EXTERNAL DESK REVIEW RUBRIC

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Texas Education Agency

ASCEND TEXAS

Authority Statement

State education agencies have a responsibility under federal law to establish a system of general supervision to monitor the implementation of the Individuals with Disabilities Education Act (IDEA) of 2004. States are accountable for using this system for enforcing requirements and ensuring continuous improvement. This system is designed to ensure compliance with federal and state regulations and improve services and results for students with disabilities.

The comprehensive desk review is designed to evaluate the local education agency's (LEA) performance on all seven critical areas of compliance identified in the diagnostic framework but does not limit the identification of other areas of IDEA non-compliance. These seven areas are Evaluation, IEP Implementation, Properly Constituted ARD Committees, IEP Content, IEP Development, Transition, and State Assessment.

The following items are the questions utilized to conduct a review of an LEA's special education program in the Differentiated Monitoring and Support System.

Evaluation

Diagnostic Domain	Item	IDEA Citation	19 TEC/ 89 TAC Citation	Compliance Question
Implementation	SE1	34 CFR §300.305(a)		Was a review of existing data (REED) completed as a part of an initial evaluation (if appropriate) or a reevaluation by the IEP team and other qualified professionals as appropriate?
Family Engagement	SE2	34 CFR §300.304(a); 34 CFR § 300.503		Did the school provide Prior Written Notice (PWN) to the student's parent/guardian, containing all required elements, including: describing all evaluation procedures it proposed to conduct, an explanation of why the LEA proposes to take the action, and a description of each evaluation procedure, assessment, record, or report the LEA used as a basis for the proposed or refused action?
Implementation	SE3	34 CFR §300.304(b)		Was the evaluation based on information from a variety of sources (e.g., aptitude/achievement tests, parent input, teacher recommendations, as well as information about the student's physical, social/cultural, and adaptive behavior) to determine the student's educational needs?
Implementation	SE4	34 CFR §300.304(c)	TEC §29.004	Were evaluation instruments provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it was clearly not feasible to provide or administer?
Implementation	SE5	34 CFR §300.304(c)(4), (6)		Did the evaluation sufficiently identify and address all related services to meet the child's need, and document information obtained from all sources drawn upon so that the student's educational needs may be determined?

Implementation	SE6	34 CFR §300.306(a)(1)	19 TAC §89.1040(b)(1) and (2); 19 TAC §89.1040 (c)(9)(E)	For all evaluations including dyslexia, did a group of qualified professionals and the parent of the child determine whether the child is a child with a disability?
Implementation	SE7	34 CFR §300.306(a)(1)	19 TAC §89.1040(b) TEC §29.0031(b); 19 TAC §74.28	If the student is evaluated for dyslexia or a related disorder, did a member with specific knowledge regarding the reading process, dyslexia, and dyslexia instruction serve on the multidisciplinary team?
Implementation	SE 8		TEC §29.0031(a)(1); 19 TAC §89.1011	For all evaluations, including dyslexia, if the LEA identifies the need for a special education evaluation on or after June 30, 2024, did the LEA provide the parent with a copy of the Overview of Special Education form?

IEP Implementation

Diagnostic Domain	Item	IDEA Citation	19 TEC/ 89 TAC Citation	Compliance Question
Family Engagement	IE1	34 CFR §300.322(a)(1)	19 TAC §89.1050(d)	Was the parent/guardian notified of the ARD meeting (including purpose, time, and location) at least five (5) school days prior to the meeting, or within a shorter time period if agreed upon by the parent?
Family Engagement	IE2	34 CFR §300.504		Was the parent/guardian provided a copy of the Notice of Procedural Safeguards in their native language at least annually?
Implementation	IE3	34 CFR §300.114(a) 34 CFR § 300.320(a)(4)		Does the IEP include an explanation of how the student (to the maximum extent appropriate) is educated with children who are nondisabled and that the removal of a student with a disability only happens when the nature or severity of the disability of the child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
Implementation	IE4	34 CFR §300.116(b)		Is LRE determined based on the child's needs in the IEP?
Implementation	IE5	34 CFR §300.116(b)		Is the LRE chosen as close as possible to the child's home?
Implementation	IE6		19 TAC §89.63(b), 89.1075(e)	Does the IEP include information on the student's instructional setting and length of day?
Implementation	IE7		19 TAC 89.1011(h)	Was a copy of the written FIIE report provided to the parent as soon as possible after completion of the report but no later than five school days prior to the initial ARD committee meeting, which will determine a student's initial eligibility? (Not later than June 30th if the evaluation timeline was at least 35 but less than 45 school days before the last instructional day and less than 3 absences.)

