakeholder results for each construct (i.e., understanding, engagement, competency) by role (i.e., family/guardians, special education providers, general education providers, district/campus administration). Stakeholder data were collected using a non-probabilistic sampling method and included respondents who self-identified their role and LEA when completing the online survey or interview. Therefore, inferences and judgments from the stakeholder analysis should be approached with caution. The number of respondents refers to the number of unique respondents for a particular role. Roles with fewer than five respondents are masked. The percentages are the total number of positive responses out of all responses.

Table 9. Stakeholder Results by Role and Construct

Construct	Family/ Guardian	Special Education	General Education	Administration *(Campus and District)*
Number of Respondents	FR	FR	FR	FR
Understanding	*	*	*	*
Engagement	*	*	*	*
Competency	*	*	*	*

Note. "FR" (Too Few Respondents) denotes respondent ROLE counts <5 AND "*" denotes masked data for the corresponding percentage values. "**" denotes no data reported for LEA.

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SUCCESSES

The following successes were identified from the monitoring review:

- SUCCESS: Systems for parent involvement are implemented well as evidenced by parent invitations and their attendance at admission, review and dismissal (ARD) committee meetings.
- SUCCESS: Systems for documentation are implemented well as evidenced by individual education programs (IEPs) that contain a detailed description of students' intensive program of instruction (IPI).
- NOT APPLICABLE (NA)

TECHNICAL ASSISTANCE

The following technical assistance (TA) resources are recommended from the monitoring review (Please copy/paste URLs into web browser). If any of the following TA links do not work, please contact the Division of Review and Support.

- IEP DEVELOPMENT – The Question and Answer Document: Individualized Education Program (IEP) Measurable Annual Goals guidance document provides answers to common questions about IEPs and guidance for writing annual IEP goals that ensure consideration for grade-level academic standards (i.e., standards-based IEP process) (see https://spedsupport.tea.texas.gov/resource-library/qa-iep-measurable-annual-goals).
- IEP DEVELOPMENT – The Writing Effective Impact and Needs Statements in the Full and Individual Evaluation (FIE) is a webinar that provides guidance for writing compliant and effective impact and need statements for identifying and developing present levels of academic achievement and functional performance (PLAAFP) statements (see https://spedsupport.tea.texas.gov/resource-library/writing-effective-impact-and-need-statements-full-and-individual-evaluation).
- NOT APPLICABLE (NA)

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DYSLEXIA PROGRAM EVALUATION

The Dyslexia Program Evaluation Rubric, aligned to Senate Bill 2075 of the 86th Legislature, TEC 38.003 (c-1), and 19 TAC Chapter 74.28, is utilized for determining program statuses shown in Tables 8 and 9. For any dyslexia area of implementation not meeting requirements, the LEA must complete a Dyslexia Performance Plan (DPP). The DPP guides LEAs through the continuous improvement process to address areas needing growth to positively impact students with dyslexia. LEAs should complete the DPP no later than 120 calendar days after receiving notification of "Did Not Meet Requirements." The TEA will provide the DPP, or it can be accessed on the Division of Review and Support Dyslexia Program Evaluation webpage and can be uploaded to the ShareFile link supplied by the dyslexia specialist assigned to the LEA.

The overall dyslexia program status is shown in Table 10. This table includes the dyslexia program status (i.e., Meets Requirements, Pre-finding Corrected, or Did Not Meet Requirements), the number of areas that did not meet requirements, and required actions.

Table 10. Overall Dyslexia Program Status

Status	Number of Areas Not Meeting Requirements *(shown in Table 9)*	Required Action
Pre-finding Corrected	0	NA

The overall dyslexia program status is based on the following three rules:

- If at least one "Did Not Meet Requirements" for the seven dyslexia program areas evaluated, then the overall dyslexia status is "Did Not Meet Requirements".
- If no "Did Not Meet Requirements" but at least one "Pre-finding Corrected" for the seven dyslexia areas evaluated, then the overall dyslexia status is "Pre-finding Corrected".
- If "Meets Requirements" for all dyslexia program areas, then the overall dyslexia status is "Meets Requirements".

The dyslexia monitoring efforts focused on three-core elements:

- Early Intervention and Identification
- Program of Instruction
- Parent Notification

Table 11 shows the status for each of the seven dyslexia program areas evaluated and used for determining the overall dyslexia program status from monitoring activities for the LEA.'