Properly Constituted ARD

Diagnostic Domain	Item	IDEA Citation	19 TEC/ 89 TAC Citation	Compliance Question
Family Engagement	PCA1	34 CFR §300.322(a)	TAC § 89.1050(d)	Did the parent attend the ARD committee meeting (in person or by alternate means)?
Family Engagement	PCA2	34 CFR §300.322 (d)	19 TAC §89.1050(d)	Is there evidence of multiple attempts to obtain parent participation if parent was not in attendance?
Implementation	PCA3	34 CFR §300.321(a)(2)	19 TAC § 89.1050(c)(1)(B) TEC § 29.005(a)	Did a general educator attend the ARD committee meeting if the student is participating in the regular education environment?
Implementation	PCA4	34 CFR §300.321(a)(3)	19 TAC §89.1050(c)(1)(C)	Did the special educator attend the ARD committee meeting?
Implementation	PCA5		19 TAC §89.1050(c)(3)(A)	For a student with a suspected or documented visual impairment: Is there evidence that a teacher who is certified in the education of students with visual impairments, attend the ARD committee meeting?
Implementation	PCA6		TEC §89.1050 (c)(3)(C)	For a student who is suspected or documented to be deaf blindness, the ARD committee must include a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students with auditory impairments.
Implementation	PCA7		TAC §89.1050(c)(3)(B)	For a student with a suspected or document auditory impairment/deaf or hard of hearing: Is there evidence that a teacher who is certified in the education of students with auditory impairments deaf and hard of hearing, attend the ARD committee meeting?
Implementation	PCA8	34 CFR §300.321(a)(4)	TAC §89.1050(c)(1)(D)	Did a LEA representative attend the ARD meeting? Note: the LEA rep must be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities, knowledgeable about the general curriculum, and knowledgeable about the availability of resources of the LEA.

Implementation	PCA9		TEC §29.0031(b); 19 TAC § 89.1050(c) (3)(D); §74.28	In the case of a student who is suspected to have dyslexia or is eligible for or receiving special education services as a student with dyslexia, did a member with specific knowledge regarding the reading process, dyslexia, and dyslexia instruction attend the ARD committee meeting to determine a student's initial eligibility and any subsequent meeting at which a change in and/or continued eligibility is discussed, such as in a reevaluation?
Implementation	PCA10	34 CFR §300.321(a)(5)	9 TAC §89.1050(c)(1)(e); 19 TAC § 89.1050(c)(1)(B); 19 TAC §89.1050(c)(1)(c); 19 TAC § 89.1050(c)(1)(D); 19 TAC § 89.1050(c)(1)(F)	Did an individual who can interpret the instructional implications of evaluation results attend the ARD committee meeting?
Implementation	PCA11		19 TAC §89.1050(c)(1)(I)	For a student who is participating or being considered for CTE, did a representative from CTE attend the ARD committee meeting?
Implementation	PCA12		19 TAC §89.1050(c)(1)(J)	For a student identified as emergent bilingual, did a professional member of the LPAC attend the ARD committee meeting?
Family Engagement	PCA13	34 CFR §300.321(e)(2); 34 CFR §300.321(a)(2) - (a)(5)		If any required ARD committee members were not in attendance, is there evidence of written consent for excusal from parent and written input into the development of the IEP?
Family Engagement	PCA14	34 CFR §300.30	TEC §29.015(a); 19 TAC §89.1047(a)	Does the student have a foster parent who acts as the parent for special education decision-making?
Family Engagement	PCA15		TEC 29.015(a)(3); 19 TAC §89.1047(a)	Is there evidence that the foster parent agreed to participate in making special education decisions for the student?
Family Engagement	PCA16	34 CFR §300.30	TEC §29.015(b); 19 TAC §89.1047(a)	Is there evidence the foster parent has completed a training program?

Family Engagement	PCA17		TEC §29.015(b); 19 TAC §89.1047(a)(1)	Is there evidence the foster parent has agreed to complete a training program before the next scheduled ARD committee meeting for the child but not later than the 90th day after the date the foster parent begins acting as the parent for the purpose of making special education decisions?
Family Engagement	PCA18	34 CFR §300.519(h)		If it is determined a child needs a surrogate parent, is there evidence the surrogate was assigned within 30 calendar days?
Implementation	PCA19		TEC §29.005(b-1)(3); 19 TAC§ 89.1055(q)(3)	Does the IEP indicate whether the child's parent, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee?

IEP Contents

Diagnostic Domain	Item	IDEA Citation	19 TEC/ 89 TAC Citation	Compliance Question
Implementation	IC1	34 CFR §300.324(b)(1)(i)		Is the date of the annual IEP within one calendar year of the previous IEP?
Implementation	IC2	34 CFR § 300.320(a)(7)	19 TAC 74.28	Did the ARD committee determine and include the following within the child's IEP: the projected beginning date of services and modifications, the anticipated frequency, the anticipated duration, and the anticipated location of the services and modifications? This includes students receiving dyslexia instruction through an IEP.
Implementation	IC3	34 CFR §300.106(a)(2)	19 TAC §89.1065	Did the ARD committee determine the need for ESY services at the annual ARD review, for the provision of FAPE, through formal and/or informal evaluations provided by the LEA or the parent?

IEP Development

Diagnostic Domain	Item	IDEA Citation	19 TEC/ 89 TAC Citation	Compliance Question
Implementation	ID1	34 CFR §300.300(b)		If the current IEP is an initial placement, is there consent for initial services?
Student Outcomes	ID2	34 CFR §300.320(a)(1)		Does the PLAAFP for this student describe the child's present levels of academic achievement and functional performance including a description of the effect of the student's disability on involvement and progress in the general education curriculum?
Student Outcomes	ID3	34 CFR §300.320(a)(3)(i)		Does the IEP contain a description of how the student's progress toward meeting annual goals will be measured?
Family Engagement	ID4	34 CFR §300.320(a)(3)(ii)	TEC §29.0031(d)	Does the IEP indicate when progress reports will be provided to the parent?
Student Outcomes	ID5			Does this student participate in the alternate assessment (STAAR Alternate 2)?
Student Outcomes	ID6a	34 CFR §300.320(a)(2)(ii)	19 TAC §89.1055 (b)(2)(i)	In addition to measurable annual goals, does the IEP include benchmarks or short-term objectives aligned to alternate achievement standards?
Student Outcomes	ID6b	34 CFR §300.320(a)(6)(ii)	19 TAC §89.1055(d)	If the student is participating in an alternate state assessment, is the STAAR Alternate 2 Participation form included in the student's IEP?
Implementation	ID7		19 TAC § 89.1055(g)	For a student with autism, did the ARD committee consider whether peer-reviewed research-based educational programming practices are needed?
Implementation	ID8		19 TAC §89.1055(f); TEC §30.002(e)	For a student with visual impairments, does the IEP or IFSP meet the requirements of TEC §30.002(e)?
Student Outcomes	ID9	34 CFR §300.324(a)(2)(iv)		For a student who is deaf or hard of hearing, did the ARD committee consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full ranges of needs, including opportunities for direct instruction in the child's language and communication mode?

Student Outcomes	ID10	34 CFR §300.320(a)(2)(i)	19 TAC § 89.1055 (b)	Does the IEP include a statement of measurable annual goals including: timeframe, condition, behavior, and criterion, designed to meet the student's needs related to the disability to enable the student to be involved in and make progress in the general education curriculum and to meet the student's other educational needs that result from the disability?
Student Outcomes	ID11	34 CFR §300.324(a)(2)(v) 34 CFR §300.105		Does the ARDC consider and if needed, identify assistive technology to enable the child to be involved and make progress in the general education curriculum?
Student Outcomes	ID12	34 CFR §300.320(a)(4) [Definition of individualized education program]		Does the IEP contain a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child— To advance appropriately toward attaining the annual goals; To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children in the activities described in this section.
Student Outcomes	ID13	34 CFR §300.320(a)(6)(i) [Definition of individualized education program]		Does the IEP contain a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with section 612(a)(16)?