Table 11. Program Status for Each Area of Dyslexia Implementation

Area	Legal Requirement	Status
Dyslexia Procedures	TEC §28.006; TEC §38.003; 19 TAC §74.28	Meets Requirements
Communication	19 TAC §74.28 (h), (l)	Meets Requirements

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Area	Legal Requirement	Status
Screening	TEC §28.006(g), (g-2); TEC §38.003(a); 19 TAC §74.28 (c), (d), (e), (m)	Meets Requirements
Reading Instruments	TEC §28.006(b), (b-1), (c), (c-1), (c-2), (d)(2), (g), (g-1), (g-2); TEC §38.003; 19 TAC §74.28(d), (m), (j)	Meets Requirements
Evaluation and Identification	TEC §28.006(g), (g-1); TEC §29.0031(a)(1); TEC §38.003(a), (b), (b-1); 19 TAC §74.28 (b), (c), (d), (e), (f), (i), (m)	Meets Requirements
Instruction	TEC §38.003(b); 19 TAC §74.28(a), (c), (e), (i); TEC §21.054(b)	Pre-finding Corrected
Progress Monitoring	TEC §28.021(b); TEC §29.0031(d)	Meets Requirements

Identified Dyslexia Program Successes

The following successes were identified during dyslexia monitoring:

- COMMUNICATION – Parent education program includes extensive information and resources.
- INSTRUCTION – Extensive training and preparation for general education teachers.

Dyslexia Program Areas of Need

The following areas of need were identified during dyslexia monitoring:

- NOT APPLICABLE (NA)
- NOT APPLICABLE (NA)

Dyslexia Resources

TEA recommends the following resources to support the LEA's dyslexia program:

- TEA Review and Support: Dyslexia Monitoring
- TEA Special Education: Dyslexia and Related Disorders
- Dyslexia: TEA Professional Learning Course: TEALearn Dyslexia Modules

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SUMMARY OF REQUIRED ACTION

The required actions from the comprehensive cyclical monitoring review are shown in Table 12. More information about the support levels is in the Differentiated Monitoring and Support Guide.

Table 12. Summary of Required Action

Required Action	Due Date	Support Level	Communication Cadence
Strategic Support Plan (SSP)	NA	Universal (DL 1)	NA
Corrective Action Plan (CAP)	NA	NA	NA
Dyslexia Performance Plan (DPP)	NA	NA	NA

Note. SSP due date was when the initial SSP submission was due. The SSP communication cadence uses the current year's RDA DLs (e.g., 2023 DL from SY 2022–2023) and includes a check-in frequency of 30 days (DL 4), 60 days (DL 3), or 90 days (DL 2). The SSP support level is based on the current year's RDA DLs and includes three possible values: Intensive (DL 4 or 3), Targeted (DL 2), and Universal (DL 1).

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CONTACT

The LEA should notify the Division of Review and Support about any concerns within 5 business days from the date of this report. The report will subsequently become publicly available on the TEA Differentiated Monitoring and Support (DMS) website shortly thereafter.

- **Report Date:** July 26, 2024
- **Deadline to Request Report Corrections:** August 2, 2024 at 11:59 PM

For more information about the general supervision and monitoring requirements, required actions, or related resources, please visit the Review and Support website or contact:

Office of Special Populations and Monitoring
Department of Special Populations and General Supervision
Division of Review and Support
Phone: (512) 463–9414
Monday–Friday (8:00 AM to 5:00 PM)
Fax: (512) 463-9560
Email: ReviewandSupport@tea.texas.gov

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APPENDIX I: SELF-REPORTED NONCOMPLIANCE

Table 13 lists self-reported noncompliance identified by the LEA. This noncompliance is also included in the overall total count of noncompliance in Table 2.

Table 13. Self-Reported Noncompliance

Area	Citation	Level	Status	Action
NA	NA	NA	NA	NA

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APPENDIX II: ADDITIONAL RESOURCES

Differentiated Monitoring and Support System
Differentiated Monitoring and Support Guide
State Performance Plan and Annual Performance Report and Requirements
Race and Ethnicity in Special Education: Difference Between Data Collection and Data Reporting
Results Driven Accountability Reports and Data
Results Driven Accountability District Reports
2023 Accountability Manual, Chapter 12—Results Driven Accountability (RDA)

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APPENDIX III: ACRONYMS

Acronym	Description
ARD	Admission, Review, and Dismissal
CAP	Corrective Action Plan
CFR	Code of Federal Regulations
CISD	Consolidated Independent School District
DMS	Differentiated Monitoring and Support
DPP	Dyslexia Performance Plan
DL	Determination Level
ESC	Education Service Center
FAPE	Free Appropriate Public Education
ISD	Independent School District
IDEA	Individuals with Disabilities Education Act
LEA	Local Education Agency
OSEP	Office of Special Education Programs
OSPSS	Office of Special Populations and Student Supports
PEIMS	Public Education Information Management System
RDA	Results Driven Accountability
RF	Residential Facilities
SD	Significant Disproportionality
SPP	State Performance Plan
SSA	Shared Service Arrangement
SSP	Strategic Support Plan
TAA	To the Administrator Addressed (TAA) Letter
TAC	Texas Administrative Code
TEA	Texas Education Agency
TEC	Texas Education Code
TSDS	Texas Student Data System

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