State Assessment

Diagnostic Domain	Item	IDEA Citation	19 TEC/ 89 TAC Citation	Compliance Question
Student Outcomes	SA1	34 CFR §300.160(a); 34 CFR §300.320(a)(6)	19 TAC §89.1055(b)	Did the ARD committee address state assessments to be taken during the current school year?
Student Outcomes	SA2			Did the student meet standard on all state assessments for the previous school year?
Student Outcomes	SA2a			Did the student meet the Science assessment standard?
Student Outcomes	SA2b			Did the student meet the Mathematics assessment standard?
Student Outcomes	SA2c			Did the student meet the Social Studies assessment standard?
Student Outcomes	SA2d			Did the student meet the Reading assessment standard?
Student Outcomes	SA3		TEC §28.0211(i)	For the student who did not perform satisfactorily on a STAAR or EOC assessment (excluding STAAR-ALT), is there evidence that at the next annual ARD committee meeting, the committee reviewed the student's participation and progress in, as applicable, accelerated instruction, supplemental instruction, or an accelerated education plan?
Student Outcomes	SA4		19 TAC §101.1005(e)	In the case of an EB who receives special education services, did the ARD committee, in conjunction with the LPAC, determine and document the need for allowable testing accommodations in accordance with administrative procedures established by the Texas Education Agency?

Transition

Diagnostic Domain	Item	IDEA Citation	19 TEC/ 89 TAC Citation	Compliance Question
Implementation	TR1		19 TAC §89.1055(k)-(o); TEC §29.0111	Was the student's first transition ARD committee meeting held prior to his/her 14th birthday?
Implementation	TR2	34 CFR §300.321(b)(1); 34 CFR §300.322(b)(2)		Is there evidence the student was invited to attend the ARD committee meeting to consider postsecondary goals and transition needs?
Implementation	TR3	34 CFR §300.321(b)(2)		If the student did not attend the ARD meeting where the purpose of the meeting was to consider postsecondary goals for the student and transition services, is there evidence that the LEA took steps to ensure that the student's preferences and interests were considered?
Student Outcomes	TR4		19 TAC §89.1055(k)(1); TEC §29.011(a)(1)	Did the ARD committee consider, and, if appropriate, document appropriate student involvement in the student's transition to life outside the public school system?
Implementation	TR5		19 TAC §89.1055(k)(4); TEC §29.011(a)(5)	Did the ARD committee consider, and, if appropriate, address and document an appropriate functional vocational evaluation?
Implementation	TR6		19 TAC §89.1055(k)(5); TEC §29.011(a)(9)	Did the ARD committee consider, and, if appropriate, document a referral of a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student, such as a waiver program established under the Social Security Act (42 U.S.C. Section 1396(c)), §1915(c)?
Implementation	TR7	34 CFR §300.321(b)(3)	19 TAC §89.1050(c)(1)(H)	To the extent appropriate, with the consent of the parents or adult student, was a representative of a participating agency that is likely to be responsible for providing or paying for transition services, invited to the ARD meeting?

Family Engagement	TR8		19 TAC §89.1055(k)(2); TEC § 29.011(a); TEC §29.0111	By age 14 (and if under 18), did the ARD committee consider, and, if appropriate, address involvement in the student's transition, by the student's parent/guardian and other persons invited to participate by: the student's parent/guardian or by the LEA in which the student is enrolled?
Student Outcomes	TR9		19 TAC §89.1055(k)(6); TEC § 29.011(a)(10)	By age 14, is there evidence the ARD committee considered and, if appropriate, addressed the use and availability of supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills and supports and services to foster the student's independence and self-determination, including a supported decision-making agreement under Texas Estates Code, Chapter 1357?
Student Outcomes	TR10	34 CFR §300.320(b)(1)	19 TAC §89.1055(l)(1)	Beginning not later than the first IEP to be in effect when the student turns 14, or younger if determined appropriate by the ARD committee, and updated annually thereafter, does the IEP include appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to: training, education, employment, and, where appropriate, independent living?
Student Outcomes	TR11	34 CFR §300.320(b)(2)	19 TAC §89.1055(l)(2)	Beginning not later than the first IEP to be in effect when the student turns 14, or younger if determined appropriate by the ARD committee, and updated annually thereafter, does the IEP include the transition services (including courses of study), needed to assist the student in reaching the postsecondary goals?
Student Outcomes	TR12		19 TAC §89.1049(a); TEC §29.017(c)	By age 17, not later than one year before the 18th birthday, does the student's IEP include a statement that a written notice regarding transfer of rights of the student, information, and resources regarding guardianship, alternatives to guardianship including a supported decision-making agreement, and other supports and services that may enable the adult student to live independently?
Student Outcomes	TR13		19 TAC §89.1055(n); TEC §29.011(a)(3)	By age 18, did the ARD committee consider and, if appropriate, address involvement in the student's transition and future by the adult student's parent and other persons, if the parent or other person: 1) is invited to participate by the adult student or the LEA; or 2) has the adult student's consent to participate pursuant to a supported decision-making agreement?

Student Outcomes	TR14		19 TAC §89.1055(n); TEC § 29.011(a)(7)	By the age of 18 did the ARD committee consider and, if appropriate address the availability of age-appropriate instruction environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the adult student's transition goals and objectives?

Behavior

Diagnostic Domain	Item	IDEA Citation	19 TEC/ 89 TAC Citation	Compliance Question
Student Outcomes	IB1	34 CFR §300.324(a)(2)(i)		Is there evidence that the student's behavior impedes his/her learning or that of others?
Student Outcomes	IB2	34 CFR §300.324(a)(2)(i)		If so, is there evidence that the ARD committee considered positive behavioral intervention strategies and supports to address behavior?
Student Outcomes	IB3	34 CFR §300.17(d); 34 CFR §300.530(d)(1)(i)		If the student was removed from his/her current placement pursuant to 34 CFR §300.530(c) or (g), is there evidence that the student continued to receive educational services to enable the student to continue to participate in the general education curriculum although in another setting, and to progress toward meeting the goals in the IEP?
Implementation	IB4	34 CFR §300.536; 34 CFR §300.530(e)		Did the student have a manifestation determination when a decision was made to change the placement of the student who had engaged in behavior that violated the code of conduct of the district?
Implementation	IB5	34 CFR §300.530(e)(1)		If so, was the manifestation determination conducted within 10 school days of the decision to change the student's placement?

Implementation	IB6	34 CFR § 300.530(e)(1)	TEC §37.004(b)(4)	Did the ARD committee determine that the student's behavior was a manifestation of the disability?
Implementation	IB7	34 CFR §300.530(f)(1)(i); 34 CFR § 300.530(f)(1)(ii)	TEC § 37.004(b-1)(1)(A)	IF YES, is a current functional behavioral assessment (FBA) and behavioral intervention plan (BIP) in place?
Student Outcomes	IB8	34 CFR § 300.530(f)(1)(ii)	TEC 37.004(b-1)(1)(B)	IF YES, did the IEP team/ARDC review the BIP, and modify it, as necessary, to address the behavior?
Implementation	IB9	34 CFR §300.530(f)(2)		Was the student returned to the placement from which he/she was removed, unless the parent and district agreed to a change of placement as part of the BIP, or unless the conduct involved drugs, weapons, or serious bodily injury?
Student Outcomes	IB10	34 CFR §300.530(d)(1)(ii)		If the ARD committee DID NOT determine that the student's behavior was a manifestation of the disability, did the IEP team/ARDC ensure the child received, as appropriate, a FBA, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur?
Implementation	IB11		TEC §37.0021; 19 TAC §89.1053	Did the LEA document any restraints for the student during the previous or current school year?
Implementation	IB12	34 CFR §300.324(a)(2)(i)	TEC §37.0021	If so, did the LEA document and notify on the use of restraint for the student? In a case in which restraint is used for the student, did the LEA school employees, volunteers, or independent contractors implement the following documentation requirements aligned to meet the requirements of §89.1053 (e)?
Implementation	IB13		19 TAC §89.1055(g); TEC §29.005(g)	Did the ARD committee determine that a BIP is appropriate for the child? If so, was the BIP provided to the service provider(s) of the student?